

REPUBLIC OF PALAU
KOROR, PALAU 96940

MINISTRY OF EDUCATION
SPECIAL EDUCATION SERVICES

SPECIAL EDUCATION POLICIES

FOR COMPLIANCE WITH

Part B of the Individuals With Disabilities Education Act, As Amended in 2004

and finalized in 2008, and

Palau Public Law 3-9,

The Programs and Services for Handicapped Children Act of 1989,

as amended in 1996

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Policies Approved by Palau Ministry of Education

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SPECIAL EDUCATION POLICIES AND PROCEDURES

FOR THE REPUBLIC OF PALAU

AS APPROVED ON MAY 30, 2008

**With Proposed Additions As Required By The Idea Supplemental
Regulations, Issued On December 1, 2008**

These Policy Statements for the Republic of Palau apply to all public agencies in the Republic that provide for the education of children and youth with disabilities.

This document contains the policies and assurances required by the U.S. Office of Special Education Programs (OSEP) under the Individual with Disabilities Education Act amendments of 2004 (IDEA '04), those previously approved through Palau's IDEA 1997 Eligibility Document submission, and the State Plan review process formerly conducted by OSEP prior to the 1997 amendments to the IDEA. The implementation procedures are found in the Ministry of Education Special Education Procedural Manual.

The Republic of Palau (ROP) has previously addressed the requirements of § 427 of the General Education Provisions Act in its application for funding under the Special Education Program for Pacific Island Entities Program (SEPPIE) grant program and the required 'description of steps to be taken' is already on file with OSEP from that submission.

SECTION 1: RIGHT TO EDUCATION POLICY STATEMENT

- A. Consistent with the ROP Public Law 3-9 as amended in 1996, referred to as the Programs and Services for Handicapped Children Act of 1989, the ROP Ministry of Education (MOE) has adopted a policy that a free, appropriate, public education (FAPE) is currently made available to every child birth through 21 years of age, **inclusive**, residing in the ROP, including any child with disabilities who has been suspended or expelled from school, and who is in need of special education and related services. Eligible children and youth include those children who are evaluated as having mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, multiple disabilities, or developmental delay and who, because of those impairments, need special education and related services.
- B. The Policy Statement for the ROP applies to all public agencies in the Republic that provide for the education of children and youth with disabilities.
- C. The ROP assures that FAPE is available to each eligible child residing in the Republic from age 3 through age 21, inclusive, including children with disabilities who have been suspended or expelled from school. An individualized education Plan (IEP) shall be in effect for each eligible child by the child's third birthday. If a child's third birthday occurs during the summer, the child's IEP Committee shall determine the date when services under the IEP will begin.

A child with a disability who is 21 years of age on the first day of the school year shall be entitled to a FAPE for the entire school year even if the child's twenty-second birthday occurs during that school year.

- D. Children with disabilities who have been suspended or expelled from school shall not be denied a FAPE [see Section VII for additional detail].
- E. A FAPE shall be made available to any child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade, as determined by that child's IEP Committee. This determination also includes children with disabilities who have been suspended or expelled from school. Students with disabilities continue to be eligible for FAPE until 21, unless they graduate from high school with a regular diploma. The term regular high school diploma does not include an alternative degree that is not fully aligned with the ROP's academic standards, such as a certificate or a general educational development credential (GED).

F. The ROP MOE provides educational services to all incarcerated individuals up through the age of 18. Students with disabilities between the ages of 18 and 21 who are incarcerated in adult correctional facilities shall be provided FAPE if they were identified as having a disability or had an IEP in their last educational setting.

G. Section 2 of the ROP Public Law 3-9 (1989) states:

"The Olbiil Era Kelulau recognizes that it is the obligation of national government to provide educational services to all children to enable them to lead fulfilling and productive lives, and therefore, declares that it is the responsibility of the national government to provide full educational opportunities and necessary related services to each handicapped child in order to ensure that each handicapped child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the Republic. It is further recognized that such educational opportunities and related services shall be provided in regular classrooms and regular schools or other environments which provide education and interaction with non-handicapped children to ensure that handicapped students become integral members of community life and fully participating and accepted members of the social, educational, political, and economic institutions of Palauan society."

Other FAPE Requirements:

H. Methods and Payments

It shall be MOE's policy to use whatever Palau or Federal and private sources of support are available in Palau to meet the requirements of this part. This policy does not relieve an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability. Palau MOE ensures there is no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

I. Residential Placement

It is the policy of MOE that if placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.

J. Assistive Technology

The MOE ensures that assistive technology devices or assistive technology services, or both, respectively, are made available to a child with a disability if required as a part of the child's:

- (1) Special education;

- (2) Related services; or
- (3) Supplementary aids and services.

