



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Wilfred I. Kendall
Minister of Education
Republic of the Marshall Islands
P.O. Box 3
Majuro, Marshall Islands 96960

FEB - 9 2007

Dear Minister Kendall:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) recent verification visit to the Republic of the Marshall Islands (RMI). As indicated in my letter to you of September 6, 2006, OSEP is conducting verification visits to States and the Freely Associated States (FAS) as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to RMI during the week of October 9, 2006.

The purpose of our verification reviews of States and the FAS is to determine how the States and the FAS use their general supervision, national-reported data collection, and statewide or nationwide assessment systems to assess and improve national performance, and to protect child and family rights. The purposes of our verification visit to RMI are to: (1) understand how the systems work at the national level; (2) determine how RMI collects and uses data to make monitoring decisions; and (3) determine the extent to which RMI's systems are designed to identify and correct noncompliance.

As part of the verification visit to RMI's Ministry of Education (MOE), OSEP staff met with Mr. Ruthiran Lokeijak, RMI's Director of Special Education, and Special Education Office (OSE) staff members who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of nationally-reported data; and (3) ensuring participation in, and the reporting of, student performance on nationwide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents,¹ including the following: (1) RMI's Annual Performance Report (APR) for Federal Fiscal Year (FFY) 2002, submitted to OSEP in April 2004; (2) RMI's APR for FFY 2003, submitted to OSEP in April 2005; (3) RMI's State Performance Plan (SPP), submitted to OSEP in December 2005; (4) RMI's eligibility document submissions under Part B of IDEA for FFY's 2002 through 2004 and RMI's Part B application for FFY 2005 and FFY 2006; (5) Guidelines for Including Students with Disabilities in the Marshall Islands Standard Achievement Test (MISAT)

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

and Criteria for Participation in an Alternate Assessment, Revised July 2004; (6) the "Marshall Islands Monitoring Procedures/Special Education Monitoring Procedures" dated May 2004 (special education monitoring procedures), and monitoring instruments; and (6) other pertinent data sources.

OSEP also conducted a meeting on October 9, 2006 with members of the Special Education Advisory Council (SEAC) to hear their perspectives on the strengths and weaknesses of RMI's systems for general supervision, data collection, and nationwide assessment.

The information that Mr. Lokeijak and his staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of RMI's systems for general supervision, data collection and reporting, and nationwide assessment. Mr. Lokeijak and his staff were fully engaged and readily available throughout the duration of the visit. This visit marked the first official visit from OSEP to RMI, and officials from the MOE and the OSE, made every effort to ensure the success of the visit.

RMI is a unitary system consisting of 75 public primary schools (grades K to 8), one middle school on Majuro with grades seven and eight, and five high schools, serving approximately 10,384 students. All public elementary and secondary education, kindergarten through grade 12, is administered and provided by the MOE. The Minister of Education is the chief executive officer and the Secretary of Education serves as the chief operating officer. The OSE within the MOE consists of a program administrator, six special education program specialists, and four support staff. The Assistant Secretary for Curriculum and Instruction has oversight responsibility for the OSE. The OSE is responsible for obligations under Part B of the IDEA, including general supervision and monitoring.

RMI reported in its SPP that in September 2003, the Republic of the Marshall Islands Education Act was amended, requiring that: (1) a child who attains the age of four years be eligible to enroll in, and commence elementary level education in any school in RMI; and (2) a student who has successfully completed elementary level education shall be eligible to enroll in secondary level education in any school in RMI. Until this past year, a high school entrance examination (the eighth grade achievement test) was administered to all public and private school eighth graders to determine which students would be admitted to the five public high schools each year. However, according to MOE officials, implementation of the new legislative provisions regarding a student's eligibility for secondary education beyond the 8th grade may be delayed due to lack of space.

