



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

JUL - 1 2012

Honorable Rita Sablan
Commissioner of Education
CNMI Public School System
Post Office Box 501370 CK
Saipan, MP 96950

Dear Commissioner Sablan:

We have approved the Commonwealth of the Northern Mariana Islands' (CNMI) application for Federal Fiscal Year (FFY) 2012 funds, under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our approval is based on our review of the application, submitted by the CNMI Public School System (PSS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 11, 2012, May 10, 2012, May 30, 2012, June 19, 2012, and June 20, 2012.

Our approval of CNMI's FFY 2012 IDEA Part C grant includes approval of policies, procedures, methods, descriptions, assurances, and certifications identified in Section II, which is incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on CNMI's certification in Section II.D of its FFY 2012 application that CNMI's provisions meet the requirements of IDEA Part C as found in 20 U.S.C. 1431 through 1443 and the final regulations in 34 CFR Part 303 (as published on September 28, 2011), and that CNMI will operate its Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances, and certifications. See, 34 CFR §76.104.

OSEP's approval of CNMI's IDEA Part C FFY 2012 grant is also based on the approval described in OSEP's Memorandum, dated June 27, 2012, which notes that CNMI has resolved the specific assurance in CNMI's FFY 2011 grant letter. In a memorandum to the CNMI Part C Coordinator dated April 26, 2006, OSEP required CNMI to submit to OSEP: (1) a specific assurance regarding the interagency agreement between the CNMI PSS and the Department of Public Health (DPH) to ensure that the CNMI system of early intervention was in compliance in the interim period before final regulations were published in the Federal Register for the requirements of Part C of the IDEA as amended by P.L. 108-446, and the Part C regulations at 34 CFR Part 303; and (2) a copy of a memorandum to all agencies and providers in the Part C early intervention system to inform them of the changes that impacted on the provision of early intervention services with respect to the above-identified Part C requirements. CNMI was required to submit a similar special assurance and a copy of the memorandum to all agencies and providers for subsequent grant periods from FFY 2007 through FFY 2011. On April 11, 2012, CNMI submitted the Interagency Agreement between the PSS and the Commonwealth Health Care Corporation (CHC), dated February 16, 2012, to OSEP with its FFY 2012 Part C application. CNMI submitted a signed addendum to OSEP on June 19, 2012 which added an additional requirement to that interagency agreement and is part of the February 16, 2012 interagency agreement. The February 16, 2012 Interagency Agreement between PSS and CHC meets the Part C requirements required by Part C of the IDEA as amended by P.L. 108-446 and the Part C regulations at 34 CFR Part 303.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

CNMI's FFY 2012 IDEA Part C grant is also subject to Special Conditions identified in the U.S. Department of Education's (Department's) June 15, 2012 letter to CNMI, which is Enclosure B to this grant letter and which is expressly incorporated into the terms of CNMI's FFY 2012 IDEA Part C grant. By accepting the enclosed grant award, CNMI expressly agrees to comply with the terms identified in Enclosure B, which imposes Special Conditions to ensure continued fiscal accountability of Department grant funds awarded to CNMI, including the IDEA Part C FFY 2012 grant funds.

As part of CNMI's application for FFY 2012, CNMI has made an assurance, under Section II.C.2 of its FFY 2012 application and pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2012 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or the final regulations in 34 CFR Part 303, CNMI must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and receive OSEP approval for those policies and procedures referenced in 34 CFR §303.101(c) prior to their implementation.

Enclosed is CNMI's FFY 2012 grant award for funds currently available under the Consolidated Appropriations Act, 2012 – P.L. 112-74 for the IDEA Part C program. These funds are available for obligation by CNMI from July 1, 2012 through September 30, 2014 in accordance with 34 CFR §76.709.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11th 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, CNMI 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.

The enclosed grant award of FFY 2012 funds 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 may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C.

As a reminder, no later than August 31, 2012, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's Recovery Act Facilitator if you have further questions.

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

Sincerely,

A handwritten signature in black ink that reads "Melody Musgrove" with a stylized flourish at the end.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: Part C Coordinator