

September 30, 2003

Honorable Rita H. Inos
Commissioner of Education
CNMI Public School System
P.O. Box 501370CK
Saipan, MP 96950

Dear Commissioner Inos:

We have determined that the Commonwealth of the Northern Mariana Islands' (CNMI) application for Federal Fiscal Year (FFY) 2003, under Part B of the Individuals with Disabilities Education Act (Part B), can be approved.

Our determination that you are eligible for approval is based on our review and acceptance of the documents submitted by CNMI to the Office of Special Education Programs (OSEP) on April 15, 2003 and May 27, 2003 in response to OSEP's January 10, 2003 issues chart.

Please note that as part of your Eligibility Document Submission for FFY 2003, 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 periods for which it receives grant funding. Any changes made by CNMI, after OSEP approval, to information that is a part of CNMI's eligibility documentation, must meet the public participation requirements of the IDEA and must be approved by OSEP before implementation.

I would like to remind you of the post-approval notification provision in 34 CFR §300.284, which requires your Department to "give notice in newspapers or other media, or both, that the policies and procedures are approved. The notice must name places throughout CNMI where the policies and procedures are available for access by any interested person." Once the notice has been published, a copy should be submitted to OSEP.

CNMI's FFY 2003 IDEA Part B grant award is being released subject to the special conditions specifically identified in the Department's September 22, 2003 letter to CNMI regarding the Single Audit Act (copy enclosed) and the additional FFY 2003 Special Conditions, as set forth in Enclosure C, that are being imposed on this grant pursuant to the Department's authority in 34 CFR §80.12. Specifically, OSEP determined that CNMI is not reporting publicly and to the Secretary on the participation and performance of children with disabilities *in grades 10 and 11* in alternate assessments, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a)(2).

Enclosed is a grant award for funds currently available under the Department of Education FFY 2003 Appropriations Act for the Part B Section 611 (Grants to States). These funds are for use

Page 2 - Honorable Rita H. Inos

primarily in school year 2003-2004 and are available for obligation by States from July 1, 2003 through September 30, 2005.

The funding formula for the Section 611 program is the same as was implemented for FFY 2000. Subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Enclosure A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

/s/Patricia J. Guard for

Stephanie Smith Lee
Director
Office of Special Education Programs

Enclosures

cc: Ms. Joanne Nicholls