



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

July 1, 2019

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) 2019 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 20, 2019, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

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

1. Operate throughout the period of the FFY 2019 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, 2020. 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. This Specific Condition is imposed because of ROP's failure to have policies and procedures in place by June 30, 2019 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 reasons for imposing this Specific Condition and the nature of the Specific Condition are detailed in Enclosure C.

In a specific assurance dated June 1, 2019, the 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 exceeding \$6000 per individual traveler or \$25,000 in aggregate costs for foreign travel. 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

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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 2019, the 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 2019 grant award for funds currently available under the Department of Education Appropriations Act, 2019 (Title III of Division B, Public Law 115-245), for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2019, through September 30, 2021, 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 2019. Of the \$12,364,392,000 appropriated for Section 611 in FFY 2019, \$3,081,009,000 is available for awards on July 1, 2019, and \$9,283,383,000 will be available for awards on October 1, 2019. Under the Section 611 formula, the Secretary reserves not more than one percent of the amount appropriated for FFY 2019 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) 2017 and SFY 2018. 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 2019 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if

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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/

Laurie VanderPloeg
Director
Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

Enclosure C

cc: State Director of Special Education

State Name: Republic of Palau (ROP)

Enclosure A

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<p>Yes <i>(Assurance is given.)</i></p>	<p>No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p>Assurances Related to Policies and Procedures</p>
<p>X</p>		<p>1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.</p>
<p>X</p>		<p>2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)</p>
<p>X</p>		<p>3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.</p>
<p>X</p>		<p>4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)</p>
<p>X</p>		<p>5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes,</p>

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
		separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
X		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
		children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
X		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
X		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
X		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
	May 2020	14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156.
X		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C); 34 CFR §300.157.
X		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
		education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
		Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
X		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
X		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
X		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Yes	
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i>, the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.104 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

Enclosure C
Specific Condition¹

1. Basis for Requiring a Specific Condition

Section 612(a)(14)(A) of the Individuals with Disabilities Education Act (IDEA Part B or IDEA)² and 34 C.F.R. §300.156(a) require each State Educational Agency to have in effect policies and procedures to ensure that the State establishes and maintains qualifications to ensure that personnel necessary to carry out IDEA Part B are appropriately and adequately prepared and trained and have the content knowledge and skills to serve children with disabilities.³ It is essential that special education teachers have the necessary qualifications in order to ensure that a free appropriate public education (FAPE) is made available to all children with disabilities in the State.

Since the IDEA was reauthorized and amended in 2004, IDEA has required all States to have in effect policies and procedures to ensure that special education teachers have specific qualifications. In 2015, when Congress passed the Every Student Succeeds Act (ESSA) and amended several provisions of IDEA, these special education teacher qualification requirements were retained, but were moved from the former Section 602(10)(b) to Section 612(a)(14)(C) of IDEA. Section 612(a)(14)(C)(i)-(ii) of IDEA continues, as in the past, to require that each person employed as a public school special education teacher in the State who teaches in an elementary school, secondary school, or middle school has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 C.F.R. §200.56(a)(2)(ii) as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, and that the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis. See also 34 C.F.R. §300.156(c)(1)(i)-(ii). Section 612(a)(14)(C)(iii) of IDEA also continues to require that each public school special education teacher in the State holds at least a bachelor's degree. See also 34 C.F.R. §300.156(c)(1)(iii).

Background

In FFY 2016, the Republic of Palau (the ROP) informed the Office of Special Education Programs (OSEP) that its current policies and procedures require that individuals employed as special education teachers hold an associate's degree. In a memorandum dated May 20, 2016, OSEP required the ROP to address its noncompliance with these special education teacher qualification requirements, and to submit, within 90 days of receipt of the memorandum, a plan that described the steps the ROP would take during

¹ Pursuant to the requirements in 2 C.F.R. §200.207, the term “Specific Condition” is used, rather than “Special Condition” for an FFY 2018 IDEA Part B grant award that was issued subject to additional requirements. In this Enclosure, the term “Special Condition” is used when referencing the State’s IDEA Part B grant award and required reporting associated with the receipt of those funds for FFY 2017.

² Section 612(a)(14) of IDEA is codified at 20 U.S.C. §1412(a)(14), but this document sites to the provisions of the IDEA instead of to those in title 20 of the United States Code.

³ As used in this enclosure, the term “State” refers to the Republic of Palau (The ROP).

FFY 2016 to ensure that all special education teachers would hold at least a bachelor's degree by school year (SY) 2017-2018. The ROP submitted the Plan on September 6, 2016. In a memorandum dated January 17, 2017, OSEP informed the ROP that OSEP could not accept the plan because it did not ensure that all special education teachers employed by the ROP would hold a bachelor's degree by SY 2017-2018; and the ROP's submission included policies and procedures that permitted a special education teacher who has an associate's degree to receive a "provisional certificate" for three years with an option to extend for an additional two years.

