



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

Honorable Rita H. Inos  
Commissioner of Education  
CNMI Public School System  
P.O. Box 501370CK  
Saipan, MP 96950

NOV 16 2005

Dear Ms. Inos:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) verification visit<sup>1</sup> to the Commonwealth of the Northern Mariana Islands (CNMI) during the week of March 7-10, 2005. As indicated in my letter to you of January 28, 2005, OSEP is conducting verification visits to a number of States and territories as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Part B of the Individuals with Disabilities Education Act (IDEA).

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance, and protect child and family rights. The purposes of verification reviews are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the CNMI Department of Education conducted in March 2005, OSEP staff met with Ms. Joanne Nicholls, Director of Special Education, and members of CNMI's Public School System (PSS) staff who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring the participation in, and reporting of, student performance on statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents<sup>2</sup> including: (1) the May 2003 Self-Assessment document; (2) the FFY 2002 Annual Performance Report; (3) the State Improvement Grant (SIG); (4) CNMI's *Assessment Participation Guidelines for Students with Disabilities*; (5) selected monitoring reports; (6) student files in conjunction with the child's special education teachers; (7) CNMI's student file review checklist; and (8) other selected information from CNMI's website.

<sup>1</sup> OSEP also conducted comprehensive monitoring activities during its visit to CNMI. The results of these activities will be included in OSEP's response to CNMI's FFY 2003 Annual Performance Report (APR).

<sup>2</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of CNMI's systems.

The information that Ms. Nicholls and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of CNMI's systems for general supervision, data collection and reporting, and statewide assessment. OSEP would like to thank Ms. Nicholls and her staff for their assistance during the visit, their willingness to share information with OSEP, and the work that was done with the Part B program staff during our visit.

### ***General Supervision***

In looking at CNMI's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and, if necessary, sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

### **Monitoring**

OSEP's January 14, 2005 response to CNMI's May 2003 Self-Assessment stated that PSS did not ensure that its programs for children with disabilities in CNMI, including those administered by any other public agency, meet CNMI's education standards and Part B requirements, as required by 20 U.S.C. §1412(a)(11) and 34 CFR §300.600(a)(2)(ii). On page 20 of the Self-Assessment and on page 3 of the FFY 2002 APR, CNMI stated that it did not have a formal, comprehensive monitoring system to collect and analyze data, and monitor for Part B requirements.

During the verification visit, PSS personnel reported that PSS had designed a new monitoring system to ensure compliance with all IDEA requirements, and in the FFY 2003 APR, PSS reported on the steps it was taking to implement monitoring procedures to ensure identification and correction of IDEA noncompliance. The monitoring system, implemented by PSS central-office staff, includes document reviews (including student records and building policies and procedures) as well as staff interviews to verify data collected during the document reviews. PSS provides ongoing technical assistance and support at the building level through its "Resource Teachers" who are fully certified in special education. The new monitoring system will be implemented in the Fall 2005. Prior to OSEP's visit, CNMI provided a copy of its student file review checklist, which appears to be a comprehensive instrument for reviewing documentation of compliance with Part B requirements for individual children with disabilities. Principals are responsible for ensuring the implementation of special education policies and procedures in CNMI. Therefore, reports will be developed for the building level, and regular education central office supervisory staff will receive copies of the reports. PSS staff reported to OSEP that monitoring is conducted as part of each school's annual accreditation process and identified noncompliance is corrected as part of that process. Further, according to PSS staff,

identified noncompliance is corrected as soon as possible, but in no case more than one year from identification.

During the monitoring visit, OSEP determined that the new monitoring system was reasonably designed to identify and correct noncompliance in a timely manner. However, no monitoring reports under the new system were available for review because the new monitoring system had not been implemented at the time of OSEP's on-site visit to CNMI. PSS identified barriers to ensuring compliance with IDEA requirements, including insufficient numbers of qualified staff (most classroom teachers have associate degrees), lack of third-party sources to conduct ongoing monitoring and provide technical assistance as a result of monitoring, and a small number of central-office staff to conduct the monitoring activities. PSS believes, in spite of these barriers, that conducting systematic, ongoing, building-level monitoring with resource staff support to provide follow-up technical assistance will result in a higher level of compliance. OSEP looks forward to reviewing PSS' baseline monitoring data in the State Performance Plan (SPP) under section 616 of IDEA, due December 2, 2005. CNMI must provide to OSEP, along with the SPP, copies of monitoring reports issued since the implementation of its new system. If no reports have been issued at the time of the SPP submission, CNMI must provide OSEP with a date certain by which copies of initial reports will be provided.

#### Dispute Resolution

Information provided during OSEP's March 2005 verification visit and information provided in CNMI's FFY 2003 APR identified no current compliance concerns with CNMI's complaint resolution system. With respect to due process, the response to CNMI's FFY 2003 APR specifies the steps that CNMI must take to ensure the availability of trained hearing officers.

#### *Collection of Data Under Section 618 of the IDEA*

In its review of CNMI's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably and validly collect and report data under section 618.

Data from schools are verified by principals and submitted to the central office. Data reports are completed manually at the school level and compiled at the central office.