General Supervision

In reviewing RMI's general supervision system, OSEP collected information regarding a number of elements, including whether RMI: (1) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (2) has identified

any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede RMI's ability to identify and correct noncompliance; (3) utilizes guidance, technical assistance, follow-up, and --if necessary -- sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 national-reported data, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

OSEP believes that RMI has made reasonable progress in modifying its systems for general supervision to address the concerns raised in OSEP's March 29, 2006 letter responding to RMI's SPP and OSEP's September 29, 2005 letter responding to RMI's FFY 2003 APR. However, OSEP is unable to conclude at this time that RMI's general supervision system is reasonably designed to ensure the identification and timely correction of noncompliance. To ensure that RMI's general supervision system can be reasonably designed to identify and correct noncompliance, RMI must revise its general supervision system consistent with the requested documentation described in this letter.

RMI's general supervision system components include: (1) direct supervision of all public schools, programs, and services; (2) technical assistance to all schools and programs in the Marshall Islands; (3) data collection and analysis through the Special Education Information Management System (SEIMS); (4) program assessment through self-evaluation involving the SEAC; (5) on-site monitoring; (6) management of special education complaints, including dissemination of rights and procedures, mediation and due process hearings; and (7) resolution of issues "through customary practices."

Monitoring

During the verification visit, OSEP learned that RMI uses a variety of on-site review processes to gain an overall understanding of program performance, identify noncompliance, and assist schools in corrective action and improvement planning activities. RMI officials reported that the OSE conducts on-site monitoring on a three-year cycle of twenty-five schools on the twenty-four atolls that comprise RMI, in accordance with the special education monitoring procedures. Monitoring findings are based on information from the school self-assessment, on-site program and document reviews, and interviews with school personnel and parents.

Identification of Noncompliance

OSEP's September 29, 2005 letter in response to RMI's FFY 2003 APR, commended RMI for updating its monitoring procedures and data collection instruments, and acknowledged that RMI's monitoring procedures and monitoring instruments addressed many requirements of the Individuals with Disabilities Education Act Amendments of 1997, but that RMI would have to update these documents to be consistent with changes made to Part B of IDEA in IDEA 2004. In implementing the current monitoring procedures, OSE staff explained that each school completes the Compliance Review

Checklist that requires a yes/no response to questions covering referral, parent notice, placement decisions, individualized education program (IEP) development, parents' rights, transportation, discipline, confidentiality, and access to student records. Special education teachers also complete a Compliance Review Checklist that requires a yes/no response to questions covering IEP development, IEP conference participants, when placement decisions are made and the provision of needed related services. Open-ended questions ask teachers to identify needed inservice training and unresolved problems encountered in teaching special education students. In addition, the site visit team reviews *all* special education files and completes a file review checklist that covers identification and evaluation, IEP content and meeting participation, placement in the least restrictive environment and reevaluation. The site visit team also conducts interviews with regular education and special education teachers, building administrators and parents to verify data collected from self-assessments and file reviews.

RMI issues written monitoring reports to schools and provides copies to the SEAC for discussion and input. Monitoring reports are sent directly to the special education teachers with a copy to the principals. According to the special education monitoring procedures, the principal is responsible for working with the OSE to develop a corrective action plan or an improvement plan. OSEP confirmed that this is RMI's practice during teacher interviews at the verification visit.

Based on OSEP's review of a complete monitoring file and interviews with MOE-OSE officials about that file, OSEP believes that the MOE-OSE has difficulty in making determinations of what constitutes noncompliance with Part B requirements. In the monitoring file that OSEP reviewed, clear documentation about what constitutes a finding of noncompliance that requires correction was lacking. It appears to OSEP that findings identified as areas for improvement may actually be findings that should have been identified as noncompliance with applicable Part B requirements. In one instance, a file provided no basis for RMI's determination why an area was identified as in need of improvement or as a finding of noncompliance with Part B requirements.

