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

Honorable Nidel Lorak
Minister of Education
Republic of the Marshall Islands
PO Box 3
Majuro, MH 96960

JUN 2 0 2011

Dear Minister Lorak:

Thank you for the timely submission of the Republic of the Marshall Islands' (RMI's) Federal fiscal year (FFY) 2009 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), RMI needs assistance in meeting the requirements of Part B of IDEA. The Department's determination is based on the totality of RMI's data and information including RMI's FFY 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, information obtained through verification visits, and other publicly available information. However, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2011: Part B" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for RMI is the outstanding findings from OSEP's February 8, 2011 Verification Visit Letter with regard to RMI's monitoring procedures, data collection, and use of Part B IDEA funds. For this reason, we were unable to determine that RMI met requirements for FFY 2009 under IDEA section 616(d).

OSEP notes other areas that reflect a high level of performance, which include that RMI reported valid and reliable data for all indicators and that its FFY 2009 data reflect a high level of compliance for Indicators 11 (100%) and Indicator 15 (100%). We hope that RMI will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of RMI's FFY 2009 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by RMI to its targets, improvement activities (timelines and resources) and baseline data in RMI's SPP. The table also identifies, by indicator: (1) RMI's reported FFY 2009 data; (2) whether such data met RMI's

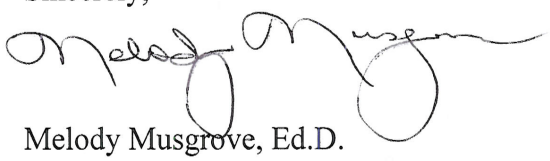
FFY 2009 targets and reflect progress or slippage from the prior year's data; (3) if applicable, that RMI's data are not valid and reliable; and (4) whether RMI corrected findings of noncompliance. In addition, OSEP is responding to RMI's Verification Visit issues in the enclosed table.

RMI may want to consider taking advantage of available sources of technical assistance. 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 Right IDEA" Web site at: http://therightidea.tadnet.org/technicalassistance. 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.

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 2009 APR on RMI's educational agency's website and making it available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B). For further information regarding these requirements, see "The Right IDEA" Web site at: http://therightidea.tadnet.org/determinations. Finally, please ensure that your updated SPP is posted on RMI's educational agency's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting RMI's efforts to improve results for children and youth with disabilities and looks forward to working with RMI over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Lucille Sleger, your OSEP State Contact, at 202-245-7528.

Sincerely,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education