



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

June 28, 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:

I am writing to advise you of the U. S. Department of Education's (Department) 2018 determination under section 616 of the *Individuals with Disabilities Education Act (IDEA)*. The Department has determined that the Commonwealth of the Northern Mariana Islands (CNMI) needs intervention in implementing the requirements of Part B of the *IDEA*. This determination is based on the totality of the CNMI's data and information, including the Federal fiscal year (FFY) 2016 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Protecting the rights of children with disabilities and their families is a key responsibility of States, outlying areas, Freely Associated States, and the Bureau of Indian Education, but it is not sufficient if children are not attaining the knowledge and skills necessary to achieve the goals of IDEA as reflected in Congressional findings in section 601(c)(1) of the IDEA: equality of opportunity, full participation, independent living, and economic self-sufficiency. To address this concern, the Office of Special Education Programs (OSEP) has been using results data when making annual determinations for States under IDEA section 616(d) since 2014, and this year for the first time, the Department used results data when making determinations for outlying areas, Freely Associated States and the Bureau of Indian Education (the Entities).

OSEP informed the Entities in their 2017 determination letters, that it was considering using both compliance and results data when making determinations in 2018. Over the past year, OSEP has solicited input from the Entities on multiple occasions; in a face to face meeting on July 19, 2017 and subsequent conference calls with technical assistance providers who shared additional questions and suggestions collected from Entities in later meetings. After careful consideration of the input provided by each of the Entities, technical assistance providers, and other stakeholders, OSEP developed an equitable and reasonable process for using results data with compliance data in making determinations for each Entity. In early February 2018, OSEP sent a

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letter to the CNMI's Chief State School Officer explaining how both results and compliance data would be used in making 2018 determinations.

The CNMI's 2018 determination is based on the data reflected in the CNMI's "2018 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and Entity and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) the CNMI's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2018: Freely Associated States, Outlying Areas, and the Bureau of Indian Education-Part B" (HTDMD).

The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for the CNMI. In making Part B determinations in 2018, OSEP used results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;
- (2) the percentage of CWD who graduated with a regular high school diploma; and
- (3) the percentage of CWD who dropped out.

You may access the results of OSEP's review of the CNMI's SPP/APR and other relevant data by accessing the SPP/APR module using your Entity-specific log-on information at <https://osep.grads360.org>. When you access the CNMI's SPP/APR on the site, you will find, in applicable Indicators 1 through 16, the OSEP Response to the indicator and any actions that the CNMI is required to take. The actions that the CNMI is required to take are in two places:

- (1) actions related to the correction of findings of noncompliance are in the "OSEP Response" section of the indicator; and
- (2) any other actions that the CNMI is required to take are in the "Required Actions" section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include language in the "OSEP Response" and/or "Required Actions" sections.

You will also find all of the following important documents saved as attachments to the Progress Page:

- (1) the CNMI's RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled "2018 Data Rubric Part B," which shows how OSEP calculated the CNMI "Timely and Accurate State-Reported Data" score in the Compliance Matrix; and
- (4) a document entitled "Dispute Resolution 2016-17," which includes the *IDEA* section 618 data that OSEP used to calculate the CNMI's "Timely State Complaint Decisions" and "Timely Due Process Hearing Decisions" scores in the Compliance Matrix.

As noted above, the Department has determined that the CNMI needs intervention in implementing the requirements of Part B of *IDEA*. The Department identifies a State or Entity as needing intervention under *IDEA* Part B if its RDA Percentage is less than 60%. The CNMI's RDA Percentage is 53%.

Pursuant to section 616(d)(2)(B) of the *IDEA* and 34 CFR §300.603(b)(2), an Entity that is determined to be "need intervention" or "need substantial intervention" and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary to demonstrate why the Department should change the Entity's determination. To request a hearing, submit a letter to Johnny W. Collett, Assistant Secretary for Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in your Entity's determination.

States and Entities were required to submit Phase III Year Two of the State Systemic Improvement Plan (SSIP) by April 2, 2018. OSEP appreciates the CNMI's ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with the CNMI as it implements the third year of Phase III of the SSIP, which is due on April 1, 2019.

As a reminder, the CNMI must make its SPP/APR available to the public by posting it on your agency's website. Within the next several days, OSEP will be finalizing an Entity Profile that:

- (1) will be accessible to the public;
- (2) includes the CNMI's determination letter and SPP/APR, and all related CNMI and OSEP attachments; and
- (3) can be accessed via a URL unique to your Entity, which you can use to make your SPP/APR available to the public. We will provide you with the unique URL when it is live.

OSEP appreciates the CNMI's efforts to improve results for children and youth with disabilities and looks forward to working with the CNMI over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,

A handwritten signature in black ink, reading "Ruth E. Ryder", with a long horizontal flourish extending to the right. Below the signature is a solid horizontal line.

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: CNMI Director of Special Education