

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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Minister of Education

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 those policies, procedures 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 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 (SEPIIE) 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 educational 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. The Policy Statement for the ROP includes all children with disabilities as defined in IDEA '04. This includes children with autism, traumatic brain injury, children experiencing developmental delays and children with disabilities who have been suspended or expelled from school.
- H. 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."

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.

- 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 below to identify, locate and evaluate children, including children with disabilities who are homeless children or are wards of the State, 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. 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.

Implementation Procedures

- A. Responsible Agency. Child identification in the ROP is a continuous, ongoing effort to find, identify by name, village location and primary area(s) of disability each child suspected of needing special education and related services from birth through 21 years of age.
- B. Nature and Extent of Participation by Other Agencies. In addition to the work of the MOE, the implementation of child identification activities involves the cooperative efforts of several agencies in the ROP.
 1. MOH.
 - a. The ROP Maternity Ward staff conducts medical screening of all newborn children.
 - b. Health operates well-baby clinics in outlying health centers.
 - c. Maternal and Child Health has established a list of children with serious medical and/or disabling conditions. Those known to be "at risk" are also noted.
 - d. ROP Hospital staff provide audiological and vision examinations and refer children with hearing and vision deficits to the Special Education Program of the MOE.
 - e. Rehabilitation Technology Department conducts mobility screening, and provides back-up therapy services when Special Education is short staffed.
 - f. Shriners' Hospital Team from Honolulu comes to ROP twice a year to provide screening and follow-up for children with physical disabilities.
 - g. A cranio-facial team from the mainland visits the ROP annually to provide screening, treatment, and follow-up for persons with cleft palate and other cranio-facial abnormalities.
 2. PCAA.

- a. The PCAA includes Head Start which serves up to 10% children with disabilities. The Head Start staff screen and identify students aged 4 and 5 who have disabilities. Head Start contracts with a local medical clinic to screen all Head Start students annually.
- b. Head Start works cooperatively with Belau National Hospital (BNH) and the MOE Special Education Program on annual public awareness activities.
- c. PCAA through the Head Start Program provides counseling services to children and their families and refers children deemed in need of special services.

C. Description of Primary Child Identification Activities. Primary child identification activities include (1) public awareness, (2) screening and (3) referral for evaluation. Each is described below.

1. Public Awareness. An awareness campaign has been organized to disseminate information to public and professional sectors concerning:
 - a. services available;
 - b. the nature of disabling conditions;
 - c. normal growth and development;
 - d. who to contact for information or assistance;
 - e. the value of early identification;
 - f. the provisions of IDEA '04 and Republic laws; and
 - g. the benefits of specially designed instruction.

Before any major identification, location or evaluation activities to identify children with disabilities, the Special Education Coordinator shall notify parents throughout the Republic through announcements posted in local grocery stores, radio announcements and notices in the local paper. The Special Education Coordinator shall also document activities that alert members of the community who may not easily understand English or Palauan or who may live in isolated geographic areas.

2. Methods used to increase public awareness include:
 - a. speeches to local service organizations and public meetings;
 - b. articles in local newspapers and other media;
 - c. video presentations for use with service organizations and agencies and on ROP's public access TV station;
 - d. books and articles on disabling conditions and how to work with special needs children available to the public and maintained at the Special Education Program office;
 - e. involvement of the community in awareness activities when possible;
 - f. development of communication links with various agencies that provide services to eligible children and youth within the community;

- g. training for regular education principals and staff and other agency personnel about disabling conditions, available services, and responsibilities for referral.

Awareness activities have been held since the early 90's by the ROP Interagency Team comprised of the Ministries of Health and Education and the PCAA with representatives from other Ministries and the legislature. With the help of the Western Regional Resource Center and Mobility International, USA, a Palauan consumers' group, Omekesang, has formed. This organization took the lead in sponsoring Awareness Week activities beginning in 1998-99 and remains an active participant in our annual Disability Awareness activities. A variety of activities designed to increase the public awareness of (1) the needs of individuals with disabilities and (2) services available in the ROP to support individuals with disabilities have been implemented.

Examples of the activities most recently held include:

- A radio talk show hosted parents, service providers and consumers who discussed services and concerns.
- A local television show also broadcast consumers talking about the concerns and needs of those with disabilities.
- Billboards and posters posted in stores and banners hung across the street all called attention to the needs and concerns of those with disabilities.
- In preparation for the awareness activities, consumers, parents and service providers visited programs in other jurisdictions and discussed common concerns.
- Legislators were allowed to experience the sensations of being disabled in wheelchairs, blind, etc. so they would understand the need for legislative support for accessibility, accommodations and education issues.

3. Screening. Screening is a coordinated activity to identify infant, toddler, pre-school and school-age children who appear to need special services to develop to their maximum potential. The result of the screening process is a systematic collection of information for each child, which helps determine whether there is a need for referral for evaluation.

The responsibility for screening those children who are having problems in the school program and who may need specially designed instruction resides with the MOE.

The MOH conducts some screening, particularly medical screening. MOE maintains close contact with the MOH to ensure that children suspected of needing special assistance are referred for a full evaluation.

- D. As noted above, all educational screening activities are conducted by MOE. These activities include:

1. Infants/Toddlers/Preschool.
 - a. Parents, health personnel, or other community members may make referrals for young children. The person referring or knowledgeable about the child completes the screening form. Special Education personnel may assist in filling out the referral and screening forms.
 - b. Monthly meetings of BNH, Head Start, Victims of Child Abuse/neglect, MOE Special Education staff and school counselors are scheduled. During that meeting, referrals from BNH, Head Start and other agencies, are received by Special Education staff.
2. School Age.
 - a. Classroom teachers may refer students to the Special Education Program based on deficits in academic achievement, behavior or other problems.
 - b. Classroom teachers have received some training in identification of non-academic problems (i.e., hearing, vision, speech) and may make referrals on that basis.
 - c. Parents, teachers who know children from the community, hospital staff or other community people may make referrals of school-age students who are not in school. These referrals are made directly to the Special Education Program.
 - d. Training has been provided to all principals about PL 3-9 and their responsibilities under the law, including referral of students.

Each principal or program director shall establish a systematic procedure to ensure that attempts have been made to meet the needs of the child within the regular school program prior to referral to the Child Study Team. Any concerned persons may request classroom interventions for a child having problems. Services include the following:

- designating persons to be responsible for supporting the teacher in attempting to meet the child's needs;
- assisting in identifying and establishing interventions for children having educational difficulties;
- directing and evaluating pre-referral intervention efforts;
- making referrals for evaluation of children who are suspected of being disabled and may be in need of specially designed instruction; and
- utilizing consulting teachers.

Pre-referral interventions should be attempted with all children unless clearly not feasible. For example, pre-school children or children with severe problems may be referred to the Child Study Team without first attempting interventions.

3. Referral by Child Study Team for Evaluation. The referral procedures established by the Ministry reflect a collaborative effort between special and general educators. A child may become a focus of concern as a result of screening

activities conducted by MOE or because an individual (e.g., a parent or a teacher) feels the child may need specially designed instruction. The school principal, Special Education Coordinator (for a child not in school) or Early Childhood Coordinator (for a child under age 6) convenes a Child Study Team.

- a. Each school will use the Child Study Team to review any child identified as a result of the referral and screening activities described above. The Child Study Team shall consist of:
 - (1) A school principal, special education specialist, and an early childhood specialist for any preschool child; or
 - (2) The school principal, special education specialist and a current teacher for students of school age.

The Child Study Team may be increased at the discretion of the principal or consulting specialist.

- b. The Child Study Team shall review the present levels of educational performance of any child referred by a parent, teacher, other staff member or other individual and make one or more of the following recommendations:
 - (1) Modifications in the existing instructional program of the child;
 - (2) Referral to the early childhood program for evaluation;
 - (3) Referral for extended placement in a remedial services program with consultation services and academic evaluation;
 - (4) Referral to the evaluation committee to conduct an assessment of the child to determine eligibility for special education and related services; or
 - (5) Take no special action.
- c. Determination of the need to refer a child to the Child Study Team involves:
 - (1) Ensuring that classroom interventions have been attempted prior to submission of the referral. This is a requirement for all children, unless such interventions are clearly not feasible (e.g., for a pre-school child or a child with a severe disability).
 - (2) Collecting additional information to determine whether the needs of the child might be met without referral to the Child Study Team. Useful information about the child's school performance and current needs can be obtained through: (a) talking with family members and school staff who know and work with the child; (b) watching the child in class(es) and (c) reviewing the child's school records.
 - (3) Completing a referral form that includes necessary identifying information and presents the reason(s) for the referral. The referral form should reflect information provided by the individual who raised the initial concern about the child.

Within 10 days of the Child Study Teams' decision to evaluate the child, the principal or designee serves as the chairperson and convenes the Evaluation Committee (see Section IV, Evaluation). The chairperson will assume responsibility for notifying parents of the referral, securing parent permission for the initial evaluation and designating other members of the evaluation committee.

- (4) If a decision is made not to evaluate the child, the principal or designee will inform both the child's parent(s) and the person who made the referral. Notice to the parents must cover all of the requirements of "prior notice", including:
- a statement of the original cause of the referral;
 - the reason(s) for deciding not to conduct an evaluation;
 - a description of what is being done about the child's learning problem, if one exists; and
 - a statement of the parents' right to appeal and the methods for that appeal. The appeal must be made in writing within 30 days of the notice.

This information is usually best conveyed in a meeting between the parents and the principal or designee. The information provided to the parents shall also be put in a letter to the parents so that the MOE will have documentation of its efforts. The principal may take the letter to the parents and explain its contents, if a meeting at the school is not possible.

The Special Education Coordinator shall review and maintain this referral process, and shall ensure that the process is communicated to all professional personnel within the system and to persons within the community. When a child is referred for further evaluation, such evaluation must be done in a timely manner so the possible provision of services will not be delayed.

- D. Monitoring Procedures. The Special Education Program has the responsibility for monitoring the implementation of the above procedures for child identification. A Child Identification information retrieval system has been set up to store information on the kinds and numbers of children with disabilities that have been identified, evaluated and placed in a program of specially designed instruction. The MOE analyzes the information described above (comparison of names of children identified with names of children placed) in order to ensure that all children have been provided a FAPE on a timely basis.
- E. Confidentiality of Child Find Data. The collection and use of data to meet the requirements of this section are subject to the confidentiality requirements of Section VIII.

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 set forth below 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.

Implementation Procedures

- A. Responsible Person. After determining the need to refer a child for an individual evaluation, the principal or designee will serve as the Evaluation Committee Chairperson. This person is responsible for overseeing the evaluation process from referral for evaluation through eligibility determination.

- B. Obtaining Parental Consent for Initial Evaluation. The Evaluation Committee Chairperson must provide notice to the parents of a child referred for evaluation. At this time, the parent(s)' opportunity to participate in the evaluation process is explained, and the parent's signature is requested for consent to conduct the initial evaluation. (The requirements for 'prior notice' and 'consent' are presented in Section VII: Procedural Safeguards.)

- C. Procedures for Initial Evaluation. The Initial Evaluation:
 - 1. must be conducted within 60 days of receiving parental consent for the evaluation;
 - 2. must consist of procedures to determine if the child is a child with a disability as defined in Section 1 (A) of these policies; and,
 - 3. to determine the educational needs of the child;
 - 4. Exception. The 60 day timeframe does not apply if the parent of the child repeatedly fails or refuses to produce the child for the evaluation; or
 - 5. if the child changes schools during the 60 days and before evaluation has been completed. This exception applies only if the new school is making sufficient progress to ensure a prompt completion of the evaluation and the parent and the school agree on a timeline for completion.

D. Establishment of Evaluation Committee. Upon receipt of parental consent the Evaluation Committee Chairperson shall establish an Evaluation Committee. The areas requiring evaluation will determine the composition of the Evaluation Committee. The Evaluation Committee Chairperson shall ensure that the committee is formed on the basis of the child's suspected disability and will at minimum include two or more qualified professionals and the child's parent(s). The committee shall include:

1. a person who is knowledgeable in the area of the suspected disability;
2. the child's regular teacher if the child is in a regular classroom setting. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age;
3. persons who are appropriately trained in the use and administration of any evaluation materials and procedures which form part of the individual evaluation;
4. the parent(s).

E. Identify Areas of Evaluation. The Evaluation/IEP Committee will review available information from a variety of sources, including but not limited to evaluations and information provided by the parents of the child, current classroom-based, local or statewide assessments and observations, student records, referral information, and observations by teachers, related service providers and parents, and determine what additional evaluation information is needed, if any.

All areas related to the suspected disability must be evaluated, including, as appropriate:

- health (including substance abuse);
- vision;
- hearing;
- motor ability;
- general intelligence;
- communicative status;
- social and emotional status;
- academic performance;
- reading comprehension
- home and community living skills;
- vocational skills (for student of secondary age).

F. Data Determination

On the basis of that review and input from the child's parents, the Evaluation/IEP Committee will identify what additional data, if any, are needed to determine:

on initial evaluation

on re-evaluation

| | |
|--|--|
| whether the child has a particular category of disability | whether the child continues to have such a disability |
| present levels of academic performance and related developmental needs | present levels of academic performance and related developmental needs |
| whether the child needs special education and related services | whether the child continues to need special education and related services |
| | whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate as appropriate in the general curriculum |

G. Individual Evaluation Procedures. The individual evaluation should provide relevant descriptive and prescriptive information that directly assists in determining the educational needs of the child. The Special Education Coordinator will ensure the technical soundness of evaluation materials and procedures that meet the following requirements.