On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

K. Extended School Year Services

It is the policy of the MOE to ensure that extended school year services are available as necessary to provide FAPE. Extended school year services is provided only if a child's IEP Team determines, on an individual basis that the services are necessary for the provision of FAPE to the child. In implementing the requirements of this section, the MOE does not:

- (i) Limit extended school year services to particular categories of disability; or
- (ii) Unilaterally limit the type, amount, or duration of those services.

The term extended school year services means special education and related services that:

- Are provided to a child with a disability:
 - (i) Beyond the normal school year of the MOE;
 - (ii) In accordance with the child's IEP; and
 - (iii) At no cost to the parents of the child; and
- Meet the standards of the MOE.

L. Nonacademic services

The MOE takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the MOE, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the MOE and assistance in making outside employment available.

M. Physical Education

The MOE ensures that public agencies in Palau comply with the following: Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the MOE enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades. Each child with a disability is afforded

the opportunity to participate in the regular physical education program available to nondisabled children unless:

- (1) The child is enrolled full time in a separate facility; or
- (2) The child needs specially designed physical education, as prescribed in the child's IEP.

If specially designed physical education is prescribed in a child's IEP, the MOE is responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.

The MOE is responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with this section.

SECTION II: FULL EDUCATIONAL OPPORTUNITY GOAL

- A. The ROP has in effect policies and procedures to demonstrate that the MOE has established a goal of providing full educational opportunity to all children with disabilities age birth through 21 and a detailed timetable for accomplishing that goal. The MOE is responsible for all funded special education programs. The ROP presently offers a full range of programs and services to all eligible children with disabilities through cooperative interaction among the MOE, the Ministry of Health (MOH), the ROP Head Start Program and the Ministry of Justice (MOJ), and in this manner, currently meets the full educational opportunity goal of the IDEA '04. As additional needs for personnel and facilities are identified, ROP MOE will provide the necessary personnel and/or facilities to meet the identified need.

The Republic of Palau ensures that the MOE takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

- B. Interagency collaboration among Republic agencies ensures continued efforts to fulfill the full educational opportunities goal. The framework within which collaborative and cooperative efforts are being conducted and services provided is by function. The MOH is responsible primarily for health and health-related programs. MOE is responsible for all educational programs for students with disabilities including those who are incarcerated. The ROP Community Action Agency (PCAA) is responsible for Head Start, a variety of family counseling services, and other community programs. Interaction among agencies is required to ensure appropriate and coordinated services to meet the full needs of individuals with disabilities and their families.

SECTION III: CHILD IDENTIFICATION

Policy Statement

It is the policy of the ROP that schools shall adopt and use the procedures set forth in its procedural manual to identify, locate and evaluate children, including children with disabilities who are homeless children or are wards of the Republic of Palau, and children with disabilities attending private schools, regardless of the severity of their disability and who are potentially in need of special education and related services. These procedures shall include highly mobile children with disabilities and children who are in need of special education, even though they are advancing from grade to grade and highly mobile children, including migrant children. The Special Education Program of the ROP MOE will coordinate these child identification procedures. Before referring a child for an individual evaluation, the appropriate school personnel shall attempt to meet the needs of the child within the regular school program.

The MOE shall adopt the age range of 3 through 5 for the term of developmental delay.

SECTION IV: EVALUATION AND DETERMINATION OF ELIGIBILITY

Policy Statement

It is the policy of the ROP MOE that schools shall adopt and use the procedures in its procedural manual to evaluate children who are suspected of having a disability and who may be in need of special education and related services.

Before any action is taken with respect to the provision of services for a child with a disability in a special education program, the Special Education Program will conduct a full and individual evaluation of the child's educational needs. The evaluation will assess all areas related to the suspected disability and assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. The information will help determine whether the child is eligible, and help contribute to the content of the child's IEP, including how the child will participate and progress in the general curriculum.

Parental Consent

Prior to any evaluation, the ROP MOE shall ensure that informed parental consent is obtained for initial evaluation and that if the parent does not provide consent or fails to respond to the request for consent, the ROP MOE will not use mediation or due process procedures to obtain the consent. The ROP MOE will make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

Prior to the initial provision of special education and related services, the ROP MOE will obtain informed consent from the parent of the child. The ROP MOE will make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child. If the parent does not provide consent or fails to respond to the consent, the ROP MOE will not use the mediation or due process procedures to obtain the consent.

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the ROP MOE will not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;

It shall be the policy of the ROP MOE not to use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the ROP MOE, except as required by Part B of IDEA. If a parent of a child who is home schooled or placed in a private school by the parents at their own

expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the ROP MOE will not use the consent override procedure of mediation and/or due process and the ROP MOE agency is not required to consider the child as eligible for services.

