

July 1, 2018

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 the Federated State of Micronesia's (FSM) application for Federal fiscal year (FFY) 2018 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 25, 2018, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

In a specific assurance dated May 18, 2018, the FSM assured 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 State (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 2018, the FSM has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that the FSM will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by the FSM, after OSEP approval, to information that is a part of the FSM's Part B application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is the FSM's FFY 2018 grant award for funds currently available under the Department of Education Appropriations Act, Title III of Subdivision H, 2018, P.L. 115-141, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2018, through September 30, 2020, 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 2018. Of the \$12,277,848,000 appropriated for Section 611 in FFY 2018, \$2,994,465,000 is available for awards on July 1, 2018, and \$9,283,383,000 will be available for awards on October 1, 2018. Under the Section 611 formula, the Secretary reserves not more than one percent of the amount appropriated for FFY 2018 to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through

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21 and to provide each FAS associated state a grant in the amount that such FAS received in fiscal year 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 the FSM's State fiscal year (SFY) 2016 and SFY 2017. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data the FSM has provided in Section V, OSEP will follow-up with the 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, the 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 2018 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.

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

Enclosure A

Enclosure B

cc: State Director of Special Education