Summary of the ROP's Special Condition imposed on its FFY 2017 Grant Award

Because the ROP failed to submit a plan consistent with Section 612(a)(14)(C) of IDEA, OSEP imposed a Special Condition on the ROP's FFY 2017 IDEA Part B grant award. The FFY 2017 Special Condition required the ROP to provide a plan describing the steps it would take during FFY 2017 to ensure that: (i) all special education teachers will hold at least a bachelor's degree by SY 2018, consistent with Section 612(a)(14)(C)(iii) of IDEA; and (ii) provisional certificates are awarded only to special education teachers who hold a bachelor's degree and are participating in an alternate route to certification as a special educator that meets the requirements in 34 CFR §200.56(a)(2)(ii), consistent with Section 612(a)(14)(C)(i) of IDEA and 34 CFR §300.156(c)(2).

As required by the ROP's FFY 2017 Special condition, the ROP submitted two progress reports, due on February 1, 2018 and May 2, 2018. In those progress reports, the ROP included its draft amendment to 22 PNC 151 with the components for a "Standards-Based Professional Certification and Performance System for Teachers in the Ministry of Education." The ROP also reported that it was awaiting approval from Palau's National Congress. However, the revised policies and procedures allowed for the continued employment of special education teachers in public schools in the ROP that hold an associate's degree.

Summary of the ROP's Specific Condition imposed on its FFY 2018 Grant Award

Although the information summarized above indicates that the ROP attempted to revise its policies and procedures, OSEP determined that the ROP did not meet the terms and conditions of its prior grant award and, pursuant to the authority in IDEA Section 616(g) and 2 CFR §200.207 OSEP also imposed a Specific Condition on the ROP's FFY 2018 IDEA Part B grant award. The Specific Condition required the ROP to submit to OSEP for approval by October 31, 2018, revised special education teacher qualifications policies and procedures that meet the requirements in Section 612(a)(14)(C) of IDEA and 34 CFR §300.156(c) to specifically require that all persons employed as special education teachers in public schools in the ROP hold at least a bachelor's degree, and that provisional certificates are only awarded to persons employed as special education teachers in public schools in the ROP who hold at least a bachelor's degree. OSEP required the ROP to submit progress reports detailing its progress in meeting the Specific Condition.

OSEP's 2018 Site Visit

Prior to the submission of the ROP's first progress report due by October 31, 2018, OSEP conducted a site visit in Palau on September 24 and September 25, 2018 to review the

ROP's progress in implementing its Part B State Systemic Improvement Plan (SSIP) toward achieving their State identified measurable result (SIMR).⁴ During the visit, OSEP had the opportunity to meet with the ROP officials and leadership including: the Minister of Education, the Division Chief for Curriculum and Instructional Material Development, the Chief of Instruction Implementation and Teacher Training, the Chief of Research and Evaluation, and the Special Education Coordinator. The ROP provided information on the specific steps it is taking to meet the requirements in Section 612(a)(14)(C) of IDEA and 34 C.F.R. §300.156(c). The ROP also described several challenges such as a national teacher shortage, low teacher salary, and teachers who have acquired college credits but have not completed their degrees because of lack of support in balancing work, family and school. Despite these challenges, OSEP recognizes that the ROP has taken active steps towards building an infrastructure that would better support higher education opportunities for the ROP teachers and citizens. The ROP reported that it developed a cohort process for current teachers to attain their associate's and bachelor's degrees through Palau Community College (PCC) and, through a collaboration with San Diego State University (SDSU), to attain a bachelor's degree. The ROP's infrastructure improvement efforts also include the ROP partnering with PCC to identify sources of funding for additional ROP teacher cohorts to attain degrees. The National Scholarship office currently funds the cohorts, with each student making a \$500 contribution to the program. A requirement of the Program is that the participants commit to at least three years of teaching upon completion. The ROP's Minister of Education also reported the availability of fiber optic lines that will enable teachers to enroll in on-line courses. Additionally, the ROP reported an increase in the attainment of bachelor's degrees over the last three years.

Pursuant to the FFY 2018 Specific Condition that allowed both parties to modify progress report due dates of the ROP's Progress Reports if necessary, OSEP and the ROP agreed that because the site visit had enabled OSEP to collect up-to-date information, the progress report that was due October 31, 2018 was no longer needed. Instead, OSEP instructed the ROP to document any progress that took place between October 1, 2018 and November 30, 2018 in an interim progress report due to OSEP by November 30, 2018, and reminded the ROP that its progress report was due with the 2019 State Performance Plan/Annual Performance Report (SPP/APR) due to OSEP by February 1, 2019.