1. No single evaluation material or procedure may be used to determine whether a child has a disability, or to determine an appropriate educational program for a child. The evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
2. Evaluation materials and procedures must include those tailored to evaluate specific areas of educational need and not merely those designed to provide a single general intelligence quotient. They must also address relevant functional and developmental information about the child, including information provided by the parents, and information related to enabling the child to be involved in and progress in the general curriculum that may assist in determining whether the child is a child with a disability, and the content of the child's IEP.
3. Evaluation materials and procedures must be validated for the specific purpose for which they are to be used.
4. Evaluation materials and procedures must be administered in adherence to the developer's instructions and by appropriately trained personnel.
5. If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions shall be included in the evaluation report.
6. Evaluation materials and procedures must be selected and administered so as not to be biased in terms of race, gender, culture or socioeconomic status.

7. Evaluation materials and procedures must be selected to ensure that, when administered to a child with impaired sensory, manual or speaking skills, the evaluation materials and procedures accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflect the child's impaired sensory, manual or speaking skills unless those skills are the factors that the test purports to measure.
8. Evaluation materials and procedures must be in the child's primary language or other mode of communication and in a form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.
 - a. Primary language of the child is that language most frequently used for communication between the child and persons in his or her home.
 - b. Mode of communication is that mode most frequently observed to be utilized by the child.
 - c. The determination of "not feasible" is made when an individual in the Republic cannot be located who is capable and willing at a reasonable cost to:
 - (1) communicate in the child's primary language;
 - (2) communicate in the child's most frequent mode of communication.
 - d. If a determination is made that it is "not feasible" to provide evaluation materials and procedures in the child's primary language or other mode of communication, the reasons for this decision shall be documented.
 - e. Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
9. A child shall not be determined to be a child with a disability if:
 - a. the determinant factor is:
 - (1) lack of appropriate instruction in reading, including the essential components of reading, or
 - (2) lack of appropriate instruction in math or
 - (3) limited English proficiency, and
 - b. if the child would not otherwise be found eligible under one of conditions identified in Section I (A) of these policies.

H. Integrated Evaluation Report. A written Integrated Evaluation Report shall be prepared by the Evaluation Committee Chairperson or designee(s). The report shall summarize the results of individual evaluation reports and include the following information:

1. the date of the report (i.e., the date the child is determined eligible for special education);
2. the name, birth date, sex and address of the child assessed;
3. the date(s) of the evaluation(s);
4. a list of the members of the Multidisciplinary Evaluation Committee;

5. a list of the evaluation procedures used, including interventions tried and their effect;
6. a description of the child's present levels of educational performance and how this compares to the expected performance of a child of this grade or age level;
7. a summary of the child's strengths and needs;
8. a statement of the educationally relevant medical findings, if any;
9. consideration of the effects of environmental, cultural or economic disadvantages on educational performance;
10. a statement regarding whether the child is disabled and whether the child requires special education and related services, including the basis for making the determination; and
11. technically sound instruments will be used to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The Integrated Evaluation Report shall be signed by the personnel involved in the individual evaluations. Each individual shall express agreement or disagreement with the contents of the report. Any member who disagrees with the report shall append to the report a signed dissenting opinion stating the areas of disagreement, the reasons for the disagreement and the information supporting the dissenting views.

The test booklets and other information obtained during the evaluation process shall be considered and maintained by the members who administered the instrument. Copies of the Integrated Evaluation Report will be filed at the child's school and at the office of the Special Education Coordinator. The parent(s) will be provided a copy of the Integrated Evaluation Report and the documentation of determination of eligibility.

- I. Eligibility. The members of the Evaluation Committee are responsible for determining eligibility, deciding whether the child has a disability and by reason thereof needs special education and related services. Eligibility will be determined within 60 days from parent consent to evaluate. The Committee will carefully consider and document information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background and adaptive behavior. A child shall not be determined to be a child with a disability, if the determinant factor is lack of appropriate instruction in reading or math or limited English proficiency, and the child does not otherwise qualify under one of the recognized disability categories for eligibility described in Section 1 (A) and below. The Evaluation Committee Chairperson shall ensure that a copy of the Integrated Evaluation Report and documentation of determination of eligibility of the child is provided to the parents, and that the content of the report is effectively communicated to the parents.

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.

The Evaluation Committee Chairperson shall notify the Special Education Coordinator of the eligibility decision and provide him or her with a copy of the Integrated Evaluation Report. The Evaluation Committee Chairperson shall also notify the referring agent regarding the eligibility decision. If the child is determined to be eligible, an IEP must be developed (see Section V, IEP).

J. Determining the Existence of a Specific Learning Disability.

1. The Evaluation Committee may determine that a child has a specific learning disability if the child does not achieve adequately for the child's age or if the child does not meet grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or grade level:
 - a. Oral expression;
 - b. Listening comprehension;
 - c. Written expression;
 - d. Basic reading skill;
 - e. Reading fluency skills;
 - f. Reading comprehension;
 - g. Mathematics calculation;
 - h. Mathematics problem solving
2. If the child is not making sufficient progress in one or more of the areas above despite research-based interventions, or through the use of appropriate assessments the child exhibits a pattern of strengths and weaknesses in performance achievement relative to age and grade level standards or intellectual development, then a determination of a specific learning disability can be made.

To ensure that under-achievement in a child suspected of having a learning disability is not due to lack of appropriate instruction in reading or math, the Committee must consider:

- a. data that demonstrate that the child was provided appropriate instruction in the general education setting delivered by qualified personnel; and
- b. data-based documentation of repeated assessments of achievement at reasonable intervals to assess the child's progress during instruction, which was provided to the child's parents.

3. The Committee should further ensure that the child was observed in routine classroom instruction and the child's performance monitored before a determination of specific learning disability. This could include data submitted to the Committee on previous observations of by having a member of the Committee observe the child's performance in the regular classroom after referral and after parent consent for evaluation has been obtained.

Documentation of a determination of learning disabilities must contain a statement of:

- a. whether the child has a specific learning disability;
- b. the basis for the determination including an assurance that appropriate procedures have been followed;
- c. the relevant behavior(s) noted, if any during observation;
- d. the educationally relevant medical findings if any;
- e. whether the child does not achieve adequately for his/her age or grad level and is not making sufficient progress to achieve at that level;
- f. the effects of any other disabling conditions or limited English proficiency on the child's achievement level and
- g. if the child has participated in any additional interventions prior to referral, what those interventions were, and their effects.

K. Disproportionality.

1. The issue of inappropriate identification of certain racial/ethnic groups in special education, such as students who are Black or Hispanic, is an important issue in the United States. This is not an issue in the ROP, as all of our children served in the public school system, with very few exceptions, are "Asian/Pacific Islander." The number of students in public schools who might be classified in one of the other three Federally targeted populations is so small that the number will likely never be statistically significant.
2. In addition, ROP has no districts, as it is a unitary State Education Agency/Local Education Agency (SEA/LEA), so there are no districts to compare; and while data can be reported for the public school system as a whole, the potential number of students with IEPs who are not "Asian/Pacific Islander" will continue to be very small, or none, as shown by our annual 618 data submitted to Office of Special Education Programs (OSEP), and not statistically significant.

It has been determined by OSEP that, for these reasons, these requirements do not apply to the ROP.

- L. Re-evaluation. The MOE shall ensure that an individual evaluation of each child with a disability is conducted every 3 years or more frequently if conditions warrant, or if the child's parent or teacher requests such an individual evaluation.

The Evaluation Committee and other qualified professionals, as appropriate, will review existing evaluation data on the child; and, on the basis of that review, and input from the child's parents, identify any additional data needed to determine whether the child continues to have a disability, the present levels of performance and educational needs of the child, whether the child continues to need special education and related services and whether any additions or modifications to the special education and related services are needed to enable the child to meet the goals in the IEP and to participate, as appropriate, in the general curriculum.

If the Committee determines that additional data are not needed to establish continued eligibility, notice will be given to the parents of the determination and its reasons and of the parents' rights to request an evaluation (this evaluation is not conducted unless requested by the child's parents). Notice shall also be given if the Committee determines that a student is no longer eligible to receive special education and related services.

If a decision is made to conduct a re-evaluation, the re-evaluation must be conducted by the Committee and include all evaluations required to determine that the child has a disability and is in need of special education and related services. The re-evaluation materials and procedures must comply with the requirements outlined for initial evaluations.

M. Exiting from Special Education. A student shall no longer be eligible to receive special education and related services if:

1. the student graduates from high school with a regular diploma.
2. the student moves from the Republic.
3. the student reaches age 21 (if the student reaches his or her 21st birthday during the school year, she or he is entitled to continue through that school year).
4. the student is determined to no longer be in need of special education and related services.

N Evaluations before Change in Eligibility.

1. Except as provided in (2) below, the MOE must evaluate a child with a disability in accordance with all procedures described in this section before determining that the child is no longer a child with a disability.
2. The evaluation described in (1) above is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under Palau law.
3. For a child whose eligibility terminates under circumstances described in (2), the MOE must provide a summary of the child's academic achievement and

functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

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 this document.

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. It is the policy of the MOE to make a good faith effort to assist each eligible child to achieve the goals and objectives or benchmarks listed in the IEP or Individualized Family Service Plan (IFSP). The original copy of the IEP will be kept on file at the Special Education central office. A copy will be provided to the parents, and an additional copy will be maintained by the school.

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.

Implementation Procedures

- A. Timelines. The MOE adheres to the following timelines for IEP development, implementation and review:
1. IEP Development.
A meeting to develop the IEP will be held within 30 calendar days of a determination that a child needs special education and related services.
 2. IEP Implementation.
 - a. A child's IEP shall be implemented immediately following its development. An exception to this would be where the meetings occur during the summer or a vacation period or when there are circumstances that require a short delay such as working out transportation arrangements. However, there must be no undue delay in providing special education and related services to the child in accordance with the child's IEP.
 - b. At the beginning of each school year, an IEP shall be in effect for every child who is receiving special education and related services.

- c. An IEP must be in effect before special education and related services are provided to a child. Appropriate placement for an eligible child cannot be determined until after decisions have been made about what the child's needs are and what services will be provided. Since these decisions are made at the IEP meeting, a child shall not be placed before development of the IEP.
3. IEP Review and Revision.
- a. An IEP meeting to review and revise a child's IEP must be held at least once each calendar year.
 - b. A meeting can be requested by any person responsible for the education of the child, and at any time in addition to those required by U.S. law. If the parents of an eligible child believe that the child is not progressing satisfactorily or that there is a problem with the child's current IEP, parents should request an IEP meeting. If a child's teacher(s) feels that the child is not progressing adequately toward their annual goals or in the general curriculum, or the child's placement or program are somehow not appropriate, the teacher should request an IEP meeting.
 - c. An IEP meeting must be held prior to making any changes in the content of the IEP.
 - d. IEP meetings may be held any time during the year, including at the end of the school year, during the summer or on the anniversary date of the last IEP meeting for the child.
4. Participants in IEP Meetings. Upon receipt of the eligibility Integrated Evaluation Report from the Evaluation Committee, the principal or designee shall appoint an IEP Committee and select a Chairperson for that committee.

Participation at the IEP meeting will change with the needs of the individual child. The committee should include the child at age 16, or earlier when appropriate, persons who know the child and understand the child's needs, persons who may be involved in the implementation of the IEP and persons with authority to ensure that the IEP is implemented as written.

The IEP Committee shall include the following participants:

1. At Least One General Education Teacher and At Last One Special Education Teacher (or special education provider);
 In deciding which teachers should participate, the principal or designee shall consider the following possibilities;
- a. the IEP Committee shall include at least one regular education teacher and at least one special education teacher (or where appropriate, a special education service provider such as a speech therapist or physical therapist);
 - b. the regular education teacher could be the teacher who initiated the referral to the Child Study Team, the child's current teacher or a teacher from a class where the child may receive services;

- c. the regular education teacher, as a member of the IEP Committee, must to the extent appropriate, participate in the development, review and revision of the child's IEP, including assisting in the determination of:
 - (1) appropriate positive behavioral interventions and strategies for the child as needed; and
 - (2) supplementary aids and services, program modifications or supports for school personnel that will be provided for the child;
 - d. the special education teacher/provider could be the child's current teacher or a teacher who may be providing special education to the child. If the child's disability is a speech impairment, for instance, the "provider" could be the speech-language therapist, as appropriate;
 - e. more than two teachers may participate, as appropriate, to the needs of the child; and
 - f. if the child is not in school or has several teachers, the agency may designate which teachers will participate in the meeting.
2. A Representative of the ROP MOE. The representative of the MOE may be a school principal or other designated official, other than the child's teacher, who is:
- a. qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the child;
 - b. knowledgeable about the general curriculum; and
 - c. knowledgeable about the availability of resources of the MOE.
- For a child who requires only a limited amount of special education, the representative might be a teacher (other than the child's teacher). For a child who requires extensive special education, a key administrator might be the representative.
3. A Representative of the ROP MOE. The representative of the MOE may be a school principal or other designated official, other than the child's teacher, who is:
- a. qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the child;
 - b. knowledgeable about the general curriculum; and
 - c. knowledgeable about the availability of resources of the MOE.
- For a child who requires only a limited amount of special education, the representative might be a teacher (other than the child's teacher). For a child who requires extensive special education, a key administrator might be the representative.
4. One or Both of the Child's Parents. Parents are an important part of the IEP process. Parents shall be encouraged to attend the IEP meeting and shall be given meaningful opportunity to participate in the IEP's development. One or both of the child's parents must attend the IEP meeting unless the MOE is unable to convince them to attend.
- The MOE shall take whatever action is necessary to ensure that the parent(s) understand the proceedings at the IEP meeting, including arranging for an

interpreter for parents with deafness or whose native language is other than English or Palauan.