To meet the reasonable efforts requirement, the ROP MOE must document its attempts to obtain parental consent as per Part B of IDEA.

Evaluation and Reevaluation

The parent of a child or the ROP MOE may initiate a request for an initial evaluation to determine if the child is a child with a disability. The procedures for conducting an initial evaluation and reevaluation is described in the ROP MOE Special Education Procedural Manual. This includes the additional requirement of the review of existing evaluation data and evaluations before change in eligibility.

Determination of Eligibility

It is the policy of the ROP MOE that upon completion of the administration of assessments and other evaluation measures a group of qualified professionals and the parent of the child determines whether the child is a child with a disability and the educational needs of the child; and The ROP shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. The procedures for determining eligibility is fully described in the ROP MOE Special Education Procedural manual to include the requirements for determining the existence of a specific learning disability.

SECTION V: INDIVIDUAL EDUCATION PROGRAMS

Policy Statement

It is the policy of the ROP MOE that a FAPE shall be made available to every eligible child in the ROP in need of special education services through an IEP that meets requirements of conformity with Part B of IDEA '04 and the policies and procedures of this Ministry as described in the ROP MOE Special Education Procedural Manual.

The MOE Special Education Program establishes an IEP for each child who is in need of special education and related services. Such IEPs are developed, reviewed and revised in accordance with both local and Federal requirements. The original copy of the IEP will be kept on file at the school in the child's cumulative folder. A copy will be provided to the parents, and an additional copy will be maintained by the Special Education office.

The ROP MOE ensures that IEPs are developed and implemented for each child receiving special education services from the MOE, including children who are referred to or placed in a private school or facility by the Ministry. For children voluntarily enrolled in private schools and receiving special education and related services from the MOE, a "services plan" is developed as described in Section X.

In accordance with IDEA '04, all IEPs developed, reviewed or revised in the ROP will meet all the new requirements for IEPs detailed in the final regulations.

SECTION VI: PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Policy Statement

Section 2 of the ROP's Special Education Act "The Programs and Services for Handicapped Children Act of 1989" (amended 1996) declares:

"It is the responsibility of the national government to provide full educational opportunities and necessary related services to each handicapped child in order to ensure that each handicapped child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the Republic. It is further recognized that such educational opportunities and related services shall be provided in regular classrooms and regular schools or other environments which provide education and interaction with nondisabled children."

Administrative Policy 2.10(d) further states the MOE shall provide programs and services that will:

"Allow for maximum interaction of the handicapped student with the regular school population, appropriate to the needs of both populations. Students should be removed only when education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

- A. The ROP MOE has in effect policies and procedures set forth in the ROP MOE Special Education Procedural Manual to place children in special education programs. Services shall be age-appropriate, occur close to home (within the school the child would attend if not disabled, unless the IEP requires some other arrangement) and involve maximum integration with non-disabled peers. The integration shall occur across academic, social, extra-curricular and community aspects of the school program.
- B. Further, it is the policy of the Special Education Program to ensure that:
 - 1. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and
 - 2. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

SECTION VII: PROCEDURAL SAFEGUARDS

Policy Statement

It is the policy of the ROP MOE to have guaranteed procedural safeguard in effect to ensure that children with disabilities and their parents have the right to decide regarding identification, evaluation, educational placement and the provision of a free appropriate public education to children with disabilities. The MOE will inform each public agency, in writing, within the ROP that provides services to children in need of special services of the necessity to implement the procedural safeguard requirements of this section for the ROP as updated in 2008. The MOE adopts the definitions for the terms "consent," "evaluation" and "personally identifiable" from those in the implementing regulations for IDEA '04.

SECTION VIII: CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

Policy Statement

The ROP MOE has in effect policies and procedures to ensure that public agencies in the ROP comply with IDEA '04 regulations related to protecting the confidentiality of any personally identifiable information collected, used, or maintained under Part B of the Act, and that the confidentiality of personally identifiable information (including educational records) pertaining to children with disabilities is protected. The Palau MOE as a unitary SEA/LEA, informs other public agencies, and its public, of these procedural safeguard requirements. The MOE adopts the definitions for the terms "consent," "evaluation" and "personally identifiable" from those in the implementing regulations for IDEA '04. The MOE will give notice that is adequate to fully inform parents about these requirements.

**SECTION IX: TRANSITION FROM EARLY INTERVENTION SERVICES
TO PRE-SCHOOL SERVICES**

Policy Statement

Public Law 3-9 mandates services for students from birth through age 21. The Palau MOE is responsible for all educational services for children with disabilities from birth through age 21.

SECTION X: PRIVATE SCHOOLS

Policy Statement

Palau MOE is a unitary SEA/LEA, which means the MOE both administers and implements Palau's public education programs. Therefore, all actions and responsibilities required under IDEA '04 are the responsibility of the MOE Special Education Program.

