



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

June 28, 2017

Honorable Kalwin Kephias
Secretary of Education
Department of Education
P.O. Box PS 87
Palikir, Federated States of Micronesia 96941

Dear Secretary Kephias:

I am writing to advise you of the U. S. Department of Education's (Department) 2017 determination under section 616 of the *Individuals with Disabilities Education Act (IDEA)*. The Department has determined that the Federated States of Micronesia (FSM) meets the requirements and purposes of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2015 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

FSM's 2017 determination is based on the data reflected in FSM's "Part B Compliance Matrix – 2017" (Compliance Matrix). The Compliance Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act Part B in 2017 -- Entities with Determinations Based on Compliance" (HTDMD Compliance Only).

Although OSEP is continuing to use both results data and compliance data in making determinations in 2017 for other States, the Department is continuing to use only compliance data when making 2017 determinations for the following entities: American Samoa, the Bureau of Indian Education, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Republic of Palau, and the Virgin Islands. Therefore, the Department is using the criteria set forth in the HTDMD Compliance Only, which are similar to the criteria the Department used to make determinations for these entities in 2013, 2014, 2015 and 2016. In making Part B determinations in 2017 for other States, OSEP used results data related to the participation of children with disabilities (CWD) on regular Statewide assessments, the participation and performance of CWD on the National Assessment of Educational Progress, and exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma, as reported by States under section 618 of the IDEA. The entities have results data available for some, but not all, of these Results Elements.

The Department is considering using both compliance and results data for the entities' 2018 determinations. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring must be on improving educational results and functional outcomes for all children with disabilities, and ensuring that States meet the IDEA program requirements, with a particular

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emphasis on those requirements that are most closely related to improving educational results for children with disabilities. We believe that taking this more balanced approach, using both compliance and available results data, is consistent with this statutory provision and will allow entities to better focus on improving results for children with disabilities who they serve. As we consider using results data in determinations, OSEP will provide the entities with an opportunity to comment and provide input on how we should use results data when making determinations in 2018 under IDEA section 616.

You may access the results of OSEP's review of FSM's SPP/APR and other relevant data by accessing the SPP/APR module using your entity-specific log-on information at osep.grads360.org. When you access FSM's SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that the entity is required to take. The actions that the entity 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 FSM 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) FSM's Compliance Matrix;
- (2) the HTDMD Compliance Only document;
- (3) a spreadsheet entitled "2017 Data Rubric Part B," which shows how OSEP calculated FSM's "Timely and Accurate State-Reported Data" score in the Compliance Matrix;
- (4) a document entitled "Dispute Resolution 2015-16," which includes the *IDEA* section 618 data that OSEP used to calculate the entity's "Timely State Complaint Decisions" and "Timely Due Process Hearing Decisions" scores in the Compliance Matrix; and
- (5) a Data Display, which presents certain entity-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of FSM's performance in key areas.

As noted above, FSM's determination is Meets Requirements. The 2017 determination for an entity whose determination is based on the Compliance Matrix is Meets Requirements if the Compliance Matrix percentage was at least 90%, unless the Department imposed Special Conditions on the State's last three (FFYs 2014, 2015, and 2016) IDEA Part B grant awards, and those Special Conditions are in effect at the time of the Department's 2017 determination.

States were required to submit Phase III of the State Systemic Improvement Plan (SSIP) by April 1, 2017. OSEP appreciates FSM'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 your entity as it implements the second year of Phase III of the SSIP, which is due on April 3, 2018.

Further, FSM must make its SPP/APR available to the public by posting it on the State educational agency's website. Within the next several days, OSEP will be finalizing a State Profile for your entity that:

- (1) will be accessible to the public;
- (2) includes the entity's determination letter and SPP/APR, and all related entity 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 FSM's efforts to improve results for children and youth with disabilities and looks forward to working with your entity 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,

/s/ Ruth E. Ryder

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: Director of Special Education