



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

JUN 30 2008

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

Dear Commissioner Borja:

This is to inform you that we have conditionally approved the Commonwealth of the Northern Mariana Islands' (CNMI) Application for Federal Fiscal Year (FFY) 2008 under Part C of the Individuals with Disabilities Education Act (IDEA). Our conditional approval is based on review of the application submitted by the CNMI Public School System to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 7, 2008, and amended on June 9, 2008 and June 19, 2008, including policies, procedures, methods, descriptions, assurances, certifications, and submission statement provided in Section II, and incorporated by reference to this letter as noted in Enclosure A. In addition, CNMI provided the following specific assurances that it will:

1. Operate consistent with the Part C requirements in 20 U.S.C. 1431 through 1444 and applicable regulations in 34 CFR Part 303;
2. Ensure that the statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2008 grant period; and
3. Make such changes to, and submit, as necessary, for OSEP's approval, CNMI's policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of Part C of the IDEA, as amended, as soon as possible, and not later than the earlier of the date indicated by CNMI in Section II of its application or June 30, 2009. Section II of CNMI's application identifies the IDEA statutory sections for which CNMI needs to amend any policies, procedures, methods and descriptions and the timelines by which CNMI will amend its policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, CNMI has included the date by which it expects to complete necessary changes associated with any policies, procedures, methods and descriptions that are not yet in compliance with the requirements of Part C of the IDEA, as amended.

The conditional approval for CNMI's FFY 2008 Part C grant is also based on CNMI's assurance dated February 27, 2008 from the CNMI Public School System in which it specifically assured that CNMI shall:

1. Make all changes necessary to CNMI's interagency agreement between the CNMI Public School System and the Department of Public Health consistent with Part C requirements as specified in OSEP's April 26, 2006 Memorandum to CNMI to comply with Part C

- requirements, including 34 CFR §§303.12(d)(15); 303.148(b)(2)-(4); 303.321(e)(2); 303.322(e)(1); 303.342(a); 303.344(d); 303.523(b) and (c)(2)(ii); 303.524; and 303.525; and the following 2004 amendments to IDEA: Sections 602(1)(B); 632(4)(E)(iii); 634(1); 635(a)(2); 637(a)(6); and 637(a)(9)(A)(ii)(II) and submit to OSEP the revised and executed interagency agreement as soon as it is finalized, but no later than June 30, 2009;
2. Ensure that, throughout the period that CNMI uses its FFY 2008 grant funds under Part C of IDEA, all early intervention service programs and providers in CNMI will comply with all requirements of Part C of IDEA, including 34 CFR §§303.12(d)(15); 303.148(b)(2)-(4); 303.321(e)(2); 303.322(e)(1); 303.342(a); 303.344(d); 303.523(b) and (c)(2)(ii); 303.524; and 303.525; and the following 2004 amendments to IDEA: Sections 602(1)(B); 632(4)(E)(iii); 634(1); 635(a)(2); 637(a)(6); and 637(a)(9)(A)(ii)(II);
  3. Provide OSEP with a copy of the memorandum notifying all early intervention service programs and providers that are part of CNMI's Part C early intervention system of any changes that affect the provision of early intervention services under Part C, including 34 CFR §§303.12(d)(15); 303.148(b)(2)-(4); 303.321(e)(2); 303.322(e)(1); 303.342(a); 303.344(d); 303.523(b) and (c)(2)(ii); 303.524; and 303.525; and the following 2004 amendments to IDEA: Sections 602(1)(B); 632(4)(E)(iii); 634(1); 635(a)(2); 637(a)(6); and 637(a)(9)(A)(ii)(II); and
  4. Ensure that the statewide system of early intervention required by Part C of IDEA in 20 U.S.C. 1431-1444 and applicable regulations in 34 CFR Part 303 will be in effect throughout the FFY 2008 grant period.

CNMI's FFY 2008 IDEA Part C grant is being released subject to special conditions regarding the Single Audit Act, that are being imposed pursuant to the Department's authority in 34 CFR §80.12. The U.S. Department of Education's July 1, 2008 letter to CNMI, included as Enclosure B, identifies the specific conditions.

Enclosed is CNMI's grant award for funds currently available under the Department of Education Appropriations Act for FFY 2008 for the Part C program. These funds are available for obligation by States from July 1, 2008 through September 30, 2010.

The enclosed grant award for FFY 2008 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

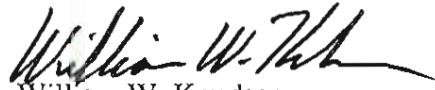
Please note that as part of CNMI's application for FFY 2008, CNMI has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2008 grant period. Any changes made by CNMI to its FFY 2008 application or Part C policies or procedures that are application requirements, after issuance of this grant award, must meet the applicable public participation requirements under Part C of the IDEA in 34 CFR §§303.110 through 303.113 and if they are requirements under Section II.A must be submitted to, and approved by, OSEP prior to CNMI's implementation of its new or revised application, policies and procedures.

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Section 604 of the IDEA provides that “[a] State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.” Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant a State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,



William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: Part C Coordinator