



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

July 1, 2013

Honorable Rita Sablan
Commissioner of Education
CNMI Public School System
Post Office Box 501370 CK
Saipan, Commonwealth of the Northern Mariana Islands 96950

Dear Commissioner Sablan:

Thank you for the timely submission of the Commonwealth of the Northern Mariana Islands' (CNMI) Federal fiscal year (FFY) 2011 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The U. S. Department of Education (Department) has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, CNMI "needs assistance" in implementing the requirements of Part C of the IDEA. The Department's determination is based on the totality of CNMI's data and information, including CNMI's FFY 2011 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other CNMI-reported data, the Special Conditions identified in the U.S Department of Education's June 13, 2013 letter to CNMI, and other publicly available information. CNMI's data are reflected in a new 2013 Compliance Matrix (Compliance Matrix), described below.

CNMI's determination is based on the data reflected in the enclosed "2013 Part C Compliance Matrix" that the Office of Special Education Programs (OSEP) completed based on CNMI's data. Also enclosed is the document entitled, How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2013: Part C," which provides a detailed description of how OSEP evaluated CNMI's data using the Compliance Matrix. The Compliance Matrix reflects the compliance data summarized in CNMI's FFY 2011 APR/SPP Response Table. The specific reason for CNMI's determination of "needs assistance" is that CNMI's Compliance Matrix percentage was at least 75% but less than 90%.

The enclosed CNMI FFY 2011 Response Table provides OSEP's analysis of CNMI's FFY 2011 APR and revised SPP. The Response Table includes: (1) the Indicators; (2) the Results Data Summary; (3) the Results Data Summary Notes; (4) the Compliance Data Summary; and (5) the Compliance Data Summary Notes. In the Results Data Summary and the Compliance Data Summary, the Response Table sets forth, by indicator, CNMI's: (1) reported FFY 2010 data; (2) reported FFY 2011 data; and (3) FFY 2011 target(s), in a concise "dashboard" format. The Compliance Data Summary also includes a column that reflects the number of findings of noncompliance identified by CNMI in FFY 2010, and the correction of those findings. In the "Notes" sections following the Results Data Summary and the Compliance Data Summary, OSEP has provided more detailed information regarding specific indicators, including, where appropriate, information regarding: (1) a State's correction of any remaining findings of noncompliance identified in years prior to FFY 2010; (2) any issues with the validity and reliability of the data that a State reported; and (3) any required actions.

It is important that CNMI read information for each indicator in the Results Data Summary and the Compliance Data Summary information together with any Notes for that indicator.

CNMI 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, which CNMI may wish to use in working to improve compliance and outcomes for children with disabilities and their families.

Pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642 and 34 CFR §303.702(b)(1)(A), CNMI must report annually to the public on the performance of each early intervention services program (EIS program) located in CNMI on the targets in the SPP as soon as practicable, but no later than 120 days after CNMI’s submission of its FFY 2011 APR. In addition, CNMI must: (1) review EIS program performance against targets in CNMI’s SPP; (2) determine if each EIS program "meets requirements" of Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. *See*, IDEA sections 616(a)(1)(C) and 642 and 34 CFR §303.700(a)(2) and (3). For further information regarding these requirements, see "The Right IDEA" website at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the CNMI lead agency’s Web site and made available to the public, consistent with IDEA sections 616(d)(2)(C)(ii)(I) and 642 and 34 CFR §303.702(b)(1).

As you know, OSEP is redesigning its accountability system to more directly support States in improving results for infants, toddlers, children and youth with disabilities, and their families. Section 616 of the IDEA requires that the primary focus of IDEA monitoring be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements. The monitoring system implemented between 2004 and 2012 placed a heavy emphasis on compliance and we are moving towards a more balanced approach that considers results as well as compliance.

OSEP is committed to several key principles to guide the development of a results-driven accountability system, including transparency, stakeholder involvement, and burden reduction. In support of these principles, we are taking a number of steps. First, we solicited input from special education, early intervention, assessment and early childhood outcomes experts, and gathered input from the public through conference calls, a blog on the Department’s website, and through multiple meetings and conferences. Next, OSEP published for comment a new SPP/APR package for FFYs 2013 through 2018 that significantly reduces data collection and reporting burden and shifts the focus of the SPP/APR to improving educational results and functional outcomes for children with disabilities. Third, as explained above, this year OSEP has incorporated compliance data into a matrix that is helpful in simultaneously processing multiple sets of data, and has used this matrix in making determinations. This Compliance Matrix includes a color-coded system (green, yellow, red) which provides a visual representation of State or territory performance. Finally, as we move forward in using results data in determinations, OSEP will provide the public with an

opportunity to comment on how we will use results when making determinations in 2014 under IDEA section 616.

OSEP recognizes CNMI's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with CNMI 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,

A handwritten signature in black ink that reads "Melody Musgrove Ed.D." with a stylized flourish at the end.

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

Enclosures

cc: Part C Coordinator