

July 1, 2018

Honorable Glenn Muna
Interim 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 Muna:

We have approved the Commonwealth of the Northern Mariana Islands' (CNMI) application for Federal fiscal year (FFY) 2018 funds, under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our approval is based on our review of the IDEA Part C application, submitted by the CNMI Public School System (PSS) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on April 27, 2018 and June 11, 2018.

Our approval of the CNMI's FFY 2018 IDEA Part C grant includes approval of policies, procedures, methods, descriptions, assurances, and certifications identified in Section II.A, II.B, and II.C, which is incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on the CNMI's certification in Section II.D of its FFY 2018 application that the CNMI's provisions meet the requirements of IDEA Part C as found in 20 U.S.C. §§1431 through 1443 and the regulations in 34 CFR Part 303, and that the CNMI will operate its Part C program in accordance with all of the IDEA Part C requirements including required policies, procedures, methods, descriptions, assurances and certifications. See 34 CFR §76.104.

The CNMI's FFY 2018 IDEA Part C grant is also subject to Specific Conditions identified in the Department's June 25, 2018 letter to the CNMI, which is Enclosure B to this grant letter and which is hereby expressly incorporated into the terms of the CNMI's FFY 2018 IDEA Part C grant.¹ These Specific 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 Specific Conditions identified in Enclosure B, which conditions are imposed to ensure continued fiscal accountability of Department grant funds awarded to the CNMI, including the IDEA Part C FFY 2018 grant funds awarded by the Department to the CNMI PSS.

Enclosed is the CNMI'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 C program. These funds are available for obligation by IDEA grant recipients from July 1, 2018 through September 30, 2020 in accordance with 34 CFR §76.709.

Under IDEA Section 605, and 2 CFR Part 200, and 34 CFR §303.104, the CNMI must obtain prior approval to charge the following expenses as direct costs: (1) equipment (2 CFR §200.33 and

¹ In OSEP's letter transmitting the CNMI'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."

34 CFR §303.104); (2) participant support costs (2 CFR §200.75); (3) construction/renovation (2 CFR §200.12(b) and 34 CFR §303.104); and (4) rent (2 CFR §200.465 and 34 CFR §303.225(d)). The CNMI identified such costs in Section III of its application, but OSEP's approval of the FFY 2018 IDEA Part C grant application does not constitute approval for such costs given that the CNMI must provide additional information to obtain prior approval. Please contact your OSEP State Lead for further assistance.

Section IV.B of the IDEA Part C FFY 2018 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). CNMI indicated in Section IV.B that the CNMI PSS is a State Educational Agency. The CNMI works directly with the United States Department of the Interior to ensure that indirect costs are only charged on a restricted basis for use on grants with the Federal government, including the CNMI's IDEA Part C grant. Under 2 CFR §200.210(a)(15), by accepting this IDEA Part C FFY 2018 grant, your lead agency is agreeing to charge indirect costs on a restricted basis for the period that the CNMI uses any funds awarded under this FFY 2018 IDEA Part C grant and will submit any changes to its restricted indirect cost rate agreement to the United States Department of the Interior, with a copy to your OSEP State Lead.

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 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 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 C. If the CNMI revises those IDEA Part C policies or procedures that are required under Part C of the IDEA or the regulations in 34 CFR Part 303, the CNMI must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and receive OSEP approval for those policies and procedures referenced in 34 CFR §303.101(c) prior to their implementation.

Page 3 – Lead Agency Director

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

/S/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosure

Enclosure A

Enclosure B

cc: Part C Coordinator