MOE-OSE staff indicated to OSEP during the verification visit that they need more training on how to determine when a particular school or atoll is not in compliance with Part B requirements, and when the need for corrective action is triggered. OSEP encourages MOE-OSE officials to engage in careful study of the reauthorized statute and the final Part B regulations and to use the technical assistance materials provided by OSEP to clarify these requirements posted on the Department's website at www.idea.ed.gov. In addition, OSEP encourages MOE-OSE to use the Related Requirements document attached to the SPP/APR package to assist them in making determinations of compliance and noncompliance with Part B requirements. Within 60 days from the date of this letter, RMI must provide OSEP either: (1) documentation that its monitoring system is effective in identifying deficiencies with Part B requirements as findings of noncompliance with Part B requirements; or (2) a plan to revise its monitoring system to ensure that it is effective in identifying noncompliance with Part B requirements no later than February 1, 2008, the due date for the FFY 2006 APR to

OSEP. Failure to provide the required documentation at that time may affect RMI's status under section 616(d) of the IDEA.

Timely Correction of Noncompliance

OSEP's September 29, 2005 letter indicated that, based on a review of the special education monitoring procedures, it was unable to determine whether RMI had procedures to ensure the correction of deficiencies identified through monitoring as soon as possible, and in no case later than one year from identification. RMI reported in its SPP, that it would revise its monitoring procedures to include correction of noncompliance within one year of identification when other necessary revisions are made to its procedures following the publication of final regulations for IDEA 2004 in the Federal Register.

According to RMI's special education monitoring procedures, the process for correction is as follows: (1) the school must respond to RMI's Monitoring Report within two weeks; (2) the monitoring team reviews the school's response and determines agreement or disagreement with the school's proposed actions; (3) if the proposed actions are not approved, the Director of Special Education submits the Monitoring Report to the Secretary of Education requesting administrative action to enforce compliance; (4) periodic monitoring visits are scheduled to the school to verify implementation of the Corrective Action Plan; (5) each November, the Special Education Director submits a report of the year's compliance visits to the Secretary of Education; and (6) if a school has been found in continuing noncompliance, the Director of Special Education consults with the Secretary of Education to implement adverse action, such as termination of personnel responsible for continuing noncompliance in a school or agency. RMI also reported that improvements are typically made within three to four months of receiving the monitoring report. MOE-OSE staff explained that if improvement does not occur, a corrective action would be issued, but that they have never had to issue a corrective action. Schools inform the OSE when they have completed improvement activities and MOE-OSE monitoring staff conducts an on-site visit to verify that improvements have been made.

Pursuant to 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.149 of the final Part B regulations, States are required to ensure that noncompliance is corrected in a timely manner. Thus, the time for making corrective action is triggered once the noncompliance is identified. RMI's general supervision system must be effective in ensuring the correction of identified noncompliance as soon as possible, and no later than one year of identification. However, it continued to be OSEP's impression during the verification visit that the requirement to make corrective action is not triggered until the school or atoll has been unsuccessful in addressing the area identified as in need of improvement. Regardless of whether the noncompliance is reported as an area "in need of improvement" or "requiring corrective action," the noncompliance must be corrected within one year of identification.

OSEP has been informed subsequent to the verification visit that RMI has revised its policies and procedures consistent with the reauthorized IDEA and the final Part B regulations, which became effective on October 13, 2006. OSEP looks forward to reviewing RMI's revised monitoring procedures which specify that RMI requires correction of identified noncompliance as soon as possible, and no later than one year of identification and will respond to RMI regarding this submission in the letter responding to RMI's FFY 2005 APR. RMI must also must provide data in its FFY 2006 APR, due February 1, 2008, demonstrating that it is RMI's practice to require correction of identified noncompliance as soon as possible, and in no case later than one year from the date of identification of the noncompliance through monitoring.

Guidance and Technical Assistance

MOE-OSE staff provides technical assistance during monitoring visits, through weekly scheduled short-wave radio conferences with schools, and through dissemination of information in English and in Marshallese. For two weeks in the summer, when school personnel are still working, RMI conducts mandatory teacher training as well as principal training institutes. A primary focus of training is to provide updated information on new procedures and curriculum, and instructions on how to complete required paperwork. Teacher's responses to questions from the on-site teacher interview concerning issues they need help with also drive the content of training.

Monitoring officials identified three areas that require ongoing training: increased knowledge of the IEP process; child identification; and how to use data to improve programs.