5. The Child.

- a. whenever appropriate, as in cases where the parent requests the child's presence;
- b. if sixteen (16) years old, or older; or
- c. whenever transition services are to be discussed (see Transition Services participants). All students who are 16 years of age, or older, must be invited, since one of the purposes of the annual IEP meeting will always be the planning of transition services. Also, any student younger than age 16 must be invited before a decision about transition services for the student is made.

6. Other Individuals at the Discretion of the Parents or the Ministry.

In some instances, parents, or the Ministry, might choose to bring other participants to the meeting. These "other individuals" may be people who have knowledge or specific expertise regarding the child, including related services personnel. The MOE shall inform parents of their right to bring other participants to the meeting. The determination of the knowledge or special expertise of any individual so invited shall be made by the party (parents or the public agency) who invited the individual.

7. Evaluation Personnel.

For a child evaluated for the first time, the Evaluation Committee Chairperson or another member of the Evaluation Committee must attend the IEP meeting. If it is not possible for a member of the Evaluation Committee to be present, one member of the IEP committee must be a person who can interpret the instructional implications of the child's evaluation results.

8. Related Service Personnel.

If a child's evaluation indicates the need for a specific related service, the related service provider must attend the IEP meeting or provide a written report recommending the nature, frequency, and amount of related services to be provided to the child.

9. Transition Services Participants.

If the purpose of the meeting is the consideration of transition services for a student, the IEP Committee shall invite, in addition to those otherwise present:

- a. the student and
- b. a representative of any other agency that is likely to be responsible for providing or paying for transition services.

If the student does not attend, the MOE shall take other steps to ensure that the student's preferences and interests are considered; and

If an agency invited to send a representative to a meeting does not do so, the MOE shall take other steps to obtain the participation of the other agency in the planning of any transition services.

Note: The MOE is required to invite each student to participate in his or her IEP meeting, if a purpose of the meeting is the consideration of transition services for the student. For all students who are 16 years of age or older, one of the purposes of the annual meeting will always be the planning of transition services, since transition services are a required component of the IEP for these students. For a student younger than age 16, if transition services are initially discussed at a meeting that does not include the student, the MOE is responsible for ensuring that, before a decision about transition services for the student is made, a subsequent IEP meeting is conducted for that purpose, and the student is invited to the meeting.

- C. IEP Committee Member Roles/Responsibility. Individual committee members may fill more than one role at the meeting. For example, the principal may qualify as the MOE representative, or a related service provider may have been a member of the Evaluation Committee.

The Chairperson will assume the following responsibilities prior to, during and after the IEP meeting:

1. Prior to the Meeting.

a. Contact the child's parents to:

- (1) inform them of the child's eligibility for specially designed instruction;
- (2) explain the need for an IEP meeting, including the purpose of the meeting, their rights and responsibilities during the meeting, and the names of those who will attend the meeting;
- (3) inform the parents of their right to invite other individuals on the IEP Committee who have knowledge or special expertise about the child;
- (4) if a purpose of the meeting is the consideration of transition services for a student, the notice must also (i) indicate this purpose; (ii) indicate that the agency will invite the student and (iii) identify any other agency that will be invited to send a representative;
- (5) suggest a date, time, and place for the meeting; and
- (6) provide an explanation of their rights, including all requirements of "prior notice".

The notice may be given by phone, in writing, or in person during a home visit. A written copy of the notice must be a) given to the parents, and b) maintained by the MOE to document the content and process used to inform parents.

- b. If transition is to be discussed (and it will always be discussed if the student is 16 or older), invite the student.
- c. Schedule the meeting at a mutually agreeable date, time and place, within required timelines for IEP development and in a manner that will allow all participants sufficient opportunity for preparation.

- d. Ensure that all relevant evaluation data is collected and available to the committee.
 - e. Review and be prepared to discuss any relevant information from committee members who are unable to attend the meeting.
 - f. Complete identifying information on the IEP form.
2. During the IEP Meeting.
- a. Introduce members and explain the purpose of the meeting.
 - b. Inform participants of conference procedures, including procedural safeguards.
 - c. Review collected information.
 - d. Present for discussion the child's present levels of educational performance.
 - e. Present for discussion the goals and objectives based on the present levels of educational performance.
 - f. Participate in discussion of the provision of special education and related services to the child and the extent to which they will not be involved in the general curriculum.
 - g. Obtain parent permission for initial special education placement.
3. After the IEP Meeting.
- a. Document all information required for the IEP process.
 - b. Schedule conciliatory meetings of the committee with parents who disagree with committee recommendations.
 - c. Provide a final copy of the IEP to the Special Education Program office, and distribute copies to: (a) the child's teacher(s); (b) to relevant related service personnel and any other service provider who is responsible for its implementation; and (c) the child's parent(s).
 - d. Ensure that each teacher, related service provider, or other provider responsible for the IEP's implementation, is informed of his or her specific responsibilities related to implementing the IEP.
 - e. Ensure that the IEP is implemented immediately following the meeting, unless there is a legitimate reason for delay (e.g., summer vacation).

D. Parent Participation. The parents of an eligible child are expected to be active, equal participants in the process of developing, reviewing, and revising the IEP. To ensure that parents have an opportunity to attend the IEP meeting and participate in the development of the IEP, the IEP Chairperson shall follow the procedures described below:

1. Provide notice of the meeting.
- a. Parents will be notified of the need for an IEP meeting a sufficient time before the meeting to enhance their opportunity to participate.
 - b. Notification may be by phone, in person, through a written invitation, either mailed or sent home by the child, or some combination of these methods. The Chairperson shall document at least two separate attempts to notify the parents.

- c. The notice must include:
 - (1) the purpose of the meeting;
 - (2) a suggested date, time and place for the meeting;
 - (3) names of persons who will attend the meeting;
 - (4) a statement that the parents have the right to bring other people to the meeting, e.g., a friend or neighbor, an advocate; and
 - (5) notification when the purpose of the meeting includes the discussion of transition services (transition services must be discussed for every student 16 and older) and for children 14 and older, a statement of transition to the student's courses of study must be included.
 - d. Every effort shall be made to accommodate parent schedules. If the time, date and place are inconvenient for the parents, they will be given the opportunity to identify a time, place and date when they can meet with the IEP Committee.
2. Provide alternative opportunity to participate. If the parents are unable to attend the IEP meeting, the IEP Chairperson will use the following procedures to provide meaningful opportunity for parental participation:
- a. if neither parent can attend, the MOE shall attempt other methods to ensure parent participation, including individual or conference telephone calls;
 - b. the IEP Committee will hold the meeting as scheduled, without the parent's participation, if they are unable to convince the parents to attend;
 - c. the IEP Chairperson will record all relevant information discussed at the meeting, e.g., child's present levels of academic achievement and functional performance, goals and objectives, involvement in the general curriculum and special education and related services;
 - d. an IEP team member will meet with the parents to share results of the initial meeting, solicit parent input, and secure parent approval for the final plan. For this meeting, the team member may either invite the parents to the school at a later date, or visit the parents at home or work. The team member will also secure written parental consent for initial placement at this time.
 - e. The IEP Chairperson will give parents a copy of the completed IEP at no cost to the parent.
3. Document efforts to involve parents and, where appropriate, students. A designated team member will document all attempts to include the parents and the student, if 16 years of age or older, or if transition services are to be discussed.
- Documentation will include:
- a. dated copies of correspondence sent to the parents/adult student and any responses received;
 - b. detailed records of telephone calls, including the date, time, name of person who placed the call, and the results;
 - c. detailed records of visits made to the parent's home or place of employment, contacts with the student, and the results of those visits/contacts.

4. Ensure parent understanding. The IEP Team members should ensure that parents are able to understand the procedures for IEP development and are able to actively participate in decision-making. Committee members should speak clearly, and refrain from using educational and medical jargon. Parents should be encouraged to ask questions as needed.

In addition, all communication with parents, whether verbal or written, shall be provided in the primary language spoken at home. In the cases of parents who need special interpreters or other facilitators for participation (e.g., a parent who is deaf or whose native language is other than English or Palauan), such services will be provided to parents at no cost.

If there is a disagreement between the MOE and the parents, an interim course of action must be outlined to allow services for the child until the disagreement is resolved. For example, agreed upon sections of the IEP may be implemented while efforts are made to resolve remaining sections. If the MOE and the parents cannot agree on an interim course of action, the child's last agreed upon IEP will remain in effect. If, because of a disagreement over the IEP or any other matter, a hearing is initiated by either the parents or the MOE, the MOE may not change the child's placement unless both parties agree to the change.

E. Developing the IEP.

1. In general, in developing each child's IEP, the IEP Committee shall consider:
 - a. the strengths of the child and the concerns of the parents for enhancing the education of their child;
 - b. the results of the initial evaluation or most recent evaluation of the child; and
 - c. the academic, developmental, and functional needs of the child.
2. Consideration of Special Factors. The IEP Committee shall:
 - a. in the case of a child whose behavior impedes his or her learning or that of others, consider when appropriate, strategies including positive behavioral interventions and supports and other strategies to address that behavior;
 - b. in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;
 - c. in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Committee determines that instruction in Braille is not appropriate for the child. Such a decision could only be made after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media options (including an evaluation of the child's future needs for instruction in Braille or the use of Braille);
 - d. consider the communication needs of the child. In the case of a child who is deaf or hearing impaired, consider the child's language and communication needs, opportunities for direct communications with peers and school

- personnel (in the child's language and communication mode), academic level and full range of needs including opportunities for direct instruction in the child's language and communication mode;
- e. consider whether the child requires assistive technology devices and services; and
 - f. if, in considering these special factors, the IEP Committee determines that a child needs a particular device or service in order for the child to receive FAPE, the IEP Committee must include a statement to that effect in the child's IEP.

F. Content of the IEP. Each IEP must include the following components:

1. A statement of the child's present levels of academic achievement and functional performance.
The statement is a concise description of the child's strengths and needs in each instructional area written in easy to understand language that is free of educational jargon and which includes:
 - a. a description of competencies in academic areas or developmental skills;
 - b. a description of abilities and disabilities which affect involvement in and progress in the general curriculum, and for pre-school children, as appropriate, how the disability affects the child's participation in appropriate activities;
 - c. a description of social abilities, including abilities in interactions with peers and adults;
 - d. a description of behaviors which affect educational placement, instruction, discipline, or health and safety; and
 - e. competencies which may be needed for participation in vocational education.
2. A statement of measurable annual goals including academic and functional goals or short-term instructional objectives.

The academic and functional goals and objectives shall focus on:

- a. meeting the instructional needs of the child that result from the child's disability, to enable the child to be involved in and make progress in the general education curriculum; and
- b. meeting each of the child's other academic and functional needs that result from the child's disability.
They must address the needs (and strengths) summarized in the child's present levels of educational and functional performance. There must be at least one goal, with corresponding objectives or benchmarks for each area of needs identified in the present levels of educational performance;
- c. for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

The goals and objectives provide a mechanism for determining whether the child is progressing toward his/her annual goals and whether the placement and services are appropriate to the child's special education needs.

- d. Annual Goals. Annual educational goals are written statements which describe what a child is expected to learn from his or her educational program within the IEP time period. Goal statements should:
 - (1) be general statements, yet focus on individual instructional areas;
 - (2) be derived from the needs (or strengths) summarized in the present levels of educational performance;
 - (3) reflect reasonable expectations for student accomplishment; and
 - (4) be written in language that is easily understood by all members of the IEP Committee.
 - e. Short Term Objectives or Benchmarks. The short term objectives or benchmarks are measurable, intermediate steps between a child's present levels of academic achievement and functional performance and the annual goals specified for the child. The IEP must contain a description of how the child's progress toward meeting their annual goals will be measured. Short term objectives or benchmarks must include appropriate and objective criteria, evaluation procedures and schedules for determining whether the objectives are being achieved and progress is being made toward meeting annual goals.
3. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided.

The statement of services contained in the IEP must include the following information:

- a. indication of all of the special education and related services and supplementary aids and services needed by the child, based on peer-reviewed research to the extent practicable to advance appropriately toward attaining the annual goals;
- b. what will be provided for the child to be involved and progress in the general curriculum, and to participate in extracurricular and other nonacademic activities;
- c. what will be provided for the child to be educated and participate in activities with other children with disabilities and nondisabled children;
- d. clear specification of the frequency (e.g., number of times per week) and intensity (e.g., number of hours per session) and location of each service;

- e. the projected starting date for the services and modifications described (month, day and year) and anticipated duration (not longer than one year from the date of the IEP meeting) for each service or modification;
- f. description of any modifications to the regular program (e.g., supplemental aids and services) required for the child to benefit from that program.

The IEP must include all special education and related services, and supplementary aids and services needed by the child. All necessary services shall be provided either by the MOE, the MOH, or other agencies as identified.

- g. As a unitary SEA/LEA, the Republic of Palau's Ministry of Education is the sole agency responsible for print materials, and for assistive technology programs in the Republic. The MOE has adopted the National Instructional Materials Accessibility Standards for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner, and coordinates with the NIMAC to ensure that the standards are being followed.
- h. For English-language texts, the MOE will negotiate with the NIMAC to provide electronic files containing the contents of the print instructional materials using the NIMAS, or purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. For Palauan-language texts, the MOE will establish procedures, including working with consultants or providing Palauan language consultants to the NIMAC as possible, to ensure that blind persons or others with print disabilities have access to instructional materials in a timely manner.

Related Services. Related services means transportation and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education. The Special Education Program will maintain a Continuum of Related Services. The current Continuum includes: (a) transportation, (b) speech and language therapy, (c) counseling, (d) school health services, (e) social work services, (f) physical and occupational therapy (g) early identification and assessment, (h) orientation and mobility services, (i) interpreting services and (j) parent counseling. Medical services for diagnosis and evaluation, behavioral health, social work and audiology services are provided through a cooperative agreement with the MOH.

