

July 1, 2017

Honorable Cynthia Deleon Guerrero
Commissioner of Education
Commonwealth of the Northern Mariana Islands
Public School System
Post Office Box 501370
Saipan, Commonwealth of the Northern Mariana Islands 96950

Dear Commissioner Guerrero:

We have approved the Commonwealth of the Northern Mariana Islands' (CNMI) application for Federal fiscal year (FFY) 2017 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 CNMI Public School System (PSS) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 1, 2017, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

The CNMI's FFY 2017 IDEA Part B grant is also subject to Special Conditions identified in the Department's June 21, 2017 letter to the CNMI, which is Enclosure C to this grant letter and which is hereby expressly incorporated into the terms of the CNMI's FFY 2017 IDEA Part B grant. These Special Conditions are being imposed pursuant to the Department's authority in 2 CFR §200.207. By accepting the enclosed grant award, the CNMI expressly agrees to comply with the Special Conditions identified in Enclosure C, which conditions are imposed to ensure continued fiscal accountability of Department grant funds awarded to the CNMI, including the IDEA Part B FFY 2017 grant funds awarded by the Department to the CNMI PSS.

Please note that as part of your application for FFY 2017, the CNMI has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that the CNMI will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by the CNMI, after OSEP approval, to information that is a part of the CNMI's Part B application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is the CNMI's FFY 2017 grant award for funds currently available under the Consolidated Appropriations Act, 2017, P.L. 115-31, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2017 through September 30, 2019, 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 2017. Of the \$12,002,848,000 appropriated for Section 611 in FFY 2017, \$2,719,465,000 is available for awards on July 1, 2017, and \$9,283,383,000 will be available for awards on October 1, 2017.

Under the Section 611 formula, the Secretary reserves not more than one percent of the amount appropriated for FFY 2017 to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through 21.

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 CNMI was required to submit data on the total amount of the CNMI financial support made available for special education and related services for children with disabilities in the CNMI's State fiscal year SFY 2015 and SFY 2016. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data the CNMI has provided in Section V, OSEP will follow-up with the CNMI.

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, the 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 2017 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.

Sincerely,

/S/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosures

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Enclosure A

Enclosure B

Enclosure C

cc: Director of Special Education