RMI has used its General Supervision Enhancement Grant to develop an off-island short-wave radio communication system that allows MOE-OSE content specialists and monitors to communicate with school personnel and provide technical assistance before and after an on-site visit. This system also provides a communication vehicle that enables MOE-OSE staff to provide information to Steering Committee members who reside in outer atolls to keep them informed of and involved in continuous improvement activities. RMI also uses short-wave radio announcements to communicate important information to school personnel throughout RMI. In addition to the weekly scheduled conference calls with schools, the central office is available every weekday from 3:00 p.m. to 5:00 p.m. to answer questions from school personnel. The most common questions users ask concern how to work effectively with students with disabilities and how to complete required forms. A weeklong training for school personnel is planned for next summer about revisions to the monitoring system that will be made to reflect the requirements of the reauthorized IDEA.

MOE-OSE officials also acknowledged their need for more information on the use of effective strategies to address the behavior of a child whose behavior impedes learning.²

² The regulation at 34 CFR §300.320(a), previously 34 CFR §300.347(a)(1)), addresses present levels of performance related to the annual goals that must be included in the IEP for each child with a disability. Under 34 CFR §300.324(a)(2)(i), previously §300.346(a)(2)(i), in the case of a child whose behavior

OSEP encourages RMI to work with its technical assistance partners to address this need. Information on positive behavioral interventions can be found on the Regional Resource and Federal Center Network web site at <http://www.rfcnetwork.org>, which includes information on the Technical Assistance Center on Positive Behavioral Interventions and Supports.

During the verification visit, RMI reported that a barrier to identifying and correcting noncompliance is the lack of staff to conduct on-site monitoring activities in schools on all of the atolls. Monitors must travel significant distances, frequently by boat, and stay overnight in empty classrooms for lack of other accommodations. OSEP acknowledges these challenges and encourages RMI to work with its technical assistance partners to increase its capacity to monitor electronically, and develop strategies to focus its on-site efforts where the need is greatest.

Complaint Management and Due Process Systems

While RMI has established procedures for filing a complaint and requesting a due process hearing, RMI officials reported during the verification visit that no complaints were filed under 34 CFR §§300.660 to 300.662³ and no requests were made for a due process hearing under 34 CFR §300.507,⁴ since the establishment of these procedures in 1992. In Attachment 1 of the 2004 SPP, RMI reported that there were no requests for complaint investigations, mediations, and due process hearings for the 2004-2005 reporting period. RMI officials reported in the SPP, and confirmed in interviews with OSEP during the verification visit that, “The lack of formal complaints and hearings is a reflection of custom and behavior wherein public confrontation is customarily avoided. The formalization of IDEA 2004’s ‘meeting with a disinterested party’ (such as customary “elders” in Marshallese society) to resolve issues is very much the practice today. Parents are informed of their right to access any of these mechanisms.”

impedes the child’s learning or that of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.”

³ These regulatory provisions have been redesignated, with several changes, as 34 CFR §§300.151 through 300.153 in the final Part B regulations, which became effective on October 13, 2006. The requirement for a State educational agency to issue a decision on the complaint within 60 days from the date that the complaint is filed is unchanged from prior regulations, and the State's procedures must continue to permit extension of the 60-day timeline only if exceptional circumstances exist with respect to a particular complaint or if the parent or the individual or organization and the public agency involved agree to extend the time to engage in mediation or other alternative dispute resolution procedures available in the State. 34 CFR §300.152(b)(1)(1)-(ii).

⁴ Regulatory provisions regarding due process procedures, with several important changes, are found at 34 CFR §§300.507 through 300.518 of the final Part B regulations, which became effective on October 13, 2006. Regulations for due process hearing timelines have been redesignated as 34 CFR §300.515(a) and (c) of the final Part B regulations. Under the reauthorized IDEA, generally, a 30-day resolution process must precede the initiation of the 45-day due process hearing timeline, with certain exceptions described in 34 CFR §300.510 of the final Part B regulations.