It is the policy of the ROP to educate all eligible children with disabilities in its public schools to the maximum extent appropriate. The MOE will follow the procedures in the ROP MOE Special Education Procedural Manual, in considering the referral or placement of a student with a disability in a private school.

SECTION XI: RESPONSIBILITY OF THE STATE EDUCATION AGENCY FOR GENERAL SUPERVISION

A. Responsibility of State Educational Agency for All Programs.

1. Under Public Law 3-9, "The Programs and Services for Handicapped Children Act of 1989" (amended 1996), "the Olbiil Era Kelulau recognizes that it is the obligation of the national government to provide educational services to all children to enable them to lead fulfilling and productive lives, and therefore declares that is the responsibility of the national government to provide full educational opportunities and necessary related services to each handicapped child in order to ensure that each handicapped child acquires the skills and knowledge necessary to lead a fulfilling and productive life as a citizen of the Republic..." "In order to accomplish this policy, the national government shall provide financial, material, and human resources, as well as coordinated and comprehensive administrative structures for the purpose of serving handicapped children, their families, and the agencies and organizations which serve them."
2. The Ministry of Education, consistent with IDEA '04, is responsible for all education programs in the Republic.

B. Implementation Procedures.

1. Through the policies described in this document as well as the "Administrative Policies and Procedures for the Implementation of Public Law 3-9" (amended 1994), the Palau MOE is responsible for ensuring that each educational program for children with disabilities administered within the Republic, including any programs administered by any other public agency, is under the general supervision of the Program Coordinator of the Special Education Program in the MOE.
2. Interagency Agreements. The MOE Special Education Program, through existing cooperative agreements, works with the MOH, Head Start, and Ministry of Justice to ensure that students with disabilities receive a FAPE.
3. Monitoring and General Supervision. Monitoring and evaluation of programs serving children with disabilities in Palau takes the form of direct administration of programs and direct supervision of program staff by the School Principal, Chief of School Management, and the Special Education Coordinator. The Special Education Coordinator additionally ensures compliance with ROP and Federal standards by assuring the implementation of a comprehensive system of monitoring and compliance, the *Special Education General Supervision Continuous Improvement Focused Monitoring System*.

Consistent with IDEA '04, the focus of Special Education Program monitoring activities is on:

- a. improving educational results and functional outcomes for all children with disabilities; and
- b. ensuring that programs serving students with special needs meet program requirements of IDEA '04 with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

In exercising its monitoring responsibility the MOE must ensure that when it identifies noncompliance with the requirements of IDEA or P.L. 3-9, the noncompliance is corrected as soon as possible, and in no case later than one year after the identification of the noncompliance.

Monitoring activities also look closely at local progress in improving results on Palau's compliance and performance indicators identified in its State Performance Plan (SPP) and detailed in Section XIV of these policies. The MOE Special Education Program has set annual targets for these indicators and progress is reported annually through the Annual Performance Report (APR) submitted to OSEP and also made available to the public. The MOE will, at a minimum, post the SPP on its Web site, and distribute the plan and reports to the media and through public agencies.

C. Reporting Requirements: Annual Report of Children Served. The MOE shall annually report to the U.S. Secretary of Education on the information required by Section 618 of IDEA '04 at the times specified by the Secretary. The MOE shall submit the report on forms provided by the Secretary.

1. Annual report of children served—information required in the report:
 - a. For purposes of the annual report required by section 618 of IDEA '04, the Republic must count and report the number of children with disabilities receiving special education and related services on any date between October 1 and December 1 of each year.
 - b. For the purpose of this report, a child's age is the child's actual age on the date of the child count.
 - c. The MOE may not report a child under more than one disability category.
 - d. If a child with a disability has more than one disability, the MOE shall report that child in accordance with the following procedure:
 - (1) If a child has only two disabilities and those disabilities are deafness and blindness, and the child is not reported as having a developmental delay, that child must be reported under the category "deaf-blindness."
 - (2) A child who has more than one disability and is not reported as having deaf-blindness or as having a developmental delay must be reported under the category "multiple disabilities."