OSEP believes that PSS is improving its system for collecting and reporting accurate data to OSEP under section 618 of IDEA. PSS informed OSEP that it intended to hire a data manager in June 2005 and begin development of an automated data system. However, until it receives evidence of PSS's improvements, OSEP cannot determine if the data system will result in the

collection of more accurate, valid and reliable data that can be reported in a timely manner. Therefore, within 60 days from the date of this letter, PSS must report to OSEP documenting its progress in developing an automated special education data system, along with a description of training and other methods used to ensure the accuracy, validity and reliability of the data.

### *Statewide Assessment*

In its review of CNMI's system for statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for statewide assessment that meet the participation, alternate assessment and reporting requirements of Part B, that include ensuring the participation of all children, including children with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand CNMI's system for statewide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

CNMI is not bound by the No Child Left Behind Act (NCLB); however, PSS is making efforts to implement its principles. In CNMI, the Stanford Achievement Test-9<sup>th</sup> Edition (SAT-9) is administered to students for math in grades 3, 7, 10, and 11, and for reading in grades 4, 8, 10, and 11. CNMI began administering the SAT-10 in 2004 and included grades 3, 5, 6, 8, 9, and 11 for reading, math, science, and social studies. Performance data is reported back to the school level, for both children with and without disabilities; however, the information is not reported publicly (e.g., on the CNMI web site) for children either with or without disabilities. Section 612(a)(17) of IDEA '97 and section 612(a)(16) of IDEA 2004, effective July 1, 2005, and the regulation at 34 CFR §300.139 require each State educational agency to make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, information regarding the participation and performance of children with disabilities in regular assessments and alternate assessments. Note that under section 612(a)(16)(D)(iv) of IDEA 2004 and 34 CFR §300.139(a)(2), performance results must be provided only if the number of children with disabilities participating in the assessments is sufficient to yield statistically reliable information, and reporting that information will not reveal personally identifiable information about an individual student, compared with the achievement of all children, including children with disabilities on those assessments. The requirements for making this information available to the public regarding the participation and performance of children with disabilities in regular assessments have been in effect since July 1, 1998, and in alternate assessments, since July 1, 2000. According to the information that CNMI has provided to the Department in the FFY 2003 APR for Part B of IDEA, CNMI is reporting to the Secretary on the participation and performance of children with disabilities in State and district-wide assessments, including alternate assessments; however, it is not reporting publicly the numbers of children with disabilities participating in regular and alternate assessments or on the performance results of children with disabilities in regular and alternate assessments as required by Part B of IDEA. Therefore, within 60 days from the date of this letter, CNMI must provide a method for reporting to the public, data on the participation and performance of children with disabilities in regular and alternate assessments in accordance with section 612(a)(16) of IDEA

2004 and 34 CFR §300.139, except that performance results on regular and alternate assessments must be provided only if the number is sufficient to yield statistically reliable information, and the reporting will not reveal personally identifiable information about the performance results of an individual student. Failure to properly report available information to the public in accordance with Part B of IDEA prior to May 31, 2006 could affect CNMI's FFY 2006 Part B grant awards.

### Alternate Assessments

In March 2005, OSEP interviewed PSS staff about the procedures for conducting alternate assessments. PSS staff stated that a team was created including principals, related services providers, special education and regular education teachers, and the special education monitor that looked at CNMI's standards and benchmarks on reading and math for children without disabilities and compared them to the Brigance (which CNMI uses as an alternate assessment, and reports as an alternate assessment). This team provides guidance to assessment administrators about items on the Brigance that can be used to demonstrate performance against CNMI standards. The team also provides guidance to ensure that the staff who administer the assessment are individuals who have the ability to administer the assessment in accordance with the instructions from the test producer. PSS is not yet testing children with disabilities using an alternate assessment for science and social studies, although they are currently working to identify Brigance items that can show performance against science and social studies standards. PSS plans to administer this portion of the alternate assessment in Spring 2006.

If children with disabilities are unable to participate in either the SAT-10 or the Brigance, they are assessed using a portfolio that is scored by the special education teacher against the individualized education program. PSS is developing alternate achievement standards for this population (currently less than 1% of children with disabilities). The portfolio assessment will serve as the alternate assessment against alternate achievement standards.

### *Conclusion*

Along with other baseline data and information required in the SPP, due to OSEP by December 2, 2005, PSS must provide copies of monitoring reports issued since the implementation of PSS's new system. If no reports have been issued at the time of the SPP submission, CNMI must provide OSEP with a date by which copies of initial reports will be provided.

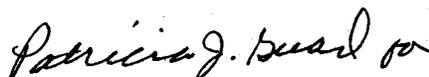
Within 60 days of the date of this letter, CNMI must submit to OSEP:

1. PSS must report to OSEP documenting its progress in developing an automated special education data system, along with a description of training and other methods used to ensure the accuracy, validity and reliability of the data; and
2. A method for reporting to the public, data on the participation and performance of children with disabilities in regular and alternate assessments in all grades and areas assessed, except that performance results of children with disabilities in regular and alternate assessments must be provided only if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information,

and reporting that information will not reveal personally identifiable information about the performance results of an individual student. Failure to report available information on the participation and performance of children with disabilities in regular and alternate assessments to the public in accordance with Part B of IDEA by May 31, 2006 could affect CNMI's FFY 2006 Part B grant awards.

We appreciate the cooperation and assistance provided by your staff during our visit and look forward to our continued collaboration with CNMI to support your work in improving results for children with disabilities and their families.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia J. Justesen".

Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Joanne Nicholls  
Director of Special Education