Routine Checks

- i. The MOE will ensure that hearing aids worn in school by children with hearing impairments including deafness, are functioning properly.
- j. The MOE will ensure that the external components of surgically implanted medical devices are functioning properly. However, the MOE is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

4. The extent, if any, to which the child will not participate with nondisabled children in the regular class.

The IEP shall contain a statement of the extent, if any, to which a child will not participate in the regular class and its activities given consideration of program modifications and supports and supplemental aids and services. The same program options and non-academic services which are available to nondisabled children must be available to children with disabilities.

5. A statement of any individual appropriate accommodations necessary to measure the academic achievement and functional performance on MOE evaluations of student achievement.
 - a. In general, children with disabilities are to be included in MOE statewide assessment programs, with appropriate accommodations, where necessary. Each IEP shall contain a statement of any individual modifications that are needed for the child to participate in these evaluations of achievement.
 - b. If the IEP Committee determines that the child must take an alternate assessment instead of a particular regular MOE assessment of student achievement, then the IEP must contain a statement of why:
 - (1) the child cannot participate in the regular assessment; and
 - (2) the particular alternate assessment selected is appropriate for the child.
6. Transition Services.
 - a. The IEP for each student, beginning at age 16, and updated annually, must contain a statement of the transition service needs of the student under each applicable component of the IEP that focuses on the student's courses of study (such as participation in career awareness and vocational education programs).
 - b. Beginning not later than the first IEP to be in effect when the child turns 16, (or younger if determined appropriate by the IEP Committee), and updated annually, thereafter, the IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and a statement of needed transition services (including courses of study) needed to assist the child in reaching those goals, including, when appropriate, a statement of each public agency's responsibilities and any needed linkages, before the student leaves the school setting.
 - c. Beginning not later than one year before the student reaches the age of majority under Palauan Law (18), the IEP must contain a statement that the student has been informed of his or her rights that will transfer to the student on reaching the age of majority (see Section VII, Procedural Safeguards, for more information).

- d. Transition services are a coordinated set of activities for a student with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate his/her movement from school to post-school activities including:
 - (1) postsecondary education;
 - (2) vocational education;
 - (3) integrated employment (including supported employment);
 - (4) continuing and adult education;
 - (5) adult services;
 - (6) independent living; and
 - (7) community participation.

- e. The coordinated set of transition activities identified must be based on the individual student's needs, taking into account the student's preferences and interests; and includes:
 - (1) instruction;
 - (2) related services;
 - (3) community experiences;
 - (4) the development of employment and other post-school living objectives; and
 - (5) if appropriate, acquisition of daily living skills and functional vocational evaluation.

The ROP has made transition services a priority for its students. Every child of secondary school age who is referred for special education evaluation is given a comprehensive vocational evaluation. Transition procedures are an integrated part of the IEP process. If the IEP Committee determines, after review, that services are not needed in one or more of the areas identified in 2. (a, b, c & d) above, the IEP will include a statement to that effect and the basis upon which the determination was made.

If a participating agency responsible for transition services fails to provide agreed-upon transition services contained in the IEP, the MOE shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revise the student's IEP.

- 7. How parents will be regularly informed of the progress of their children with disabilities. The IEP must contain a description of how the child's parents will be regularly informed (by such means as periodic report cards) of the progress of their child toward his or her annual goals. Parents of children with disabilities must be informed of their child's progress at least as frequently as parents of nondisabled children.

- G. Review and Revision of the IEP. Special Education is responsible for ensuring that the IEP of each eligible child who is receiving special education is reviewed and revised at least annually. The review shall follow all requirements for initial IEP development including composition of the committee, procedures for ensuring parental involvement, student involvement where appropriate, and specifications for content of the document.

Timelines. A meeting to review and revise a child's IEP:

1. must be held at least annually;
2. may be held prior to the beginning of the school year or prior to the anniversary date of the IEP;
3. must be held upon receiving a written request for an IEP review from a parent, teacher or member of the IEP Committee; and
4. must be held prior to any changes in the long term goals, short term objectives, specific special education and related services provided to the child, or the amount of services listed in the IEP.

Process. The review/revision process is accomplished by review of the current IEP and development of a new IEP. The IEP Committee shall:

1. review each component of the IEP;
2. apply criteria set forth in the IEP for measuring the achievement of short term objectives;
3. determine whether and to what extent those objectives have been achieved satisfactorily by the child during the past year;
4. develop a plan appropriate to the child's current needs;
5. complete information required in the IEP; and
6. ensure parent participation in the process.

If the IEP Committee determines that the child has not made satisfactory progress toward the achievement of one or more of the instructional objectives specified in the IEP, the committee shall identify the factor or factors which have most likely contributed to this lack of progress.

If the IEP Committee determines that the child has satisfactorily achieved each of the instructional goals specified in the IEP, then the IEP Committee shall establish instructional goals and objectives for the next year which challenge the developmental potential of the child.

- H. Special Education is responsible for ensuring that IEPs are developed, implemented, reviewed and revised for each child receiving special education and related services from the MOE, including children who are referred to or placed in a private school or facility by the MOE.

Private School Placements by the MOE. Currently, there are no private schools in ROP that provide specialized special education or related services to students. Therefore, the MOE does not refer or place students in private schools. If, in the future, such a school became available and the MOE chose to place a student in the school, the MOE would use the following procedures to ensure that the student received FAPE:

1. Special Education will initiate and conduct an IEP meeting for a child determined to be in need of special services before referring the child to a private school or facility. In such instances, Special Education will take measures to ensure the participation of a representative of the private school or facility. If the representative cannot attend, the MOE shall use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.
2. If the MOE elects to place the child in a private school, Special Education may permit the private school to conduct meetings to review and revise the IEP. Special Education will ensure that parents, a representative of Special Education, and the student when appropriate, will be present at all meetings in which decisions about the IEP are to be made. Further, parents and a representative of Special Education must agree to any proposed changes before those changes are implemented.
 - a. The MOE will ensure that any private school in which a child is placed by the MOE meets at least the same standards that apply to public schools operated by the ROP.
 - b. Even if a private school or facility implements a child's IEP, responsibility for compliance with this part remains with the MOE.
3. The MOE will ensure that special education and related services are provided to each child placed in a private school or facility, in accordance with the child's IEP. The MOE shall make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.
4. The MOE will ensure that each child with a disability who is placed in a private school by the MOE has all of the rights of a child with a disability attending a school operated by the MOE.

I. Children Voluntarily Enrolled in Private Schools by their Parents. (See Section X: Private Schools.)

J. FAPE Requirements for Students with Disabilities in Adult Prisons.

1. It is the policy of the ROP, with respect to children 18 to 21 incarcerated as adults in adult correctional facilities, that special education services will not be provided to those individuals if they:
 - a. were not actually identified as being a child with a disability in their last educational placement; and

- b. did not have an IEP under Part B of the Act.
 - 2. With respect to children 18 to 21 incarcerated as adults in adult correctional facilities who did have an IEP in their last educational placement, and did not receive a degree; special education and related services will be provided with the following exceptions:
 - a. The requirement for participation in general assessments does not apply.
 - b. Transition planning and transition services do not apply if the student's eligibility would cease because of their age before they would be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
 - c. The IEP Committee of a student with a disability, who is convicted as an adult under ROP law and incarcerated in an adult prison, may modify the student's IEP or placement if the ROP has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
 - d. The requirements of the IDEA '04 relating to IEPs regarding
 - (1) participation in statewide assessments,
 - (2) the requirement for transition planning and services for youth (when eligibility for services will expire before release), and
 - (3) LRE considerations,do not apply with regard to the IEPs developed under 2(c) above.
- K. Children Aged Three to Five. The MOE operates a unified program of early intervention and pre-school services for children with disabilities aged birth to five in ROP. This program works in cooperation with Head Start and is totally operated with funding through the Special Education program. An IFSP is used to guide planning and services for children birth to three and an IEP is used for children aged 3 to 5.

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 below 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.

Implementation Procedures

A. Responsibility for Placement.

The placement decision must be made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data and the placement options. This shall be the IEP Committee. If there is disagreement between the parents and the MOE over the placement decision, and a hearing is initiated by either the MOE or the parents, the MOE shall not change the child's placement unless both parties agree.

B. General Placement Procedures for Eligible Children, Including Pre-School Children.

1. Placement on individual basis: The overriding rule is that placement must be made on an individual basis.
2. Placement based on IEP: The placement decision must be based on the IEP. Of the child.
3. Placement decision after IEP: The placement decision must be made after the completion of the IEP.
4. Draw upon variety of sources: In making the placement decision the IEP Committee shall draw upon documented information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior and input from parent(s).
5. Consideration of harmful effects: In selecting the placement, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.
6. Removal only when documented unsatisfactory achievement: Special classes, separate schooling or other removal of eligible children from the regular educational environment occurs only when the nature or severity of the disability is such that education in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Additionally, a child with a disability shall not be removed from education in age appropriate regular classrooms, solely because of needed modifications in the general curriculum.
7. Placement in home school or closest to home: Unless an eligible child's special education program requires some other arrangements, the child is educated in the school that he or she would otherwise attend. In the event the child cannot be educated in the home school, he/she should be provided an educational program as close to home as possible.
8. Continuum of alternative placements: A continuum of educational arrangements shall be available throughout the Republic, including special education resources

and consultant services for each school to support placement in the least restrictive environment in an educational program as close to home as possible.

9. Variety of educational programs and services equally available: Each school shall ensure that eligible children have available the variety of educational programs and services available to non-eligible children.
 10. Participation in non-academic and extra-curricular activities: Eligible children shall participate with other children in non-academic and extracurricular services and activities to the maximum extent appropriate to the needs of each eligible child. The Special Education Program ensures that each child with a disability has the supplemental aids and services determined by the child's IEP Committee to be appropriate and necessary for the child to participate in nonacademic settings.
 11. Age appropriate placements: In recommending a placement outside of the regular educational environment, the IEP Committee shall recommend placement in a chronologically age appropriate classroom setting.
 12. Placement shall be determined at least annually.
- C. Continuum of Program Options. The following continuum of placements shall be available to meet the needs of children eligible for special education and related services.

Option 1. The regular classroom with additional support services. The child remains in the regular classroom and the teacher and/or child is supplied with special equipment and supplies, special transportation, attendant services, and other supportive services when recommended by the IEP Committee as being necessary to the identified educational needs of the student. The regular teacher conducts the program.

Option 2. The regular classroom with the services of a special education consulting teacher. The child receives instruction in the regular classroom, and a consulting teacher helps the regular teacher design and implement an individualized program including appropriate materials for each eligible child.

Option 3. The regular classroom with additional instruction by a special education teacher or speech and language therapist in the regular classroom. The teacher or therapist works with the regular teacher and provides direct instruction in the regular class to an eligible child whose identified needs can be met with part-time support. The instruction may be on an individual basis or small group basis and is always carefully coordinated with the regular class activities.

Option 4. The regular educational environment with special education resource support. The child receives as much of the classroom instruction as appropriate. Additional educational experiences are provided by a special education resource teacher or speech and language therapist in a pull-out program designed to meet

identified needs. The duration of time spent with the teacher or therapist is determined by the degree of intervention necessary to meet the child's needs. The instruction may be provided on an individual or small group basis and is always carefully coordinated with the regular class activities.

Option 5. The regular education environment with self-contained classroom support. The child receives any regular classroom instruction from which he or she can benefit but the majority of his/her instruction is provided in a self-contained classroom. Integration with non-disabled peers occurs during non-academic and extra-curricular activities as prescribed in the IEP.

Option 6. Self-contained classroom for students with severe disabilities. The child receives all or most instruction in a specialized classroom for students with severe disabilities in the special education administrative complex. The child receives any regular classroom instruction from which he or she can benefit at nearby schools but the majority of his/her instruction is provided in the self-contained classroom. Integration with non-disabled peers occurs during non-academic and extra-curricular activities as prescribed in the IEP.

Option 7. Home and hospital instruction. The home and hospital program shall consist of instructional and/or supportive services that are provided by the school to a child in his home, in a convalescent home, or in a hospital.

Public or Private Institutions. At this time there are no public or private institutions in the Republic.

A combination of the options may be provided a child upon demonstration of need and recommendation of the IEP Committee.

D. Consent for Initial Placement. The IEP Committee Chairperson shall provide notice to the parents regarding a recommendation for initial placement. At this time the parents' signature must be requested indicating consent for initial placement. (The requirements for "prior notice" and "consent" are presented in Section VII: Procedural Safeguards.)

E. Annual Determination of Educational Placement. The child's educational placement shall be determined at least annually by the IEP Committee.

Upon receiving a written request from a parent or teacher to reconsider the current educational placement of an eligible child, an IEP Committee shall convene. The IEP Committee may recommend whatever changes in the current educational placement of a child it determines are necessary.

In reviewing an educational placement the general procedures outlined earlier in this section must be considered. A justification must again be stated for continuing a student in a present placement or for changing the child's placement.

- F. LRE Requirements in Private Schools. Currently, there are no private schools or facilities in Palau that provide **specialized** special education or related services. Therefore, the MOE does not place children in private schools or facilities.
- G. Communication and Training. The MOE shall carry out activities to ensure that school personnel in all schools are fully informed regarding their responsibilities in ensuring placement in the least restrictive environment. Training and technical assistance shall be provided to assist each school's personnel in complying with the LRE requirements, and by providing the supports necessary to assist the student to progress in the general curriculum.
- H. Monitoring. The MOE will review data (e.g., placement justifications) to ensure that each public and private school serving children with disabilities is in compliance with the procedures outlined in this section regarding placement in the least restrictive environment. The MOE will also assist any public or private school in planning and implementing any necessary corrective actions resulting from any monitoring findings in this regard.

