

July 1, 2016

Honorable Kalwin Kephias
Secretary of Education
Department of Education
Federated States of Micronesia
P.O. Box PS 87
Paliker, Pohnpei State
FM 96941

Dear Secretary Kephias:

We have approved Federated States of Micronesia's (FSM) application for Federal Fiscal Year (FFY) 2016 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the IDEA Part B application submitted by the FSM to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 16, 2016, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

In a memorandum dated June 20, 2016, FSM provided a specific assurance that it will, consistent with existing practice, submit foreign travel requests to OSEP 60 days prior to the start of foreign travel using IDEA funds. The requests for foreign travel will include the following information: (1) Information related to the person(s) traveling, including name(s), job title(s), and relevant information related to job duties and role within the Freely Associated States (FAS); (2) a description of the destination and purpose of the travel, and any related supporting documentation (e.g., conference information, agendas); (3) a description of the travel costs, and any supporting documentation related to them (e.g., documents related to transportation, lodging, per diem costs); and (4) an explanation of how the travel enhances the FAS' capacity to provide a free and appropriate public education.

Please note that as part of your application for FFY 2016, FSM has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that FSM will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by FSM, after OSEP approval, to information that is a part of FSM's Part B application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is FSM's FFY 2016 grant award for funds currently available under the Consolidated Appropriations Act, 2016, P.L. 114-113, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2016, through September 30, 2018, 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 2016. Of the \$11,912,848,000 appropriated for Section 611 in FFY 2016, \$2,629,465,000 is available for awards on July 1, 2016, and \$9,283,383,000 will be available for awards on October 1, 2016. Under the Section 611 formula, the Secretary reserves not more than one percent of the amount appropriated for FFY 2016 to provide each FAS grant in the amount that such FAS received in 2003 under Part B of the IDEA.

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.

In Section V of its IDEA Part B application, pursuant to the authority in IDEA Section 618(a)(3), the FSM was required to submit data on the total amount of the FSM financial support made available for special education and related services for children with disabilities in FSM's State fiscal year (SFY) 2014 and SFY 2015. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data FSM has provided in Section V, OSEP will follow-up with FSM.

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 the 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, FSM 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 2016 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.

As a reminder, all prime recipients of IDEA Part B 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.

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Sincerely,

/S/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: State Director of Special Education