RMI reported to OSEP during the verification visit, that it provides a copy of its procedural safeguard notice, Parent and Student Rights in Special Education, to parents and the public, and interviews parents as part of the on-site monitoring activities about receiving and understanding their rights. RMI also provided nationwide parent training over the last two summers. Following the verification visit, RMI confirmed that it had updated its State complaint, due process and mediation procedures to be consistent with the reauthorized IDEA, and will provide them to OSEP along with its FFY 2005 APR, due February 1, 2007. OSEP looks forward to reviewing those procedures submitted with RMI's FFY 2005 APR.

Collection of Data Under Section 618 of the IDEA

In reviewing RMI's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether RMI: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local level do so accurately and in a manner that is consistent with RMI's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has addressed barriers to the implementation of procedures for data collection and reporting data under section 618 of the IDEA.

Based on the information provided to OSEP during the verification visit, it appears that RMI's system for collecting and reporting data is reasonably designed to ensure the accuracy of the data that the RMI is required to report to OSEP under section 618 of the IDEA. RMI reported in the SPP that its data collection system was a compilation of student information from the child's current IEP as well as information compiled annually through surveys and special education school monitoring reports, and RMI's central data system for all public schools. MOE-OSE staff reported that their ability to identify and correct issues and use monitoring and trend data more effectively will improve when updates to the SEIMS are completed.

As reported in the SPP and confirmed in interviews with OSEP during the verification visit, RMI enters the information collected into SEIMS, a computer spreadsheet. RMI reported during the verification visit that problems with the data system that RMI identified in the SPP, such as loss of historical information when updated and limitations of the aggregated data to answer various program questions, have been addressed with its updated system. During OSEP's verification visit, RMI reported that it is now using Access software that enables SEIMS to collect additional fields of information, retain historical information, and to articulate with the regular MOE data system. RMI reported during the verification visit that the system will be further upgraded to be a web-based system for "real time," "on-line," collection and maintenance of data. At the time of OSEP's visit, RMI was in the process of adding new data fields and linkages and making the conversion to an online system. RMI

reported to OSEP that the new system is scheduled for completion by June 2007, and training will be provided in the summer.

RMI reported to OSEP that MOE-OSE manually double-checks data reports to identify data errors. RMI recently hired a new data specialist to assist in conducting manual error checks to improve data accuracy. Data verification procedures are followed to ensure for example, an unduplicated child count, by counting current IEPs and checking the count against placement tables. Teachers and principals certify the count when they send it. To improve accuracy, RMI reported that the main system will be able to generate unique student identifiers that will be assigned to children when they first enter kindergarten beginning in March 2007.

Currently, contact is made with its outer atolls by short-wave radio and documents are forwarded and received through courier by airplane and/or boat transport, and by visits to schools. There is no FAX capability and there are no post offices. Planes leave once a week and ships go out once every four months, on schedules that are unreliable. RMI officials further explained that the most efficient and cost effective method of transporting the necessary documents is to prevail upon an airline passenger to deliver them. To overcome these challenges, RMI is establishing an online system for sending and receiving documents through a satellite Internet system and solar powered electricity to run computers. The atolls without satellite capability will be able to download information on disks using a solar-powered electrical system to power computers.

As discussed above, RMI's system for collecting and reporting data includes several safeguards to ensure accuracy, reliability and validity which will be further strengthened with the full implementation of RMI's web-based system. OSEP learned during the verification visit that RMI is engaged in an impressive process to overcome significant barriers to implement procedures for collecting and reporting timely and accurate data presented by its geography. OSEP requests that RMI keep it informed of its progress in ensuring timely and accurate data through the FFY 2005 APR and subsequent APR submissions to OSEP.

Nationwide Assessment

In reviewing RMI's system for statewide (nationwide) assessment, OSEP collected information regarding a number of elements, including whether RMI: (1) establishes procedures for nationwide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. During the verification visit, OSEP learned about the components of RMI's assessment system from presentations by RMI staff.

Assessment Procedures

RMI requires that every student, including students with disabilities, participate in nationwide assessments that measure educational performance and provide systemic indicators of progress in the general curriculum. Because RMI does not participate in and is not bound by the requirements of the No Child Left Behind Act (NCLB), RMI does not calculate adequate yearly progress for its schools. Assessment specialists reported that a challenge to implementing the assessment program is keeping pace with the ongoing changes in curriculum standards.