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.

Implementation Procedures

- A. Parent Opportunity to Examine Records and Participate in Meetings. The parents of a child with a disability shall be afforded the opportunity to inspect and review all education records and to participate in all meetings with respect to the identification, evaluation and educational placement of the child, and the provision of a free appropriate public education to the child. This right of access to educational records is discussed in greater detail in Section VIII: Confidentiality of Personally Identifiable Information.

Parents are members of the groups and teams, which make decisions on the educational eligibility, program or placement of their child. If parents cannot participate in a meeting in which a decision is to be made relating to the educational eligibility, program or placement of their child, the MOE will use other methods to ensure their participation, including telephone calls. A placement decision may be made without the involvement of the parents, if the MOE was unable to obtain the parents' participation. In this case, the MOE will have a record of its attempt to ensure their involvement (see Sections V: IEP and VI: LRE for more detail).

The MOE will make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational eligibility, program or placement of their child, including arrangements for an interpreter for parents with deafness, or whose native language is other than English or Palauan.

- B. Independent Educational Evaluation.

1. The MOE will provide to parents upon request for an independent evaluation, information about where an independent evaluation may be obtained and the agency criteria applicable for independent evaluation. An independent

educational evaluation is an assessment conducted by a qualified examiner who is not employed by the Ministry. An independent assessment is not necessarily a private assessment.

If a parent requests an independent educational evaluation at public expense, the MOE will, without unnecessary delay (within 10 days of written notice):

- a. initiate a hearing, consistent with due process and notice procedures, to show that its evaluation is appropriate; or
- b. ensure that an independent educational evaluation is provided consistent with B(2), unless the MOE can demonstrate in a hearing that an evaluation already obtained by the parent did not meet agency criteria.

If a parent requests an independent educational evaluation, the MOE may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the MOE may not unreasonably delay either providing the independent educational evaluation at public expense, or initiating a due process hearing to defend its evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the MOE conducts an evaluation with which the parent disagrees.

2. A parent has the right to an independent educational evaluation at public expense in either of the following instances:
 - a. If the parent provides written disagreement with the evaluation provided by the MOE and the Ministry agrees with the parent; or
 - b. If the parent gives written notice of disagreement with the evaluation provided by the MOE and the Ministry disagrees with the parent and initiates a hearing within 10 days of the written notice and the hearing officer decides that the parent was correct.
 - c. If the hearing officer issues a final decision that the MOE's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
3. Whenever the independent education evaluation is conducted at public expense, the independent educational assessment must be conducted consistent with the criteria which governed the original assessment, including the location of the assessment and the qualifications of the examiner(s) to the extent those criteria are consistent with the parent's right to an independent educational evaluation.
4. An independent evaluation must be provided at public expense if requested by a hearing officer. Prior to granting an independent educational evaluation off-island at public expense, the hearing officer must ensure that all available on-island assessment services appropriate for assessing and providing FAPE have been used.
5. A parent has the right to obtain a private educational assessment at his or her own expense.

6. If a parent obtains an independent educational evaluation at public expense or shares with the MOE an evaluation obtained at private expense, the results of an independent or private assessment:
 - a. will be considered by the MOE, if consistent with #3 above, in regard to any decision made with respect to the provision of a FAPE; and
 - b. may be presented as evidence at a due process hearing regarding the child.
7. The MOE will identify private consultants on island, as available, who are qualified to conduct independent educational evaluations. Parents seeking independent educational evaluations will be notified regarding the availability of these services. These examinations will be conducted at no cost to the parent. MOE will monitor the future availability of such evaluations within the Republic on an ongoing basis and will promptly inform parents of their availability.

C. Notice to Parents.

1. Parents shall be given notice of their opportunity to participate in all meetings with respect to the identification, evaluation and educational placement of the child and the provision of FAPE to the child.
2. The Special Education Program will document the provision of written notice to parents, guardians or surrogate parents of a child with a disability or suspected of having a disability a reasonable time prior to any of the following occasions:
 - a. when the Special Education Program proposes to initiate or change the identification, assessment, or educational placement of the child or proposes to make any changes in the provision of a free appropriate public education to the child as set forth in the child's IEP. For the purposes of this section, graduation from high school with a regular diploma is considered a change in placement requiring notice;
 - b. when the Special Education Program refuses to initiate or change the identification, assessment, or educational placement of the child or refuses to make any change requested by the parent in the provision of a free appropriate public education to the child as set forth in the child's IEP; and
 - c. when the Special Education Program refuses to amend the child's records or proposes to destroy unneeded records in accordance with the applicable confidentiality requirements.
3. The notice will be given to parents a reasonable time prior to the Special Education Program taking the proposed action and will include:
 - a. a full explanation of all the procedural safeguards available to the parents under the Individuals with Disabilities Education Act and MOE policies, including how they can obtain a copy of the description of those procedural safeguards;
 - b. a description of the action proposed or refused by the Special Education Program, an explanation of why the Special Education Program proposes or refuses to take the action, and a description of any options the Special

- Education Program considered and the reasons why those options were rejected;
- c. a description of each assessment procedure, type of test record or report used as a basis for the action;
 - d. a description of any other factors relevant to the actions;
 - e. the notice shall be written in both English and Palauan and provided in the native language or other mode of communication used by the parents whenever necessary to ensure full and effective communication of the content of the notice;
 - f. if necessary, communication will be done orally in the native language or other mode of communication of the parent so that the parent understands the content of the notice;
 - g. an offer of the opportunity to present complaints or engage in mediation;
 - h. the requirement that the parent of a child with a disability, or the attorney representing that child, must provide notice to the MOE of intent to file for a due process hearing, including the contents of such notice and how to obtain the MOE's model form for filing a request for due process hearing; and
 - i. sources for parents to contact to obtain assistance in understanding the procedural safeguards provisions.

A written record shall document that notice was provided.

4. A copy of the procedural safeguards will be given to the parents only one time a school year, except that a copy also must be given,
 - a. upon initial referral or parent request for evaluation;
 - b. when a child is subject to discipline (suspension/expulsion) for a violation of student conduct;
 - c. upon request of the parent or adult student; and
 - d. upon receipt of a special education complaint, or upon receipt of a due process hearing complaint, and will contain a full explanation of the procedural safeguards available to parents, relating to:

| | |
|--|--|
| • independent educational evaluation | • prior written notice |
| • parental consent | • access to educational records |
| • opportunity to present complaints through the special education complaint and due process hearing complaint procedures | • time period for filing a complaint, the difference between the special education complaint and the due process complaint |
| • the availability of | • child's placement during |

| | |
|--|---|
| mediation | pendency of due process procedures |
| <ul style="list-style-type: none"> procedures for students who are subject to placement in an interim alternative educational setting | <ul style="list-style-type: none"> requirements for unilateral placement by parents of children in private schools at public expense |
| <ul style="list-style-type: none"> due process hearings, including requirements for disclosure of evaluation results and recommendations and the option of a resolution session | <ul style="list-style-type: none"> attorneys' fees |
| <ul style="list-style-type: none"> civil actions | <ul style="list-style-type: none"> The MOE does not have a two-level appeals system |

D. Consent.

1. The MOE will document that written parental consent is obtained prior to:
 - a. conducting an initial evaluation, and
 - b. initial placement and provision of special education and related services to a child with a disability.

Consent for initial evaluation will not be considered as indicating consent for initial placement.

2. Consent to a proposed action is written approval made by a parent (or adult student, as applicable) who has been fully informed of all information relevant to the activity, in his or her native language or other mode of communication, and who understands that the approval is voluntary and may be revoked at any time.
3. Except as required in 1. Above, the Special Education Program will not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit or activity.
4. If a parent revokes consent, that revocation is not retroactive (i.e. it does not negate an action that has occurred after the consent was given and before the consent was revoked).
5. if the parent revokes consent in writing for their child's receipt of special education services, the MOE is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.
6. Consent for Services. The Special Education Program makes all reasonable efforts to obtain informed consent for the initial provision of special education and

related services to each eligible child. If the parent of a child fails to respond or refuses to consent to these services, the Special Education Program may not use mediation or due process procedures in order to obtain agreement or a ruling that services will be provided. In such case, the MOE will not be considered to be in violation of the FAPE provisions of IDEA '04.

7. If at any time after the initial provision of special education and related services, the parent refuses consent in writing, the MOE is not required to convene an IEP Team meeting or develop an IEP for the child, and may not continue to provide special education and related services to the child. In such a situation the MOE must provide written notice to the parent, consistent with section C above, before ceasing the provision of special education services.
8. Informed consent must be obtained before conducting any reevaluation of a child with a disability..
9. Parental consent is not required before:
 - a. reviewing existing data as part of an evaluation or reevaluation, or,
 - b. administering a test or evaluation that is given to all children, unless prior consent is required for all children.
10. 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 reevaluation, or the parent fails to respond to a request to provide consent, the Special Education Program may not use the consent override provisions described in this section. Under these circumstances the Special Education Program is not required to consider the child eligible for services. The Special Education Program, however, shall document its attempts to obtain parent consent through providing adequate notice.

Due Process Procedures

On occasion, conflicts can arise between schools, special education personnel and parents/or adult students in special education. Several mechanisms are available through the MOE to assist in resolving special education disputes.

A. Level 1: Complaints.

1. A complaint may be filed with the MOE by any parent, or adult student, or other individual or organization within Palau who believes a school or MOE personnel have violated a requirement of Part B of the IDEA '04 or of Palau PL 3-9. Special Education will accept a complaint received by mail, fax or hand delivery. Complaints may be filed through school principals, Consulting Resource Teachers, the Dispute Resolution Contact Person or the Special Education Coordinator. A complaint filed by email will not be accepted. In addition, when needed and requested, staff will assist a person wishing to file a complaint with documenting the required details of the complaint in writing.
2. The complaint must be in writing and include the following information:

- a. current date;
 - b. the name, address, and telephone number of the person making the complaint (or available contact information);
 - c. the signature of the person making the complaint;
 - d. name and address of the student involved);
 - e. the school or other education agency that is the subject of the complaint;
 - f. one or more statements (allegations) that the school or agency has violated one or more requirements of Part B of the IDEA '04 or Palau Public Law 3-9;
 - g. the facts and/or a description of the events that support each allegation; and
 - h. proposed resolution to the problem to the extent known.
3. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
 4. Methods of Resolving Complaints. The MOE will make every effort to resolve complaints in the least adversarial manner possible. Resolution of a complaint may be achieved through one or more of the following procedures:
Informal settlement: Special Education may propose the use of informal discussions to resolve the complaint. This approach, which must be mutually agreed upon, provides the person filing the complaint and the school or service, an opportunity to immediately resolve the issues of the complaint, even though the parties may not agree on particular facts and conclusions. The Special Education Coordinator, Principals, Consulting Resource Teachers or other designee will facilitate a settlement. If this process is not successful the MOE will conduct an investigation.

Conduct an investigation: If it is determined that an investigation is necessary, the complaint will be investigated by conducting onsite interviews, reviewing files, correspondence, and other information as necessary. It must be found that the complaint is a violation of either IDEA '04 or Palau Public Law 3-9 for the complaint to be valid under these special education procedures.

During this process the person or school/program filing the complaint will have the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and

Offer a corrective action: The school or program that is the subject of the complaint may offer a proposal to resolve the complaint. The Coordinator may accept, reject, or negotiate the proposed corrective action or require other corrective actions or timelines to ensure the school or program will achieve compliance for each allegation stated in the complaint.

The Special Education Coordinator or designee shall review all relevant information as to whether there is a violation of a requirement of IDEA '04 or Palau Public Law 3-9, and issue a written decision within 60 days of receipt of the complaint.

5. Summary of MOE Complaint Procedures. Upon receipt of a written complaint, the MOE will do the following:
 - a. Determine whether the complaint meets all of the required criteria under Palau Public Law 3-9 or IDEA '04. Within five (5) working days, MOE will notify the person filing the complaint if his or her submission does, or does not, meet the required criteria for a special education complaint.
 - b. Notify the subject of the complaint that a complaint has been received and offer both parties to meet informally to agree on a settlement, or offer mediation.
 - c. Initiate other actions as necessary to resolve the complaint, and
 - d. Develop a written decision that addresses each allegation in the complaint, and contains findings of fact and conclusions, the reasons for the final decision and procedures for effective implementation of the decision.
6. Timeline for Resolving Complaints. The timeline for processing and resolving complaints is 60 days from the day the complaint is received. Extensions of this timeline are permitted if:
 - a. Exceptional circumstances exist with respect to a particular complaint; or
 - b. If mediation or other alternative means of dispute resolution is available to the individual or organization making the complaint and both they and the MOE agree to extend the time to engage in mediation or other alternative means of resolving the complaint.

B. Level 2: Mediation.

1. IDEA '04 requires the MOE to make mediation available to help resolve disputes. A request for mediation may be made by either party involved (the school/MOE or the parent/adult student). Requests may be made in writing or by phone to the Director of Education. An email request for mediation will not be accepted.
2. Mediation is a voluntary, informal process in which an impartial third party (a mediator) assists the parties to resolve disputes. Mediation builds positive working relationships, encourages mutual understanding, and helps the parties focus on their common interest – the student. The ultimate goal of mediation is to obtain a written agreement that is acceptable to both parties. Even if a written agreement is not achieved, mediation may be helpful in clarifying issues.

The MOE mediation system will be available to parties as identified above, involving any matter in the identification, evaluation or educational placement of a student, or the provision or denial of a free appropriate public education to such student.

3. Mediation is voluntary, and of no cost to the parties, and will not be used to deny or delay a parent or adult student the right to a due process hearing, or to deny

any other rights afforded under IDEA '04, and will be conducted by a qualified and impartial mediator trained in effective mediation techniques.