2. **Data Reporting: Protection of Personally Identifiable Data.** The data described in section 618(a) of IDEA '04 and in Sec. 300.641 of IDEA '04 regulations shall be publicly reported by ROP in a manner that does not result in disclosure of data identifiable to individual children.
3. **Annual Report of Children Served—Certification.** The MOE shall include in its report a certification signed by an authorized official of the MOE that the information provided is an accurate and unduplicated count of children with disabilities receiving special education and related services on the dates in question.
4. **Annual Report of Children Served—Criteria for Counting Children.** The MOE may include in its report children with disabilities who are enrolled in a school or program that is operated or supported by a public agency, and that:
 - a. provides them with both special education and related services that meet ROP standards;
 - b. provides them only with special education, if a related service is not required, that meets ROP standards; or
 - c. in the case of children with disabilities enrolled by their parents in private schools, counts those children who are eligible under IDEA '04 and receive special education or related services or both that meet ROP standards.
5. **Annual Report of Children Served—Other Responsibilities of the MOE.** In addition to meeting the other requirements described above the MOE shall:
 - a. Establish procedures to be used in counting the number of children with disabilities receiving special education and related services;
 - b. Set dates by which schools must report to the MOE to ensure that the MOE can submit reports in a timely manner;
 - c. Obtain certification from school or other agencies that an unduplicated and accurate count has been made;
 - d. Aggregate the data from the count obtained from each school or other agency, and prepare the reports required above; and
 - e. Ensure that documentation is maintained that enables the ROP and the U.S. Secretary of Education to audit the accuracy of the count.

SECTION XII: PERSONNEL STANDARDS

Policy Statement

It is the policy of the Palau MOE that personnel employed by the Special Education Program and by any other agency providing special education and related services to children with disabilities are fully trained and competent within their discipline and meet the standards set by the MOE. These standards are consistent with all Republic approved or recognized certification, licensing or other comparable requirements that apply to the profession or discipline in which a person is providing special education or related services.

The MOE assures that the standards for special education are the same as and therefore, consistent with the requirements for regular education. That standard is currently the Associates degree for all teaching positions within the MOE. Due to a severe shortage of teachers in all areas (elementary, secondary and special education), many teachers are hired and retained under provisional arrangements in order to ensure the delivery of both general education and special education services. The MOE is implementing a variety of strategies; particularly through the use of remaining SEPIIE grant funds to address this critical issue. Some of these steps are highlighted in the section that follows.

Implementation Procedures

- A. The MOE has developed a set of draft classification standards for public school teachers in Palau, but to date (March 2008), these have not yet gone through the approval and adoption process. The following activities ensure that children with disabilities continue to be provided with quality special education services. When any such new standards are adopted, any changes will be incorporated into these special education policies as appropriate.
- B. Extensive pre-service and in-service training activities are continually being implemented through SEPIIE grant, General Supervision Enhancement Grant activities and through IDEA '04 Part B funds to ensure quality services to students with disabilities.
 - 1. All provisional teachers are supervised by Consulting Resource Teachers who meet the teaching standards of the Palau MOE.
 - 2. All special education teachers with high school diplomas are required to maintain active enrollment in the teacher education program at Palau Community College leading to an Associates degree.
 - 3. Special education teachers with Associates degrees are encouraged to enroll and maintain active enrollment in a teacher education program leading to a

Bachelors degree or Masters. Programs are available through Palau Community College in cooperation with the University of Guam and San Diego State University.

The establishment of activities to bring teachers who do not meet degree requirements up to the AA degree standard has been a major goal under Palau's SEPIIE grant program. Teachers complete coursework during the summer and/or during the school year as schedules permit. Enrollment costs are subsidized under the SEPIIE grant program through 2008-09.

4. The MOE hires and certifies all teachers, related services specialists, and administrators. The MOE does not hire psychological services personnel. These services are provided through a Memorandum of Agreement with the MOH. There are no private schools for children with disabilities on the island. Hence, no higher standards exist for any discipline area other than those of the MOE and MOH.
5. In-service Implementation. All special education personnel are required to participate in in-service training sessions as either participants or as presenters. In-service trainings are planned by the Special Education Coordinator, and core team staff, in conjunction with technical assistance providers from the University of Guam, University of Hawaii, Western Regional Resource Center, National Early Childhood Technical Assistance Center and other sources. Contracted consultants are also utilized for specific training needs. These activities are identified as part of the SPP/APR process and the changing needs of our student population and staff.
 - a. Scheduled in-service trainings for teaching staff take place during the summer and at other times throughout the year. In addition, training sessions on specific topics are conducted when off island consultants are available or when a specialist sees the need to present information or methods to a specific group of teachers.
 - b. In-service training for general education teachers and administrators is provided by inclusion of general education staff in special education trainings, offering special workshops in remote village and island schools for all staff and principals and up-date meetings provided by staff and consultants. Most in-service trainings are available to both general and special education staff.
 - c. All related services except physical therapy, occupational therapy, speech, social work services and audiology, are provided by special education teachers. A cadre of teachers completed the 'Related Services Assistant' certification program in Palau in 2006, offered through the University of Hawaii. Other support personnel like bus and boat drivers are provided training in bus and boat safety, CPR, lifts and transfers and other needed areas.

- d. Parents are considered to be a very important part of special education service delivery in Palau. Parents are invited to trainings provided on-island for teachers and staff by the Special Education Program or other TA providers or consultants.

