



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

June 28, 2018

Honorable Sinton Soalablai
Minister of Education
Republic of Palau Ministry of Education
Post Office Box 6051
Koror, Republic of Palau 96940

Dear Minister Soalablai

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 Republic of Palau (ROP) needs intervention in implementing the requirements of Part B of the *IDEA*. This determination is based on the totality of the ROP'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 letter to the ROP's Chief State School Officer explaining how both results and compliance data would be used in making 2018 determinations.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The ROP's 2018 determination is based on the data reflected in the ROP'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 ROP'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 ROP. 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 ROP'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 ROP'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 Entity is required to take. The actions that the ROP 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 ROP 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 ROP's RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled "2018 Data Rubric Part B," which shows how OSEP calculated the ROP's "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 ROP’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 ROP 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 ROP’s RDA Percentage is 52.5%. We note here that OSEP will continue the Specific Condition on the ROP’s FFY 2018 *IDEA* Part B grant award related to ensuring that policies and procedures meet the requirements governing qualifications for special education teachers in section 612(a)(14)(C) of *IDEA* and 34 CFR §300.156(c).¹ The specific reporting requirements and other required actions will be described in OSEP’s FFY 2018 *IDEA* Part B grant award documents.

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 ROP’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 ROP as it implements the third year of Phase III of the SSIP, which is due on April 1, 2019.

As a reminder, the ROP 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 Entity’s determination letter and SPP/APR, and all related State 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.

¹ In OSEP’s letter transmitting the ROP’s FFY 2017 *IDEA* Part B grant award, the term “Special Condition” was used in referring to the grant condition and reporting requirements imposed on the release of that grant award. For grant awards released in FFY 2018, the term “specific condition” replaces the term “special condition.”

OSEP appreciates the ROP's efforts to improve results for children and youth with disabilities and looks forward to working with the ROP 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 cursive script, reading "Ruth E. Ryder", written in black ink. The signature is fluid and extends to the right with a long, sweeping tail.

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: Republic of Palau's Director of Special Education