4. A mediator will be appointed within five (5) working days of the request for mediation.
5. Each mediation session will be scheduled in a timely manner and held within 20 working days in a location convenient to both parties.
6. In the case that a resolution is reached on the issues in the request for a due process hearing through the mediation process, the parties shall execute a legally binding agreement that:
 - a. describes in detail the resolution;
 - b. states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding;
 - c. is signed by both parties; and
 - d. is enforceable in Republic Court.
7. The MOE will maintain a list of qualified mediators, knowledgeable in laws and regulations relating to the provision of special education and related services. The MOE must select a mediator on a random, rotational or other impartial basis.
8. Any individual who serves as a mediator will not be an employee of the MOE or other public agency that is providing direct services to the student, or have any personal or professional interest that conflicts with the person's objectivity. An individual hired by the MOE solely to serve as a mediator is not considered an employee of the MOE.

C. Level 3. Impartial Due Process Hearing.

1. A request for a due process hearing may be made by a parent/adult child, the MOE, or an attorney representing either party. The request should be mailed, faxed or hand delivered to the Director of Education. An email request for a due process hearing will not be accepted.
2. A parent/adult student or the school/program must request an impartial due process hearing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the request for a due process hearing.

Exceptions to the two-year timeline. This timeline does not apply to a parent or adult student if they were prevented from filing a due process hearing request because:

 - a. the school/program said the issue had been resolved when it had not, or
 - b. information was withheld from the parent/adult student that was required to be provided to them.
3. A request may be initiated on the following matters:
 - a. After either party proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student; or

- b. After either party refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
4. Notice to the MOE.
 - a. The parent or adult student filing, or the attorney representing the parent or adult student, must provide written notice to the MOE of the intent to request a due process hearing.
 - b. The written notice must include: 1) name of student, 2) student's address, 3) student's school, 4) description of the nature of the problem related to the proposed or refused action, including relevant facts, and 5) proposed resolution to the problem to the extent known and available at the time. The MOE provides a model form for this purpose.
 - c. The MOE may not delay or deny a parent or adult student's right to a due process hearing for failure on the part of the MOE to provide them with notice of the above requirements.
 - d. At the party's request or when a hearing request is filed, the MOE will inform the parties of the availability of mediation and of any free or low-cost legal or other relevant services that may be available in Palau.
5. Timelines.
 - a. The MOE shall appoint a hearing officer within five (5) days of receiving the request for a due process hearing and provide the hearing officer with a copy of the written notice that is the basis of the request.
 - b. Within five (5) days of receiving the copy of the due process hearing request, the MOE will send the other party a response that specifically addresses the issues raised in the due process hearing request, unless they have previously done so.
 - c. Sufficiency of request for a due process hearing.
 - (1) Within ten (10) days of her/his appointment, the hearing officer will make a determination on the face of the due process hearing request whether it meets the requirements of paragraph B.2. of this section, and shall immediately notify the parties in writing of such determination.
 - (2) A party may amend its due process hearing request only if:
 - the other party consents in writing to the amendment and is given the opportunity to resolve the due process hearing request through a resolution meeting as described below, or
 - the hearing officer grants permission not later than five (5) days before the due process hearing begins.
 - d. If the request for due process hearing is amended, timelines for setting and completing (another) resolution meeting begin again with the date the amended request is filed.
6. Conduct of Hearings. All hearings requested in the ROP will be conducted by an independent and impartial hearing officer appointed by the MOE.

- a. An impartial hearing officer will be appointed by the MOE from a list of qualified persons established (and routinely updated) by the Minister which includes a statement of the qualifications of each such person.
- b. Each of the following persons shall be deemed by the Minister as unqualified for appointment as an impartial hearing officer:
 - (1) person who is an employee of a public agency that is involved in the education or care of the student;
 - (2) person having a personal or professional interest which would conflict with his or her objectivity in the hearing.
- c. A person who is qualified to conduct a hearing is not an employee of the MOE solely because he or she is paid by the MOE to serve as a hearing officer.
- d. A hearing officer conducting a hearing shall, at a minimum, possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.
- e. A hearing officer conducting a hearing shall possess knowledge of and the ability to understand: the provisions of IDEA '04; ROP regulations pertaining to IDEA '04 (Public Law 3-9); and legal interpretations of IDEA '04 by federal and state courts.

D. Pre-hearing Resolution Meeting.

1. The Hearing Officer will invite both parties to participate in a resolution meeting. The purpose of the meeting is for the parent or the adult student to discuss the due process complaint, and the facts that form the basis of the complaint, so that the school/program has the opportunity to resolve the dispute.
2. The Hearing Officer will convene a "resolution team" which includes the parent/adult student, a representative of the school who has decision-making authority, and relevant members of the IEP Committee who have specific knowledge of the facts identified in the request for a due process hearing. The MOE attorney will not attend the resolution session unless the parent/adult student will also be accompanied by an attorney.
3. The parent and the MOE or school will determine the relevant members of the IEP Committee who will attend the meeting.
4. The resolution meeting will be held within 15 calendar days of a request for a due process hearing unless:
 - a. both parties provide a written waiver of the meeting; or
 - b. both parties agree to participate in mediation.
 If both parties waive the resolution meeting, a due process hearing will be scheduled, and the 45-day timeline for completing the hearing will start on the date that the request for a hearing was received.
5. A due process hearing will be scheduled if no resolution is reached within 30 calendar days of receiving the request for a due process hearing. Unless the

parties have jointly agreed to waive the resolution process or to use mediation, when the resolution meeting is delayed due to the failure of the parent/adult student to participate, then the timelines for the resolution process and the due process hearing will be delayed until the meeting is held.

6. If the MOE is unable to obtain participation of the parent/adult student in the resolution meeting after reasonable efforts have been made and documented, the MOE, may request that the Hearing Officer dismiss the due process hearing request at the conclusion of the 30 day period.
7. If a resolution is reached regarding the issues raised in the request for a due process hearing, the district representative and parent/adult student will sign a legally binding document that is enforceable in Republic Court. Either party may void this agreement within 3 business days of signing the agreement.

E. Hearing Rights.

1. The Hearing Officer will preside at the hearing and will conduct the proceedings in a fair and impartial manner so that all parties involved in the hearing shall have an opportunity and be encouraged to present their evidence and testimony.
 - a. Hearings shall be held at a place and time convenient to the parents and student involved and will be conducted in the primary language of the parent.
 - b. The parents/adult student and the MOE may be accompanied to the hearing, and advised, by legal counsel and individuals with special knowledge or training related to the problems of children with disabilities except where representation by non-attorneys at due process hearings may be prohibited by Republic law.
 - c. At least five (5) business days prior to a due process hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A Hearing Officer may bar any party that fails to comply with this section from introducing such evaluations and recommendations at the hearing without the consent of the other party.
 - d. The party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that were not raised in the original notice filed.
 - e. Each party shall have the right to present evidence and testimony, (confront, cross-examine, and compel the attendance of witnesses) and shall have the right to a full and complete listing of persons the other party will have at the hearing.
 - f. Either party shall have the right to prohibit evidence and lists of witnesses not disclosed five days prior to the hearing. Each party shall have the opportunity to confront and question all witnesses at the hearing and to compel attendance.

- g. An electronic transcript will be made of the hearing and a written transcript of the hearing (including copies of all exhibits and other hearing documents) will be prepared in English and, when requested, in a language other than English which is the primary language of the parent (e.g., Palauan). The transcripts will be kept with the ongoing records of the MOE. Both the electronic and written transcript will be made available at no cost to the parents.
 - h. If the student has not reached the age of majority, the parents shall have the right to determine if the student shall attend the hearing.
 - i. The parents/adult student have the right to open or close the hearing to the public.
 - j. The MOE, after deleting personally identifiable information, will transmit the findings and decisions to the Special Education Advisory Panel and make the findings and decisions available to the public.
2. The Hearing Officer shall render a final decision. The findings of facts and the final decision shall be mailed or hand delivered to all parties to the hearing within 45 days after the request for hearing is received by the MOE. Written copies of the findings of fact and the final decision shall be written in English and, when requested, in a language other than English which is the primary language of the parents. When the hearing is delayed by uncontrollable circumstances, the hearing officer can grant extensions (for a reasonable number of additional days) after either party to the hearing requests the extension. Any party to the hearing has a right to obtain a written or electronic verbatim record made during the hearing and a copy of the findings of fact and the final decision.

F. Limitations on Hearing Officer Decisions

A decision made by a hearing officer shall be made on substantive grounds based on a determination of whether the student received a FAPE. In matters alleging a procedural violation, a Hearing Officer may find that a student did not receive FAPE only if the procedural inadequacies:

- 1. impeded the student's right to FAPE; or
- 2. significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of FAPE to their child; or
- 3. caused a deprivation of educational benefits.

G. Student's Status During Proceedings

Unless otherwise agreed upon by the parents and the MOE, the following procedures will be followed:

1. The student will remain in the current placement until completion of the proceedings, except for placement during appeals regarding a disciplinary action.
2. If the request for due process hearing involves an application for initial admission to public school, the student, with the consent of the parents, must be placed in the public school program until the completion of the proceedings.
3. If the decision of a hearing officer in a due process hearing agrees with the student's parents that a change of placement is appropriate, that placement must be treated as an agreement between the MOE and the parents.

H. Implementation of Hearing Decisions

The MOE will make every effort to promptly implement the decisions reached in any due process hearing, or by the timelines specified in the decision. The Special Education Coordinator or designee will be responsible for the prompt implementation of any such decisions. The MOE will be responsible for assuring their implementation.

I. Appeal of Hearing Decisions: Republic Court

Any party aggrieved by the final hearing decision rendered by the impartial Hearing Officer may file a civil action in Republic Court.

- 1..In any action brought to Republic Court, the Court shall 1) receive the records of administrative proceedings, 2) hear additional evidence at the request of a party and 3) grant the relief that the Court determines appropriate, basing its evidence on the preponderance of the evidence.
- 2.. Time limitation. The party bringing the action shall have 90 days, from the date of the decision of the Hearing Officer, to file a civil action in Republic Court.
- 3.. Attorney's Fees. In general, in any action brought in Republic Court, the Court, in its discretion, may award reasonable attorneys' fees as part of the costs to:
 - a. The prevailing party who is the parent of a child with a disability or an adult student;
 - b. To a prevailing party who is the MOE:
 - (1) against the attorney of a parent who files a due process complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation; or
 - (2) against the attorney of a parent who continued to litigate after litigation clearly became frivolous, unreasonable, or without foundation; or
 - (3) to the MOE, when it is the prevailing party, against the attorney of a parent, or against the parent, if the parent's request for due process or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation

J. Services Compensation

1. The mediation services shall be compensated at \$10.00 per hour for to 50 hours per case for a total of \$500.00 per case.
2. Hearing Officers will be compensated with their regular attorneys' fees.

K. Oversight of Dispute Resolution Processes

Any due process hearing request, or request for mediation or resolution sessions should be brought to the attention of the Director of Education, Bureau of Education, Ministry of Education.

Discipline Procedures

Students with disabilities may be disciplined for violating a school code of conduct, by removing them from their current educational placement. Some of these removals may also constitute a change in placement for the student.

A. Removals

1. School administrators may remove a student with a disability who violates a code of student conduct from his or her current placement by suspension, to an appropriate interim alternative educational setting (IAES), or another setting, for not more than 10 consecutive school days (to the extent those alternatives are also applied to students without disabilities). Additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct are also allowable as long as those removals do not constitute a change of placement.
2. School administrators may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.

B. Removals that are considered a change in placement

1. A change in placement for disciplinary reasons occurs when a child with a disability is removed from his/her current educational placement if:
 - a. the removal is for more than ten (10) consecutive days; or if
 - b. the student is subjected to a series of removals that exceed a total of 10 days that constitutes a pattern of behavior.
2. The Special Education Program determines that a student has been subjected to a series of removals that constitute a pattern:
 - a. when the series of removals totals more than 10 school days in a school year; and
 - b. when the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the removals; and
 - c. because of such factors as the length of each removal, the total amount of time the student is removed, and the closeness of the removals to one another.

Special Education determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

3. Removals for Special Circumstances. School administrators may suspend or otherwise order a change in placement of a student with a disability for disciplinary reasons for up to 45 days, if the student:

- a. carries or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of MOE;
 - b. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the MOE, or
 - c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the MOE, and
 - d. for the same amount of time a student without a disability would be subject to such discipline.
4. For purposes of this section, the following definitions apply:
- a. A drug (controlled substance) is a drug or other substance identified under Section 202 [c] of the Controlled Substances Act (21 U.S.C. 812 [c]).
 - b. An illegal drug means a controlled substance but does not include a drug that is legally possessed or used under the supervision of a licensed health care professional or otherwise legally possessed under provision of Law.
 - c. Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of Section 1365 of Title 18, United States Code.
 - d. A weapon has the meaning given the term “dangerous weapon under paragraph (2) under subsection (g) of Section 930 of Title 18, United States Code.

C. Services to a student removed from current placement

- 1. The MOE is not required to provide services during periods of removal of 10 school days or less to a student with a disability, unless it provides services to a student without disabilities who is similarly removed.
- 2. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the MOE must provide services in the following manner:
 - a. When a student with a disability approaches removal for 10 or more school days, if the current removal is for less than 10 consecutive days and that removal is not a change of placement, school personnel, in consultation with at least one of the student’s teachers, determine the extent to which services are needed. These services are to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP.
 - b. If the removal becomes a change of placement, then the child’s IEP Team determines appropriate services that will enable the student to
 - (1) continue to participate in the general curriculum and,
 - (2) appropriately advance toward achieving the goals set out in the student’s IEP.