SECTION XIII: ENSURING SERVICES

Policy Statement

The ROP MOE exercises general supervisory authority for all educational programs conducted in the Republic for infants, toddlers, children, and youth with disabilities from birth through 21 years of age by any public or private agency. The MOE currently has cooperative agreements with the MOH, the Palau Head Start Program and the Ministry of Justice. The required interagency agreements are revised and updated periodically to conform with local needs and IDEA '04 requirements.

Implementation Procedures

- A. The ROP Minister of Education ensures that interagency agreements shall contain all of the necessary elements to comply with Federal requirements including:
1. A description of the role each agency plays in providing or paying for services for children and youth with disabilities to ensure FAPE.
 2. Clear definitions of the financial responsibility, conditions, terms and procedures under which the MOE must be reimbursed by other agencies.
 3. A mechanism for resolving interagency disputes among the agencies that are parties to the agreements so that MOE may initiate proceedings to ensure reimbursement from other agencies otherwise responsible for services or otherwise implement the provisions of the agreement.
 4. Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services.

Obligation of Non-Educational Public Agencies.

- B. If any other public agency, other than the MOE, is otherwise obligated under Federal or Republic law to provide or pay for any services that are also considered special education or related services necessary for ensuring FAPE to children with disabilities, that agency must fulfill that responsibility either directly or through contract or other arrangement.

If the public agency fails to provide or pay for such special education or related services, then the MOE shall provide or pay for these services to the child in a timely manner. The MOE may then claim reimbursement from the other public agency in accordance with the terms of the interagency agreement. The following procedures are being followed:

1. Ministry personnel negotiate interagency agreements (Memoranda of Understanding). Directors have appointed designees for the purpose of

developing the required interagency agreements through a established Interagency Coordinating Council.

2. Legal counsel is made available from the Attorney General.
3. Current interagency documents are in place and are reviewed and updated as needed.

SECTION XIV: PERFORMANCE GOALS AND INDICATORS

Policy Statement

It is the policy of the ROP that all students, including those with disabilities, strive for performance goals set by the Ministry. ROP MOE has adopted the performance indicators consistent with those established by the U.S. Department of Education (DOE) for the performance of children with disabilities as identified in Palau's State Performance Plan (SPP). Annually, the Ministry will report to the U.S. Secretary of Education and the Palauan public on the progress of the Republic in achieving its targets for these indicators through its Annual Performance Report (APR).

State Performance Plans (SPP)

- A. Beginning in December 2005, Palau submitted its first Special Education SPP for approval to DOE as required by the amendments to IDEA '04.
 - 1. Palau will review and revise this plan at least once every six years, and submit such amendments to USDOE for approval, as required.
 - 2. As part of the SPP process, Palau has established measurable and rigorous targets for the applicable indicators established by the U.S. Secretary of Education under the priorities identified in IDEA '04 for both student performance and program compliance.
- B. Data collection. The MOE will collect valid and reliable information as needed to report annually to the U.S. Secretary of Education on those indicators established by DOE, and that have been determined to apply to Palau and identified in its SPPs.
- C. The MOE Special Education Program sets annual targets for the indicators included in the SPP and progress/slippage is reported annually to OSEP in the APR. These reports are also made available annually to the public. The MOE will, at a minimum, post the plan and annual report on its Web site, and distribute the plan and reports to the media and through public agencies.
- D. The US Secretary of Education annually reviews Palau's APR that is submitted each February and makes a determination of Palau's status regarding compliance with the requirements of the IDEA. When this determination is received, this notice including any enforcement actions that the Secretary is taking or is proposing to take, must be made available to the public, including at minimum, by posting the notice on the MOE Web site and distributing the notice to the media and through public agencies.

SECTION XV: PARTICIPATION IN ASSESSMENT

Policy Statement

It is the policy of the ROP's MOE that every student, including students with disabilities, participate in all Palau statewide assessments with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. The Ministry is currently revising its performance assessment system to meet this commitment. To the extent feasible, the MOE will use universal design principles in developing and administering any assessments.

