



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

JUN - 3 2010

Honorable Casiano Shoniber
Secretary
Department of Education
Federated States of Micronesia
P.O. Box PS 87
Pohnpei State, FSM 96941

Dear Secretary Shoniber:

Thank you for the timely submission of Federated States of Micronesia's (FSM's), Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d), FSM needs assistance in implementing the requirements of Part B of IDEA. The Department's determination is based on the totality of FSM's data and information including the FSM's FFY 2008 APR and revised SPP, other State-reported data, information obtained through verification visits, FSM's submissions under any Special Conditions on the FSM's FFY 2009 Part B grants, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2010: Part B" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for FSM include that FSM did not demonstrate correction of findings for Indicators 11 and 13 and FSM's reported FFY 2008 data for Indicator 11 was 89%. In addition, FSM's FFY 2009 Grant Award is subject to Special Conditions. For these reasons, we are unable to determine that the FSM met requirements for FFY 2008 under IDEA section 616(d).

The enclosed table provides OSEP's analysis of FSM's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by FSM to its targets, improvement activities (timelines and resources), and baseline data in FSM's SPP. The table also identifies, by indicator: (1) FSM's reported FFY 2008 data; (2) whether such data met FSM's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that FSM's data are not valid and reliable; and (4) whether FSM corrected findings of noncompliance.

The FSM's determination for the FFY 2006 and FFY 2007 APRs was also needs assistance. In accordance with section 616(e)(1) of the IDEA and 34 CFR §300.604, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose special conditions on the State's Part B grant award.

Pursuant to these requirements, the Secretary is advising FSM of available sources of technical assistance related to Indicator 11 (timely initial evaluations) and Indicator 13 (secondary

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transition). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the “Technical Assistance Related to Determinations” box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator. For the indicator(s) listed above, your State must report to OSEP, with its FFY 2009 APR submission, due February 1, 2011: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. Also, the State must report to OSEP by October 1, 2010, how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance related to this indicator. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under section 616 should your State not be determined to meet requirements next year. We encourage FSM to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by section 616(e)(7) of the IDEA and 34 CFR §300.606, the State must notify the public within the State that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the agency’s website and distributing the notice to the media and through public agencies.

As you know, pursuant to 34 CFR §300.602(b)(1)(i)(A), the SEA must report annually to the public on the performance of each local educational agency (LEA) located in the jurisdiction on the targets in the SPP. Because your jurisdiction is a unitary entity (i.e., the SEA is the only LEA), you may meet this public reporting requirement by posting your FFY 2008 APR on the SEA’s website and making it available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B). If your SPP includes revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on FSM’s website and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting FSM’s efforts to improve results for children and youth with disabilities and looks forward to working with FSM over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Genee Norbert, your OSEP State Contact, at 202-245-7326.

Sincerely,



Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education