D. Manifestation determination

A student with a disability removed from his or her current placement for more than 10 school days in the same school year continues to receive educational services and receives, as appropriate, a functional behavioral assessment as follows:

1. Within 10 school days from any decision to change the placement of a student with a disability because of a violation of a code of student conduct, Special Education staff, the parent, and relevant members of the student's IEP Team (as determined by the parent and Special Education staff) will review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine
 - a. if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
 - b. if the conduct in question was the direct result of Special Education's failure to implement the IEP.
2. The conduct will be determined to be a manifestation of the student's disability if Special Education staff, the parent, and relevant members of the student's IEP Team determine that a condition in either D.1.a. or D.1.b., above, was met.
3. If Special Education, the parent, and relevant members of the student's IEP Team determine that a condition in either D.1.a. or D.1.b., above, was met, then Special Education will take immediate steps to remedy those deficiencies.
4. If Special Education, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, then the IEP Team will either –
 - a. conduct a functional behavioral assessment, and implement a behavioral intervention plan for the student; or
 - b. if a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior. Then the student will be returned to the placement from which he or she was removed, unless the parent and Special Education agree to a change of placement as part of the modification of the behavioral intervention plan, or the removal is the result of 'special circumstances' as defined in B(3) above.
5. If the result of the review is a determination that the behavior of the student was not a manifestation of his or her disability, then school administrators apply the relevant disciplinary procedure that would otherwise be applicable to any student. Special Education ensures that the special education and disciplinary records of the student in question are made available for consideration by the person(s) making the final determination on the disciplinary action.

E. Services to a student in a "change of placement"

A student with a disability removed from his or her current placement for more than 10 school days in the same school year continues to receive educational services and receives, as appropriate, a functional behavioral assessment, even when that removal is caused by

1. behavior determined not to be a manifestation of the student's disability; or
2. the student
 - a. carries or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of MOE,
 - b. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of MOE, or
 - c. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of MOE.

F. Rights and responsibilities

1. On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, Special Education notifies the parents of that decision, and provides the parents a copy of the procedural safeguards.
2. If the student's parent disagrees with any decision regarding interim alternative placements, or Special Education believes that maintaining the student in her or his current placement is substantially likely to result in injury to the student or others, either party may request a hearing. The hearing is requested by filing a complaint (detailed in General Procedural Safeguards, above in this section).
 - a. When such a hearing is requested, the parents involved in the dispute or MOE have an opportunity for an impartial due process hearing, conducted by an impartial hearing officer (detailed in General Procedural Safeguards, above).
 - b. The hearing officer hears the appeal, and makes a determination to either
 - (1) return the student to the placement from which the student was removed if the hearing officer determines that the removal was a violation, or that the student's behavior was due to the disability; or
 - (2) order a change of placement of the student to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
 - c. These procedures may be repeated, if MOE believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

- d. Special Education will arrange for the expedited due process hearing, which will occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer makes a determination within 10 school days after the hearing.
 - e. Unless the parents and Special Education agree in writing to waive the resolution meeting, or agree to use mediation,
 - (1) a resolution meeting occurs within seven days of receiving the due process complaint; and
 - (2) the due process hearing proceeds unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.
 - f. The decisions on expedited due process hearings are eligible for appeal consistent with procedures described in General Procedural Safeguards, above.
3. When an appeal has been made by either the parent or Special Education, the student remains in the interim alternative educational setting, pending the decision of the hearing officer, or until the appropriate time period expires, whichever occurs first, unless the parent(s) and Special Education agree otherwise.

G. Protections for students not yet eligible for special education and related services.

- 1. A student not yet determined to be eligible for special education and related services and who has engaged in behavior that violated any rule or code of conduct, may assert any of the protections provided under IDEA, if the MOE had knowledge (as determined below) that the student was one with a disability.
- 2. The MOE will be deemed to have knowledge that a student is a student with a disability if before the behavior that precipitated the disciplinary action occurred:
 - a. the parent expressed the concern in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services;
 - b. the behavior or performance of the student demonstrated the need for these services;
 - c. the parent of the student requested an evaluation of the student; or
 - d. the teacher of the student, or other personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Education or to other supervisory personnel of the agency.
- 3. The MOE will not be deemed to have knowledge if the parent of the student:
 - a. has not allowed an evaluation of the student, or
 - b. has refused services; or
 - c. if the student had been evaluated and determined to not be a student with a

4. If the MOE did not have knowledge that a student is a one with a disability (2, above), the student may be subjected to the same disciplinary measures as those applied to students without disabilities who engaged in comparable behaviors.
5. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities (which can include suspension or expulsion without educational services). If, as a result of such evaluation and information provided by the parents, the student is determined to be a student with a disability, Special Education will provide special education and related services.

H. Law Enforcement.

The MOE will report a crime committed by a child with a disability to appropriate authorities and will support their exercising their responsibilities with regard to Republic law. The MOE will respond to requests by authorities for copies of the special education and disciplinary records of such a child to the extent permitted by Republic and applicable Federal law.

I. Enforcement

The MOE will undertake monitoring activities to assure the implementation of Procedural Safeguards policies. The MOE will inform all public agencies within the ROP that provide services to children in need of special services of the necessity to implement the procedural safeguard requirements of these policies as detailed in 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 that are members of the Interagency Coordinating Council, 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.

Implementation Procedures

A. Disclosure of Information.

1. Written parental consent (or the consent of an eligible adult student) will be obtained before personally identifiable information is released or is used for any purpose other than meeting a Public Law 3-9 or IDEA '04 requirement, or is disclosed to anyone other than officials of participating agencies collecting or using information for the purposes of the activities described in these policies. Parent consent is required, however, when releasing information to participating agencies providing or paying for secondary transition services, or to a private school where the child may be enrolled by the parent.
2. It is the responsibility of the Special Education Coordinator, in cooperation with other Republic agencies, to develop and implement procedures to identify, locate and evaluate all children with disabilities from birth through age 21. The MOE will give notice that is adequate to fully inform parents about these requirements. If the primary language of the parents is not English or Palauan, the MOE will provide parents the notice in their native language. The notice will include:
 - a. a description of the group(s), methods for collecting data, and uses of the information;
 - b. a summary of the policies and procedures to store, disclose, retain and destroy personally identifiable information; and
 - c. a full description of the rights of parents and children regarding this information, including those under the implementing regulations of the Family Educational Rights and Privacy Act.

The notice will be published and announced throughout the Republic prior to any major identification, location or evaluation activity, and will explain that this information will not be used for any purpose other than meeting an IDEA '04 requirement or be disclosed to anyone other than MOE officials collecting or using such information for the purposes of the activities described in the Republic's Special Education policies.

3. The MOE will protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages and will designate one person by position to assume responsibility for ensuring the confidentiality of any personally identifiable information. Any person collecting or using personally identifiable information will receive training or instruction regarding the Republic's policies and procedures set forth in this section, and schools must maintain, for public inspection, a current listing of the names and positions of the employees who may have access to personally identifiable information.
4. Personally identifiable information shall be maintained only on students who have been determined eligible to receive special education and related services from the Special Education Program. Information to be collected and maintained, the source, and method used to collect it, shall be as follows:

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| a. Demographic: student's full name, date of birth, hospital number, village, place of birth, primary and secondary language, school previously attended (if applicable), parents' or guardians' full name, place(s) of work, home and work phone (if available), post office box (if available) | <i>Obtained from parents or guardians by interview.</i> |
| b. Integrated Evaluation Reports | <i>Obtained from Evaluation Committee</i> |
| c. IEPs | <i>Obtained from IEP meetings conducted by IEP/Placement Committee</i> |
| d. Summaries of medical examination findings and implications for special education (for more severely disabled students) | <i>Obtained from Ministry of Health</i> |

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| <ul style="list-style-type: none"> e. Signed parental consent forms for <ul style="list-style-type: none"> - student assessments & initial placement - sharing of information with specific agencies | <p><i>Obtained from parents after thorough explanation of parental rights. All parental consent forms are written in English and Palauan.</i></p> |
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5. Personally identifiable information shall be used to evaluate student progress, develop new IEPs, compile data in compliance with local and federal data collection requirements and to comply with required monitoring procedures. All personally identifiable information is stored in the Special Education Office.
 6. With parental consent, demographic information and a summary of developmental findings are shared with the pediatricians at the MOH. Also with parental consent, demographic information and information pertaining to current functioning is provided to government and community agencies responsible for providing transitional employment services for secondary students.

B. Access to Student Records.

1. Parents are granted full and free access to information relating to their children in compliance with Section 444 of the General Education Provisions Act and Part 99 of Title 34 of the Code of Federal Regulations. Where a direct conflict exists relating to educational rights and privacy between Palauan law and Federal law, Federal law will be followed. The law that gives the greatest protection to the rights and privacy of parents and students shall take precedence in all other cases.
2. The MOE will provide parents or representatives of the parents, on request, a listing of the types and locations of data collected, maintained, or used by the Ministry.
3. Before any meeting regarding an IEP, the MOE will permit parents or representatives of the parents to inspect and review any personally identifiable data relating to their children that is collected, maintained, or used by the Ministry. The Ministry will comply with a parent request to review or inspect personally identifiable data without unnecessary delay and prior to any meeting regarding an IEP or any hearing or resolution session relating to the identification, evaluation, or placement of their child, or the provision of FAPE to the child, and in no case more than 45 days after the request has been made. The right to inspect and review these records includes:
 - a. the right to a response from the participating agency to reasonable requests for explanations and interpretations of records;

- b. that the Ministry provide copies of the records containing the data where failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records, and
 - c. the right to have a representative of the parent inspect and review records.
4. The MOE may presume that a parent has authority to inspect and review data relating to his or her child unless the Ministry has been advised that the parent does not have the authority under applicable Republic law governing such matters as guardianship, separation and divorce.
 5. The MOE will keep a record of parties obtaining access to data collected, maintained, or used with the exception of parents and authorized employees of the participating agency. These records will include the name of the party, the date access was given, and the purpose for which the party is authorized to use the data. If any record includes data on more than one child, the parents of those children will have the right to inspect and review only the data relating to their child or to be informed of that specific data.
 6. The MOE will not charge a fee for copies of records which are made for parents, and the Ministry will not charge a fee to search for or to retrieve any personally identifiable data collected, maintained, or used for the purposes of activities described in the eligibility documentation.

C. Amendment of Student Records.

1. Parents who believe that information in the educational records of their child is inaccurate or misleading or violates the privacy or other rights of the child may request the MOE or other public agency to amend the information.
2. Upon receiving such a request from a parent, the MOE will decide whether to amend the information as requested within a reasonable period of time following receipt of the request. If the Ministry decides to refuse to amend the information, it will inform the parent of the refusal and advise the parent of the right to appeal the decision through a hearing.
3. The MOE shall, on request, provide an opportunity for a hearing to challenge information in the education records to ensure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child. Such a hearing will be in accordance with procedures under the Family Educational Rights and Privacy Act (34 CFR 99).
 - a. If, as a result of that hearing, it is determined that the data are inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, the MOE will amend the data accordingly and inform the parent in writing.
 - b. If, as a result of the hearing, it is determined that the data are not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, the MOE will inform the parent of the right to place in the records it maintains on the child a statement commenting on the data and setting forth any reasons for disagreeing with the decision of the MOE.

- c. Any explanation placed in the record of the child will be maintained by the MOE as part of the records of the child as long as the record or contested portion thereof is maintained by the MOE; and if the records of the child or the contested portion thereof is disclosed by the MOE to any party, the explanation will also be disclosed to that party.

D. Parental Consent.

1. The MOE will obtain written parental consent before any personally identifiable data are: (a) disclosed to anyone other than officials of participating agencies collecting or using the data for the purposes stated, or (b) used for any purpose other than those specified and (c) sought from the child by formal evaluation, interviews or testing.
2. Where the consent of a parent is required for the release of personally identifiable data, the MOE will notify the parents in their native language, in advance of the proposed action, and obtain written approval prior to the release of such data. A release form for personally identifiable data will be provided. The form will include: (a) specification of the records to be released, (b) the reasons for such release, and (c) the names of the parties to whom such records will be released. The release form will be signed and dated by the parents.
3. In the event a parent refuses to provide consent, every effort will be made to, establish a parent/agency relationship that emphasizes the importance of acting in the best interest of the child.

- E. Destruction of Data. The Ministry shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. Parents, at this point, have the right to request destruction of the personally identifiable information. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

The personally identifiable information on a child with a disability may also be maintained permanently unless the parents request that it be destroyed. Parents will be informed of their right to request destruction, and also reminded that the records may have some future value for other benefits or services.

The Special Education Program shall make a reasonable effort to notify the parents that they have the right to be provided with a copy of any data that have been collected prior to the destruction of the data. All personally identifiable data will be destroyed except a permanent record as described above.

- F. Student's Rights. When a pupil reaches age eighteen, or is attending an institution of post-secondary education, the permission or consent required of (and the rights

conferred upon) parents will be required of (and conferred upon) the student, except where a physical or mental impairment is determined by law to preclude the transfer of such rights. However, the MOE must provide any notice required under this Section to both the student and the parent(s).

- G. Enforcement. Staff of the MOE found to be in violation of the confidentiality policies set forth in this plan will be notified at once of such violation(s) and asked for a written plan of correction. Such persons will also be subject to disciplinary action by the Ministry.

- H. Discipline Information. The MOE does not currently require that discipline information be included in the records of students with disabilities. If at some future date, such a requirement is instituted, the MOE will institute such provisions consistent with the procedures described in these policies.

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.