Implementation Procedures

A. Participation in Assessments.

1. Each student, including a student with a disability, will participate in the Palau statewide general assessments, the Palau Achievement Test at grades 4, 6, 8, 10, and 12, unless it is determined by the IEP Committee that the student is unable to do so. If a student with a disability is determined by her/his Eligibility/IEP Committee to be unable to participate in the Palau Achievement Tests or Quarterly Assessments, without accommodations, such a statement and accompanying explanations will be incorporated at the time of IEP development, and the specific accommodations to be afforded that student will be described in his/her IEP.
2. If a student with a disability is determined by her/his Eligibility/IEP Committee to be unable to participate in the Palau statewide general assessments even with accommodations, that student will be provided the opportunity to demonstrate performance in an alternate assessment. The need for an alternate assessment will be described in the student's IEP at the time of its development. The MOE has developed and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments with accommodations as indicated in their respective individualized education programs. The MOE has revised its guidelines to provide for alternate assessments that are aligned with the challenging academic content standards and adopted alternate academic achievement standards. The MOE is using the 4-Step Process to access the learning target goals and student objectives to implement its alternate assessments.
3. The MOE is responsible for:
 - a. developing guidelines for the participation in alternate assessments, of children described in (2) above, who cannot participate in Palau statewide assessment programs;
 - b. developing alternate assessments to implement these guidelines; and,
 - c. conducting these alternate assessments.

B. Reporting Assessment Results.

1. The MOE compiles the results of Palau's statewide assessments for students with disabilities, reporting the number and performance of students with disabilities who participate in the regular assessments. At this time, the MOE does not produce a public annual report on the performance of children without disabilities on Palau statewide assessments.
2. In keeping with this goal, since July 1, 1998, the MOE reports annually to USED the numbers of students with disabilities by grade levels specified above who take Palau statewide assessments or alternate assessments, and their performance by grade. Although the MOE does not publicly report results for nondisabled students, the MOE will report to USED through its APR on the aggregate performance of students with disabilities on Palau statewide assessments.
3. The Republic's small total population, the population of students with disabilities, and the number of those students with disabilities who would be participating in alternate assessments may weigh against reporting the performance of those students for reasons of statistical soundness and/or confidentiality, in certain reporting years.
4. To meet the intent of IDEA '04 to keep the public informed of educational progress, and to include results for all students in educational reform efforts, the MOE has in place these steps:
 - a. individual student results will be conveyed to the respective IEP Committee to include in considering progress and goals in developing or revising IEPs;
 - b. the MOE will review the information internally to target systemic areas for in-service and technical assistance to school personnel and parents;
 - c. the MOE will make an annual report of results for students with disabilities in the aggregate through its APR. The Special Education Advisory Committee participates in the development of the APR and provides input on improvement activities for improving the delivery of special education and related services and improvements in assessments.
 - d. Should the MOE change its policy and begin to publicly report student performance on assessments, the MOE will report with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:
 - (1) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.
 - (2) The number of children with disabilities participating in alternate assessments.
 - (3) The performance of children with disabilities on regular assessments and on alternate assessments compared with the achievement of all children, including children with disabilities, on those assessments (as long as 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 an individual student).

XVI: SUSPENSION/EXPULSION

Policy Statement

It is the policy of the MOE to ensure to the maximum extent possible, the education of students with disabilities, including students with emotional disabilities, in the LRE and to minimize the need for removal of students from their most appropriate placement. To this end data will be collected annually to monitor removal of students with disabilities for disciplinary reasons and to compare these rates with the general student population.

As Palau's student population is virtually 100% "Asian/Pacific Islander," it has been determined by the OSEP that disaggregating these data by race/ethnicity for the purposes of considering disproportionality is not required in Palau.

Implementation Procedures

- A. The MOE will examine data on suspension and expulsion rates to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities:
 - 1. among certain schools in the Republic; or
 - 2. compared to the rates for non-disabled children within the public school system.

- B. If discrepancies are found in these rates, the MOE will review and, if appropriate, revise its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures and practices comply with IDEA '04.

It should be noted that the long-term suspension or expulsion of students with disabilities is a rare practice in Palau. Such numbers, should they exist in a given year, will be quite small and easily tracked as part of annual data collection activities.

SECTION XVII: USE OF FUNDS

Policy Statement

The Special Education Program in Palau is funded primarily through the IDEA '04 Part B formula grant. Unlike states, however, a child count is not required to establish funding levels, and the direct relationship between allocated funds and services to individual children in the formula for states is not applicable. The MOE, as a unitary SEA/LEA, directly administers the public education programs for children and youth with disabilities aged birth to 21 in Palau. The MOE assures as a condition of receipt of its IDEA '04 Part B funds, that such funds are used to either deliver or support services to children and youth with disabilities, or to enhance the MOE's capacity to provide FAPE to children with disabilities.

