



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 15 2007

Honorable David Borja  
Commissioner of Education  
CNMI Public School System  
P.O. Box 501370 CK  
Saipan, MP 96950

Dear Commissioner Borja:

Thank you for the timely submission of the Commonwealth of the Northern Mariana Islands' (CNMI's) Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004.

As you know, under IDEA sections 616 and 642, each State and territory has an SPP that evaluates the State's or territory's efforts to implement the requirements and purposes of Part C of the IDEA and describes how the State or territory will improve its implementation of Part C. In the revised SPP due by February 1, 2007, States and territories were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to the State or territory last year. States and territories were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's or territory's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's or territory's targets, improvement activities, timelines, or resources in the SPP and justifications for the revisions. We appreciate CNMI's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in CNMI's FFY 2005 APR and revised SPP, other CNMI-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA section 616(d) and 642, CNMI meets the requirements of Part C of the IDEA. Thank you for your efforts to improve results for infants and toddlers with disabilities and their families.

The Department's determination is based on the totality of the CNMI's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' or territories' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State or territory: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State or territory provided a plan to collect the missing or deficient data; and (2) for each compliance indicator that was not new (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area. We also considered whether the State or territory had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and the State's or territory's progress in resolving those problems. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2007" for further details.

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Specific factors affecting OSEP's determination that CNMI met requirements under IDEA sections 616(d) and 642 include: (1) CNMI provided valid and reliable FFY 2005 data reflecting the measurement for each indicator, and (2) CNMI reported correction (including program-specific sanctions where applicable) or high levels of compliance for Indicators 1, 7, 8A, 8B, 8C and 9. We commend CNMI for its performance. We also note that CNMI remains on heightened oversight of its fiscal management under special conditions first imposed on all of its Department FFY 2006 grants.

The table enclosed with this letter provides OSEP's analysis of CNMI's FFY 2005 APR and revised SPP and identifies, by indicator, OSEP's review and acceptance of any revisions made by CNMI to its targets, improvement activities (timelines and resources) and baseline data in CNMI's SPP. It also identifies, by indicator, CNMI's status in meeting its targets, and whether the CNMI's data reflect progress or slippage, and whether CNMI corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information CNMI must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. CNMI must provide this required information. We plan to factor into our determinations next year whether or not States and territories provided the additional information requested in this table in their FFY 2006 APR, due February 1, 2008, and may take other actions as well, if the State's or territory's data, or lack of data, regarding these issues indicates continuing noncompliance.

We hope that CNMI found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist CNMI as it works to improve performance under Part C of the IDEA. If you have any feedback on our past technical assistance efforts or the needs of States and territories for guidance, we would be happy to hear from you as we work to develop further mechanisms to support the States' and territories' improvement activities.

OSEP is committed to supporting CNMI efforts to improve results for infants and toddlers with disabilities and their families, and looks forward to working with CNMI over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Lucille Sleger, your OSEP State Contact, at 202-245-7528.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosures

cc: Part C Coordinator