During the verification visit, OSEP learned that RMI administered the Marshall Islands Standard Achievement Test (MISAT) in fourth grade and eighth grade in the 2004-2005 school year. RMI currently administers the MISAT in grades three, six and eight to assess progress in reading (in English and Marshallese), and mathematics.

RMI has established procedures for participation of students with disabilities in general assessments and alternate assessments. According to written procedures and information provided in interviews with assessment specialists, OSEP learned that accommodations can be provided on all achievement tests at every grade level, and are available to all students with disabilities who require them. RMI's document, Guidelines for Including Students with Disabilities in the Marshall Islands Standard Achievement Test (MISAT) and Criteria for Participation in the Alternate Assessment, developed in 2002 and revised in 2004, was developed to assist IEP teams in making appropriate decisions regarding how students with disabilities will participate in RMI's assessment program.

According to assessment specialists interviewed, alternate assessments (RMI uses a portfolio assessment) are aligned with nationwide achievement standards and are available for the 3rd grade and 6th grade MISATs.

OSEP concluded in its March 29, 2006 letter responding to RMI's SPP, that it was unable to determine whether RMI was conducting alternate assessments as required by Part B for those students with disabilities who cannot participate in the eighth grade achievement test, and required that RMI include information in the APR, due February 1, 2007, clarifying whether it conducts alternate assessments for all nationwide assessments.

In materials submitted in preparation for the verification visit, RMI indicated that the eighth grade administration of the MISAT is for high school admission purposes only. However, OSEP's interviews with assessment specialists during the verification visit reported to OSEP that the eighth grade test is used as an achievement measure first as well as an admission test. If the eighth grade MISAT is administered to all students in RMI, both those with and without disabilities, not just to those students seeking admission to secondary school, OSEP believes that the assessment requirements in 20 U.S.C. 1412(a)(16) are applicable to this assessment. Specifically, under 20 U.S.C. 1412(a)(16)(C)(i) and (iii), RMI must conduct alternate assessments in the case of a nationwide assessment for those children with disabilities who cannot participate in the

regular assessment program with accommodations as indicated in their respective IEPs. During the verification visit, RMI indicated to OSEP that an alternate assessment for the eighth grade achievement test will be developed with the technical assistance of a regional General Supervision Enhancement Grant alternate assessment project at the Guam Center for Excellence In Developmental Disability Education, Research, and Service, with a plan to administer it in 2008. Within 60 days from the date of this letter, RMI must provide OSEP with a written plan to meet the requirements in 20 U.S.C. 1412(a)(16)(C) to conduct an alternate assessment for the eighth grade MISAT by the FFY 2006 APR, due February 1, 2008. Failure to conduct an alternate assessment for the eighth grade MISAT for those students with disabilities who cannot take the regular eighth grade MISAT with accommodations by June 1, 2007, may affect RMI's status under section 616(d) of the IDEA and RMI's FFY 2007 grant award under Part B of IDEA.

According to assessment specialists interviewed, MOE is considering replacing the MISAT with the 4th grade Pacific Island Literacy Levels, a regionally-normed test that allows comparisons among different Pacific Island groups in math, and reading in English. Accommodations can be provided for this test but an alternate assessment still needs to be developed. OSEP reminds RMI of its obligation under 20 U.S.C. 1412(a)(16)(C) to conduct an alternate assessment for those students with disabilities who cannot participate in any regular nationwide assessment with accommodations as indicated in their respective IEPs.

Guidance and Training

MOE-OSE staff reported during the verification visit that written guidance on assessments is provided through: the Special Education Procedures Handbook and RMI's Guidelines for Including Students with Disabilities in the Marshall Islands Standard Achievement Test and Criteria for Participation in the Alternate Assessment. MOE-OSE staff and assessment specialists provide training on the guidelines and ongoing technical assistance to schools to ensure that all children with disabilities are participating appropriately in the national assessment program. Training on policies and procedures for national assessments is provided annually during the summer Teachers' Institute. Special education teachers and regular education teachers received training on the alternate assessment last year. Assessment specialists reported that in the 2005-2006 school year, alternate assessments were required in the IEPs of two sixth grade students and that alternate assessments were conducted consistent with RMI's alternate assessment procedures.