Implementation Procedures

- A. Policies and Procedures for Use of Part B Funds. In order to receive grant funds, the MOE assures that it will comply with the requirements of Part B of IDEA '04. All expenditures are initiated or reviewed by the Special Education Coordinator and are also reviewed by the Federal Grants Manager and other respective offices appropriate in the MOE and Ministry of Finance. All funds are used to either provide direct services to children with disabilities, or to enhance the Special Education Program's capacity to provide FAPE to children with disabilities.
- B. Prohibition Against Commingling. ROP assures that it will not commingle funds received under IDEA '04 with other Republic funds and annually submits an assurance statement to the Secretary of DOE to this effect. The MOE maintains a separate accounting system for all IDEA '04 funds for administrative, accounting and audit purposes. The Ministry ensures that proper fiscal control and fund accounting procedures are employed in disbursing of and accounting for Federal funds.
- C. State Level Non-Supplanting. The Republic of Palau assures that funds received under IDEA Part B will be used to supplement the level of other Republic funds expended for the education of children with disabilities and in no case to supplant local funds.
- D. Maintenance of State Financial Support. Annually, the Ministry makes available in-kind local support to special education programs. The MOE will not reduce the amount of local support for special education and related services for children with disabilities, or otherwise make available a lower amount of support than that of the preceding fiscal year.

If for any fiscal year, Palau fails to meet the above requirement, the financial support required in future years shall be the amount that would have been required in the absence of that failure and not the reduced level of the Republic's in-kind support.

- E. Sub-grants to LEAs. The MOE is a unitary SEA/LEA, which means that it is the sole recipient of Federal IDEA '04 Part B funds. There are currently no LEAs in Palau and no sub-grants.

- F. Recovery of Funds for Misclassified Children. As a Freely Associated State, IDEA '04 stipulates that the ROP receives a fixed amount of funds annually through Part B of the Act, and a child count is not used to establish this funding level for IDEA '04 funds. The direct relationship between allocated funds and services to individual children in the formula applied to states is not applicable to the Freely Associated State and their current funding stream. However, as noted above, the MOE must otherwise comply with the requirements of Part B, and assures as a condition of receipt of IDEA '04 funds, that such funds are used to either provide direct services to children with disabilities or to enhance the MOE's capacity to provide FAPE to children with disabilities.

SECTION XVIII: STATE ADVISORY PANEL

Policy Statement

The MOE maintains a special education advisory panel, appointed by the President, or other official authorized under Republic laws to make such appointments, which is representative of the population, and which provides policy guidance with respect to special education and related services provided children with disabilities in ROP. The advisory committee maintains an active role in Palau in guiding the future of educational programming for infants, toddlers, children and youth with disabilities.

A. Implementation Procedures

The membership of the Advisory Panel is composed of persons concerned with the education of children with disabilities including as applicable:

1. parents of children with disabilities (ages birth through 26);
2. individuals with disabilities;
3. teachers; (
4. representatives of institutes of higher education that prepare special education personnel;
5. education officials;
6. administrators of programs for children with disabilities;
7. representatives of other agencies involved in the delivery of related services;
8. representatives of private schools;
9. at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and
10. a representative from juvenile or adult corrections.

A majority of the members of the Advisory Panel must be individuals with disabilities or parents of children with disabilities.

B. Advisory Panel Duties

1. Advise the MOE of unmet needs within Palau on the education of children with disabilities.
2. Comment publicly on the Special Education policies and rules or regulations proposed by the Republic regarding the education of children with disabilities.
3. Advise the MOE in developing evaluations and reporting on annual data submitted to the US Department of Education under IDEA '04.
4. Advise the MOE in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of IDEA '04.
5. Advise the MOE in developing and implementing policies relating to the coordination of services for children with disabilities.

SECTION XIX: PUBLIC PARTICIPATION

Policy Statement

ROP assures that prior to adopting any policies and procedures needed to comply with IDEA '04 Part B requirements, including any amendments to policies included in this document, it will meet all of the public participation requirements of the final regulations for IDEA '04, including public hearings and adequate notice of such public hearings, and the opportunity for review and comment by the general public, including individuals with disabilities and parents of children with disabilities.

Implementation Procedures

A. Public Notice. The MOE will provide adequate notice to the general public of the public hearings. The notice will inform the general public about:

1. the purpose and scope of the policies and procedures and their relationship to Part B of IDEA '04;
2. where the public can review a copy;
3. the date, time, and location of public hearings;
4. the procedures for submitting written comments about the policies and procedures; and
5. the timetable for submitting the policies or documents to DOE.

The notice will be published or announced in newspapers or other media, and sufficiently in advance of the hearings to afford interested individuals a reasonable opportunity to participate.

B. Public Comment Period. The MOE will conduct public hearings at times and places that afford interested parties the opportunity to participate.

Policies or other documents will be available for review for a period of at least 60 days following the date of the notice and for public comment for at least 30 days within that period.

C. Review of Public Comments. Before adopting any policies and procedures, the Special Education Program will review and consider all public comments, and make any appropriate modifications.

D. Publication of Approved Policies and Procedures. After MOE approval, the Special Education Program will give notice in newspapers or other media that the policies are approved and will be posted to the MOE website. The notice will also name places throughout the Republic where the policies are available for public review.