Implementation Procedures

The Early Childhood staff of the Special Education Program serve all eligible children with disabilities from birth through age five. All children in the Early Childhood Special Education Program have IFSPs, with parent consent, until they reach age 3, when IEPs are developed. Many of the children served ages 3-5 are also enrolled in the Head Start Program. As a result of this service model, there is no break when a child turns three and no need to make a transition at that time. The MOE's Early Childhood Special Education services are currently funded through Part B and local funds. Palau receives no Part C funds so there is no transition between separately funded service programs.

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. Currently, there are no private schools in Palau that specialize in providing services to students with disabilities and therefore MOE Special Education Program does not use private schools as a placement option. Should this situation change, the MOE will follow the procedures, as described in Part I of this section, in considering the referral or placement of a student with a disability in a private school.

Implementation Procedures

Part 1: Placement in Private Schools by the Ministry

The MOE assures that children in need of special services, who are placed in or referred to private schools or facilities by the MOE Special Education Program, will be afforded all of the rights of a child with a disability who is enrolled in a school operated by the MOE.

- A. The decision to place a student with a disability in a private school is made by the IEP Committee. The Special Education Program will monitor both the placement process and the provision of services after placement in order to ensure that special education and related services are provided that are:
 1. in conformance with their IEPs;
 2. at no cost to the parents;
 3. in conformance with IDEA '04 and MOE policies; and
 4. at a school or facility which meets all of the standards applicable to schools operated by the MOE.
- B. Whenever a child with a disability is placed in or referred to a private school or facility, the MOE Special Education Program will assure that the child has all the rights he/she would have if educated in a public school. Before such a placement is made an IEP conference will be held and the placement decision will be discussed with school officials, staff members and parents.

C. The MOE will annually disseminate to each private school serving a child with a disability placed by the Special Education Program, a copy of its applicable standards and procedures for providing special education and related services, including

1. child find procedures, conducted in accordance with those described in Part 3 of this Section;
2. referral and eligibility determinations; and
3. services and supports to eligible children with disabilities enrolled in private schools and their families.

Additionally, the MOE will invite the private school or facility to participate in the revision or development of standards that apply to them.

Part 2: Participation of Private School Children Enrolled By Parents, Where There is Disagreement Whether a FAPE Was Made Available

Private schools in Palau do not offer specialized services to students with disabilities. Special education and related services that meet the requirements of IDEA '04 and the standards of the MOE are only available through the MOE, whether the student attends a public or a private school. For these reasons, the MOE does not use private schools as a placement option, and it would be unlikely that a parent would prevail in arguing that FAPE was available in a private school, but not a public one. However, should a private school begin to offer specialized services to students with disabilities, the following procedures would apply:

- A. The MOE has no obligation to pay for the cost of education, including special education and related services, of a child with a disability placed in a private school or facility by a parent if a FAPE was offered in a public school for the child and the parent still elected to place the child in a private school or facility. However, the MOE will include such children in the population whose needs are addressed consistent with Part 3 of this section.
- B. Disagreements between a parent and the MOE Special Education Program regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to due process procedures established by the MOE (and described in Section VII, Procedural Safeguards).
- C. If the parents of a child with a disability, who previously received special education and related services through the MOE, enroll the child in a private school without the consent of or referral by the MOE, they have a right to due process. A Hearing Officer or a court may require the MOE to reimburse the parents for the cost of that enrollment if the Hearing Officer or court finds that the MOE did not make a FAPE

available to the child in a timely manner prior to the private school enrollment, and that the private placement is appropriate. A hearing officer or a court may find a parental placement to be appropriate even if it does not meet Republic standards that apply to education programs provided by the MOE.

1. Limitation on reimbursement. The cost of reimbursement described in paragraph (C) above may be reduced or denied if:
 - a. At the most recent IEP meeting that the parents attended prior to removal of their child from the public school, the parents did not inform the IEP Committee that they were rejecting the placement proposed by the MOE Special Education Program to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at MOE expense; or
 - b. At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of their child from the public school, the parents did not give written notice to the MOE Special Education Program as described in C(1)(a);
 - c. If, prior to the parents' removal of the child from the public school, the MOE Special Education Program informed the parents, through the notice requirements described in Section VII, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or
 - d. Upon a judicial finding of unreasonableness with respect to actions taken by the parents.
2. Exception. Notwithstanding the notice requirement in paragraph C1(b) of this section, the cost of reimbursement may not be reduced or denied for a parent's failure to provide the notice if:
 - a. the parents is illiterate and cannot write in English;
 - b. compliance with paragraph A3(a) above would likely result in physical or serious emotional harm to the child;
 - c. the school prevented the parent from providing the notice; or
 - d. the parents had not received notice from the MOE of this notice requirement.

Part 3: Parentally-Placed Students with Disabilities in Private Schools

- A. Child Find. The MOE Special Education Program will locate, identify, and evaluate all children with disabilities residing in ROP who are enrolled by their parents, in any private elementary and secondary schools in accordance with its child find procedures (see Section III: Child Find Procedures). The activities undertaken to carry out child find for private school children with disabilities must be comparable to child find activities undertaken for children with disabilities in public schools.

B. Child Find Design. The MOE's special education child find process ensures:

1. a consultation with representatives of private school children in deciding how to locate, evaluate, and identify private school children with disabilities and the equitable participation of parentally-placed private school children; and
2. an accurate count of those children is conducted on December 1 of each year consistent with procedures for locating, identifying and evaluating children with disabilities in public schools.

C. Expenditures. The ROP is a unitary SEA/LEA, which means there are no LEAs to which the SEA sub-grants. There is no formula for distribution of funds beyond the SEA that, in its unitary status, is the educational entity both for administration and implementation of programs under its IDEA '04 funding. Additionally, ROP's IDEA '04 funding is not based on child count.

The IDEA '04 regulation at §300.132(a) has a provision of services for parentally-placed private school children with disabilities:

"To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in the program assisted or carried out under Part B of the Act by providing them with special education and related services including direct services determined in accordance with 300.137."

In turn, the regulation at §300.133 specifies the formula to be used to meet the requirement of §300.132 to be:

". . . an amount that is the same proportion of the LEA's total sub-grant under section 611(f) of the Act"

Section 611(f) of the Act says,

"Each State that receives a grant under this section for any fiscal year shall distribute any funds it does not retain under subsection (e) (at least 75 percent of the grant funds) to local educational agencies. . . for use in accordance with this part."

Section 611 continues on to define the term 'State' at (g):

"for the purposes of this section . . . (2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."

Thus, for the purposes of this Part, the outlying areas (AS, GU, CNMI), the Freely Associated States (FSM, RMI, ROP) and the Virgin Islands are not considered States.

Further, the regulations at §300.133(c)(2) describe the requirement for child count to determine the number of private school children with disabilities, which:

“must be used to determine the amount that the LEA must spend on providing special education and related services to private school children with disabilities in the next subsequent fiscal year.”

Therefore, both in the definitions and the descriptions of distribution in this section, Palau is not obligated to designate and spend funds on private school children with disabilities in accordance with the formula required for States with local districts, and is not bound by the proportionate use of funds requirement.

Nonetheless, the Republic is committed to ensuring that, consistent with their number and location in Palau, children with disabilities who are enrolled by their parents in private schools are provided genuine opportunities to participate in the program assisted or carried out under IDEA '04 and Public Law 3-9 and will engage in an annual process to determine the types and amounts of services to be provided to these children. The MOE is not prohibited from providing services to private school students with disabilities in excess of those described here, however this must be consistent with any applicable ROP public laws or policies.

1. The MOE commits to providing special education and related services to eligible children with disabilities enrolled in a private schools in Palau, in accordance with an individualized services plan (below). The MOE maintains the following information related to parentally-placed private school children:
 - a. the number of children evaluated;
 - b. the number of children determined to be children with disabilities; and
 - c. the number of children served.
2. The MOE annually disseminates to representatives of the private schools in Palau its procedures for identifying and serving eligible students with disabilities enrolled in private schools.

D. No Individual Right to Special Education and Related Services.

1. No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.
2. Decisions about the services that will be provided to parentally-placed private school children with disabilities, must be made in accordance with the following procedures:

The MOE will consult annually with private school representatives, and representatives of parents of parentally placed children with disabilities to ensure their timely and meaningful participation during the design and development of special education and related services regarding:

- a. the child find process, including:

- (1) how parentally-placed private school children suspected of having a disability can participate equitably, and
 - (2) how parents, teachers and private school officials will be informed of the process.
- b. the consultation process, including how the process will operate throughout the school year to ensure that parentally-placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services.
 - c. provision of special education and related services. The determination of the number and types of children with disabilities who will participate in the programs and services to be provided will be made after consultation with appropriate representatives of parentally-placed private school children with disabilities to decide:
 - (3) the types of services, including direct services and alternate service delivery mechanisms;
 - (4) how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children;
 - (5) how and when those decisions will be made; and
 - (6) how the services will be evaluated.
 - d. Funding. The funding for services to parentally-placed private school children with disabilities will correspond to the requirements as set out in Part 3 – C, above, and such information will be provided to appropriate representatives of parentally-placed private school children with disabilities.
3. If the MOE disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the MOE Special Education Program will provide to the private school officials a written explanation of the reasons why the MOE chose not to provide services directly or through a contract.
 4. The MOE shall make the final decisions with respect to the services to be provided to eligible parentally-placed private school children.
 5. Written Affirmation.
 - a. When timely and meaningful consultation has occurred, the MOE Special Education Program must obtain a written affirmation signed by the representatives of participating private schools.
 - b. If the representatives do not provide the affirmation within a reasonable period of time, the Special Education Program must forward documentation of the consultation process to the Minister or the Director of Education.
- E. Services Plan. If a child with a disability parentally-placed in a religious or other private school is to receive services from the MOE Special Education Program, then the MOE shall:

1. initiate and conduct meetings to develop, review, and revise a services plan for the child that describes the specific special education and related services to be provided, and
2. ensure that a representative of the religious or other private school is invited to attend each meeting. If a representative cannot attend, the MOE shall use other methods to ensure participation, such as individual or conference calls.
3. The services plan must, to the extent appropriate,
 - a. meet the requirements in place for development of IEPs, for the services to be provided, and
 - b. is developed, reviewed and revised consistent with procedures the MOE has established for IEP development, review and revision.
4. The services for parentally-placed private school children with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements.
5. Services to parentally-placed private school children will be provided by the Special Education Program, or through contract by the Ministry with an individual, association, agency, organization, or other entity. Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral and non-ideological. Services provided to parentally-placed private school children with disabilities may be provided on-site at a child's private school, including a religious school, to the extent consistent with Republic law.
6. Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.
7. If necessary for the child to benefit from or participate in the services provided by the MOE under this part, a parentally-placed private school student with a disability must be provided transportation:
 - a. from the child's school or the child's home to a service site other than the private school, and
 - b. from the service site to the private school, or to the child's home, depending on the timing of the services.

The Ministry is not required to provide transportation between the child's home and the private school.

- F. Due Process. A child parentally placed in a private school does not receive the same right to due process as a student with a disability placed and served by the MOE. Due process procedures for students parentally placed in private schools apply only to complaints that the MOE has failed to meet the requirements for child find, and not to the determination and provision of services indicated on a child's services plan, or to transportation, expenditures for services, or other areas described in this section.

A private school official has the right to submit a complaint to the Minister of Education that the MOE:

- did not engage in consultation that was meaningful and timely; or
- did not give due consideration to the views of the private school official.

A private school official submitting a complaint must provide to the Minister of Education the basis of the noncompliance with the applicable private school provisions in this part, and forward the appropriate documentation to him.

If the private school official is dissatisfied with the decision of the Minister, that official may submit a complaint to the Secretary, US Department of Education, by providing the information on noncompliance described above and the Ministry must forward the appropriate documentation to the Secretary, DOE.

- G Programs and projects to be carried out in public facilities, and involving joint participation by children in need of special services enrolled in private programs and public schools, will not include classes that are separated on the basis of school enrollment or children's religious affiliation if the classes are at the same site.
- H. Public school personnel and services may be made available to non-public schools only to the extent necessary to provide the special education and related services required by children in need of services enrolled in private schools when those personnel and services are not provided at the private schools. IDEA '04 funds will not be used to meet the general needs of a private school or the general needs of parentally-placed students enrolled in private schools. The MOE, in providing educational and related services to parentally-placed children enrolled in private schools, will maintain administrative control and direction over those services.
- I. IDEA '04 funds used to support the education of children in need of special services enrolled in private schools will not include the payment of salaries of private school personnel except for services performed outside their hours of duty and under public supervision and control, nor will those services include the use of equipment purchased with IDEA '04 funds, other than mobile or portable equipment, on private school premises, or the construction of private school facilities.

Title to and administrative control over the above mentioned portable or mobile equipment will be maintained by the MOE, which will also be responsible for monitoring the use, availability and removal of such equipment. Equipment or supplies purchased with IDEA '04 funds may be placed at a private school for the period of time needed for the program. Such equipment or supplies shall be used only for special education purposes. Any equipment or supplies purchased with IDEA '04 funds shall be removed from a private school if:

1. the equipment or supplies are no longer needed for the purposes of the project;
or
2. removal is necessary to avoid use of the equipment or supplies for other than project purposes.

The MOE will keep records and account for equipment and ensure that all equipment is utilized for the specific purposes of the program or project.

- J. IDEA '04 funds for education of children in need of special services enrolled in private schools will not be used for repairs, minor remodeling, or construction of private school facilities.

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 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. Palau's extensive monitoring procedures were most recently revised in February 2008. These procedures include ongoing oversight of programs and services in Palau's schools by central office staff (Consulting Resource Teachers) combined with annual reviews of special education programs and services.) All Palau's schools are monitored on a 3-year cycle.

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 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 APR submitted to OSEP and also made available to the public. The MOE will, at a minimum, post the plan 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.