

July 1, 2018

Honorable Sinton Soalablai
Minister of Education
Republic of Palau Ministry of Education
Post Office Box 6051
Koror, Republic of Palau 96940

Dear Minister Soalablai:

We have conditionally approved Republic of Palau's application for Federal Fiscal Year (FFY) 2018 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our conditional approval is based on our review of the IDEA Part B application submitted by the Republic of Palau (ROP) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 22, 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 16, 2018, ROP 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.

In addition, the ROP provided specific assurances that it will:

1. Operate throughout the period of the FFY 2018 grant award 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, 2019. Within Section II of its application, the ROP has included, for each assurance it cannot meet at this time, 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 IDEA Part B.

ROP's FFY 2018 IDEA Part B grant award is being released subject to a Specific Condition as set forth in Enclosure C pursuant to the Department's authority in section 616(g) of IDEA and 2 CFR §200.207.¹ This Specific Condition is imposed because of ROP's failure to have policies and procedures in place by June 30, 2018 that meet the requirements governing qualifications for special education teachers in section 612(a)(14)(C) of IDEA and 34 CFR §300.156(c). The

¹ In OSEP's letter transmitting ROP's FFY 2017 IDEA Part C grant award, the term "Special Condition" was used in referring to the grant condition and reporting requirements imposed on the release of that grant award. For grant awards released in FFY 2018, the term "specific condition" replaces the term "special condition."

reasons for imposing this Specific Condition and the nature of the Specific Condition are detailed in Enclosure C.

Please note that as part of your application for FFY 2018, ROP has made an assurance, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that the ROP will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by the ROP, after OSEP approval, to information that is a part of ROP's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is the ROP's FFY 2018 grant award for funds currently available under the Department of Education Appropriations Act, 2018, Title III of Division H, 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 21 and to provide each freely associated State a grant in the amount that such freely associated state 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 ROP was required to submit data on the total amount of ROP's financial support made available for special education and related services for children with disabilities in ROP'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 ROP has provided in Section V, OSEP will follow-up with ROP.

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, ROP 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.

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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

Enclosure C

cc: State Director of Special Education