In addition to the infrastructure changes that the ROP reported during the OSEP site visit, and documented in its November 30, 2018 Progress Report, the ROP, in its Progress Report submitted with its 2019 SPP/APR, included information demonstrating the ROP's efforts toward achieving compliance with Section 612(a)(14)(C) of IDEA and 34 C.F.R. §300.156(c). The ROP reported through its partnership with PCC, it will identify specific coursework focused on special education with the intent to support students' movement

⁴ The ROP's SiMR has three parts: 1) Increase percentage of students with and without disabilities in grades 1-3 in the target school performing at the proficient level in the Post- Palau English Reading Assessment (PERA) for reading comprehension; 2) Increase proficiency percentage from Pre to Post PERA in reading comprehension for grades 1-3 for students with and without disabilities in the target school; and 3) Decrease the percentage of 1st-3rd grade repeaters in the target.

toward a bachelor's degree or beyond a bachelor's degree in education. The ROP also reported that it is exploring teacher compensation, including salary increases and endorsements for degree attainment.

Although OSEP recognizes the significant steps the ROP has taken to build the infrastructure necessary to achieve compliance with Section 612(a)(14)(C)(iii) of IDEA and 34 C.F.R. §300.156(c)(1)(iii) to support the ROP teachers in attaining a bachelor's degree, the ROP has not ensured that all special education teachers employed by the ROP will hold at least a bachelor's degree by the 2019-2020 school year. Additionally, the ROP has not submitted revised policies and procedures that are consistent with Section 612(a)(14)(C) of IDEA AND 34 C.F.R. §300.156(c). Therefore, the ROP has not satisfied the Specific Condition imposed on its FFY 2018 IDEA Part B grant award due to its failure to have policies and procedures in place by June 30, 2019 that are consistent with these IDEA requirements. Accordingly, because the ROP has not met the terms and conditions of its prior grant award, pursuant to the authority in IDEA Section 616(g) and 2 CFR §200.207, OSEP is imposing a Specific Condition on the ROP's FFY 2019 IDEA Part B grant award.

Nature of the Specific Condition

Pursuant to the Specific Condition, the ROP must continue to report on its actions to achieve compliance by: revising its policies and procedures governing special education teacher qualifications, subject to OSEP's approval, to be consistent with the requirements in Section 612(a)(14)(C) of IDEA and 34 C.F.R. §300.156(c), by June 30, 2020 in the following areas: (A) awarding provisional certificates only to those public school special education teachers who hold at least a bachelor's degree, consistent with Section 612(a)(14)(C)(ii) and 34 C.F.R. §300.156(c)(1)(ii); and (B) requiring that all persons employed as public school special education teachers who teach in elementary school, secondary school, or middle school hold at least a bachelor's degree, consistent with Section 612(a)(14)(C)(iii) of IDEA and 34 CFR §300.156(c)(1)(iii).

OSEP expects that with these actions, all persons employed as special education teachers in public schools in the ROP will hold a bachelor's degree beginning with SY 2020-2021. Accordingly, OSEP requires the ROP to:

- 1) Submit to OSEP for approval by October 31, 2019, revised special education teacher qualifications policies and procedures that meet the requirements in Section 612(a)(14)(C) of IDEA and 34 C.F.R. §300.156(c) to specifically require that provisional certificates can only be awarded to persons employed as special education teachers in public schools in the ROP who hold at least a bachelor's degree; and that all persons employed as special education teachers in public schools in the ROP must hold at least a bachelor's degree.
- 2) Pending OSEP's approval of the revised special education teacher qualifications policies and procedures, the ROP must submit a plan for implementing the ROP's revised policies and procedures, including the date in which the ROP's policies and procedures will be approved by the Palau National Congress, with the 2020 SPP/APR, due to OSEP by February 1, 2020; and

- 3) To enable OSEP to assess the ROP's progress, the ROP must submit a Progress Report by May 1, 2020, that includes documentation of the ROP's implementation of its approved special education teacher qualifications policies and procedures and the activities that the ROP has carried out in its implementation plan.

The parties may modify the schedule for the Progress Report by mutual, written agreement.

3. Evidence Necessary for the Specific Condition to Be Removed

The Department will remove the Specific Condition if, at any time prior to the expiration of the FFY 2019 grant year, the ROP provides documentation, satisfactory to the Department, that it has met the requirements in Section 612(a)(14)(C) of IDEA and 34 C.F.R. §300.156(c), set forth above.

4. Method of Requesting Reconsideration

The ROP can write to OSEP's Director, Laurie VanderPloeg, at the address below, if it wishes the Department to reconsider any aspect of this Specific Condition. The request must describe in detail the changes to the Specific Condition sought by the ROP and the reasons for those requested changes.

5. Submission of Reports

The ROP must submit all required reports under the Specific Condition to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn: Genee Norbert
550 12th St., SW
Washington, DC 20202-2550

Or by email at: Genee.Norbert@ed.gov