



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

July 1, 2013

Honorable Hilda C. Heine, Ed.D.
Minister of Education
Republic of the Marshall Islands Ministry of Education
Post Office Box 3
Majuro, Republic of the Marshall Islands 96960

Dear Dr. Heine:

We have approved the Republic of the Marshall Islands' (RMI) application for Federal Fiscal Year (FFY) 2013 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the application submitted by the RMI Ministry of Education (MOE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 10, 2013 and June 7, 2013, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A. In addition, with regard to Assurance 12 relating to the requirements in 20 U.S.C. 1412(a)(12)(A)-(C) and 34 CFR §300.154, RMI provided a specific assurance that it will:

1. Operate consistently with IDEA Part B and applicable regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of IDEA Part B as soon as possible, and not later than June 30, 2014. Within Section II of its application, RMI has included, for Assurance 12, the date by which it expects to complete necessary changes to any policies and procedures that are not yet in compliance with the requirements of 20 U.S.C. 1412(a)(12)(A)-(C) and 34 CFR §300.154.

RMI checked no to Assurance 12, because RMI does not yet have policies and procedures in place to meet the new requirements related to children with disabilities who are covered by public benefits or insurance (e.g., Medicaid), resulting from the amendments to 34 CFR §300.154(d)(2)(iv) and (v), which the Department published in the *Federal Register* on February 14, 2013. See 78 Fed. Reg. 10525, 10537-10538. These final regulations became effective on March 18, 2013. OSEP required States to submit their applications for their Part B FFY 2013 grant awards on May 10, 2013. However, 34 CFR §76.704(b) provides that a State plan (in this case, the Part B application) must meet the requirements that were in effect for the program three months before the application due date (in this case, February 10, 2013) and any additional requirements known on that date that are scheduled to become effective by the expected grant award date (for most States, July 1, 2013). Ordinarily, States that check no to any assurance in Section II.A receive a conditional approval, but the new requirements in 34 CFR §300.154, which caused RMI to check no to Assurance 12, were not published in the *Federal Register* as final regulations three months prior to May 10, 2013, the submission due date of your Part B application. RMI has assured that it will operate consistently with all requirements in 20 U.S.C. 1412(a)(12)(A)-(C) and 34 CFR §300.154 during the period of your FFY 2013 Part B grant award, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2014. Further, RMI has checked yes to every

other assurance in Section II.A. Therefore, we have fully approved RMI's Part B grant application for FFY 2013.

Please note that as part of your application for FFY 2013, RMI has made an assurance, pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2013 grant period. Any changes made by RMI, after OSEP approval, to information that is a part of RMI's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is RMI's FFY 2013 grant award for funds currently available under the Consolidated and Further Continuing Appropriations Act, 2013 -- P.L. 113-6 for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by RMI from July 1, 2013 through September 30, 2015 in accordance with 34 CFR §76.709.

The amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2013. Of the \$10,974,865,803 appropriated for Section 611 in FFY 2013, \$1,691,482,803 is available for awards on July 1, 2013, and \$9,283,383,000 will be available for awards on October 1, 2013. Under the Section 611 formula, in a year in which the amount available for allocations to States decreases from the prior year, but is greater than the 1999 level, any amount available for allocations to States above the 1999 level is allocated based on the relative increases in funding that the States received between 1999 and the prior year.

Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

The enclosed grant award of FFY 2013 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 B.

In Section V of its IDEA Part B application, pursuant to the authority in IDEA section 618(a)(3), RMI was required to submit data on the amount of RMI's state financial support made available for special education and related services for children with disabilities in State Fiscal Year (SFY) 2011 and SFY 2012. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data RMI has provided in Section V, OSEP will follow-up with RMI.

As a reminder, 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. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's Fiscal Accountability Facilitator if you have further questions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with the first name "Melody" written in a larger, more prominent script than the last name "Musgrove".

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

Enclosures

- Enclosure A
- Enclosure B
- Enclosure C

cc: State Director of Special Education