Local Implementation

RMI reported during the verification visit that it monitors to ensure that IEP Teams follow established procedures to make an appropriate determination about how students will participate in the assessment. MISAT proctors are provided special instruction. Assessment specialists indicated that MOE can track the number of students who participated in the assessment through SEIMS, but that there was no procedure to track whether students with IEPs were provided the testing accommodations specified in their

IEPs. At the time of OSEP's verification visit, procedures were being revised to provide all proctors with a list of all students to be tested, including specific information for each child with an IEP reflecting accommodations needed, if any. MOE-OSE reported that RMI would soon be able to use SEIMS to monitor compliance with participation requirements.

Reporting

RMI reports MISAT results to schools and to the appropriate Nitijela (legislative) committees. Information has been discussed on radio, and newspaper articles have been published. Scores are used to prioritize training for low performing schools, and to get additional funds to hire more teachers. Performance data have also been used to demote and reassign school personnel. RMI reported to OSEP that data are available in each school and that it is planning to post a notice regarding the availability of performance data in the national newspaper. The public reporting requirements in Part B of IDEA (Part B) regarding assessments do not apply unless RMI reports publicly on the participation and performance of nondisabled children on nationwide assessments. Under 20 U.S.C. 1412(a)(16)(D), RMI is required to report publicly and to the Secretary with the same frequency and in the same detail that it reports on the assessment of nondisabled children on the number of children with disabilities participating in regular assessments, the number of those children who receive accommodations in order to participate in those assessments, the number of children with disabilities participating in alternate assessments, as well as data on the performance of children with disabilities on those assessments.

Assessment specialists interviewed during the verification visit reported that 50% of third graders scored at the lowest beginning and developing levels for English and Marshallese. They attributed these low scores to the lack of qualified teachers, over half of whom have only a high school diploma. Another contributing factor is that the curriculum standards are only three years old and all teachers are trying to learn them. RMI has made it a priority to increase the supply of qualified personnel through its Comprehensive Personnel Development Plan (CSPD) included in its improvement strategies under Indicator 3 of its SPP. OSEP requests that RMI keep it informed of its progress in this area through your FFY 2005 APR and subsequent APR submissions to OSEP.

Conclusion

OSEP looks forward to reviewing RMI's revised monitoring procedures specifying that RMI ensures correction of noncompliance identified through monitoring as soon as possible and no later than one year of identification, submitted with its FFY 2005 APR on January 30, 2007.

In addition, as discussed in the general supervision section and assessment section of this letter, RMI must submit to OSEP within 60 days from the date of this letter:

- (1) documentation that its monitoring system identifies noncompliance with Part B requirements through monitoring; or a plan to revise its monitoring system to

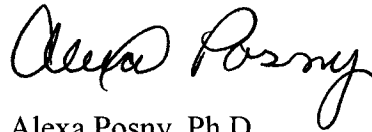
ensure it is effective in identifying noncompliance with Part B requirements no later than February 1, 2008, the date for RMI's FFY 2006 APR submission to OSEP. Failure to provide the required documentation at that time may affect RMI's status under section 616(d) of the IDEA; and

- (2) a written plan to meet the requirements in 20 U.S.C. 1412(a)(16)(C) to conduct an alternate assessment for the eighth grade MISAT by the FFY 2006 APR, due February 1, 2008.

We appreciate the cooperation and assistance provided by your staff during our visit. We were especially impressed with RMI's demonstration of its innovative use of technology to reach the outer atolls. As noted above, we request that you keep us informed concerning your progress in updating your data management system and implementing your CSPD to ensure that teachers and other personnel providing special education and related services are adequately prepared and trained, through the FFY 2005 APR and subsequent APR submissions to OSEP.

We look forward to collaborating with RMI as you continue to work to improve results for children with disabilities and their families.

Sincerely,



Alexa Posny, Ph.D.

Director

Office of Special Education Programs

cc: Mr. Ruthiran Lokeijak
Director of Special Education