



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

July 1, 2024

Honorable Lawrence F. Camacho  
Commissioner of Education  
Commonwealth of the Northern Mariana Islands Public School System  
P.O. Box 501370 CK  
Saipan, Northern Mariana Islands 96950

Dear Commissioner Camacho:

We have approved Commonwealth of the Northern Mariana Islands' (CNMI's) application for Federal fiscal year (FFY) 2024 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). The effective date of this grant award is July 1, 2024.

Our approval is based on our review of the IDEA Part B application submitted by the Commonwealth of the Northern Mariana Islands Public School System (CNMI PSS) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 22, 2024, including the assurances and certifications provided in Sections II.A, II.B, and II.C and incorporated by reference to this letter as noted in Enclosure A. Our approval is also based on CNMI's certification in Section II.D of its FFY 2024 application (Enclosure B) that CNMI's provisions meet the requirements of IDEA Part B and the implementing regulations, and that CNMI will operate its Part B program in accordance with all of the required assurances and certifications, consistent with 34 C.F.R. § 76.104. Our approval is also based on CNMI's 2024 submission of the form required under Section 427 of the General Education Provisions Act.

Please note that OSEP Memorandum 24-03, dated March 1, 2024, explained the impact of recent amendments to the Copyright Act, 17 U.S.C. § 121, on certain terms relevant to Assurance 23a or 23b related to accessible instructional materials as reflected in CNMI's FFY 2024 application for funds under IDEA Part B. As a result, the term "blind and other persons with print disabilities" has been removed from the Copyright Act and replaced with "eligible person," and the term "specialized format" has been removed and replaced with the term "accessible format." Although at this time Congress has not made conforming amendments to Section 612(a)(23) of IDEA, the Department construes Assurances 23a and 23b as incorporating the terms "eligible person" and "accessible format."

CNMI's FFY 2024 IDEA Part B grant award is being released subject to Specific Conditions identified in the Department's June 18, 2024, letter to CNMI PSS, which is Enclosure D to this grant letter and incorporated in this grant letter by this reference. These Departmentwide Specific Conditions are imposed under IDEA Section 616(g) and 2 C.F.R. § 200.208. The Department is imposing Specific Conditions on all Department grants to CNMI PSS (including the enclosed FFY 2024 IDEA Part B grant award) to ensure fiscal accountability of Department grant funds. By accepting this grant award, CNMI PSS expressly agrees to comply with the Specific Conditions identified in Enclosure D throughout the period that CNMI PSS uses its FFY 2024 IDEA Part B funds.

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

Enclosed is CNMI’s FFY 2024 grant award for funds currently available under the Further Consolidated Appropriations Act, 2024 (Public Law 118-47) for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2024, through September 30, 2026, in accordance with 34 C.F.R. § 76.709.

The amount shown in CNMI’s award for the Section 611 program is only part of the total funds that will be awarded to it for FFY 2024. Of the \$14,213,704,000 appropriated for Section 611 in FFY 2024, \$4,930,321,000 is available for awards on July 1, 2024, and \$9,283,383,000 will be available for awards on October 1, 2024.

Under the Section 611 formula, the Secretary reserves not more than one percent of the amount appropriated for FFY 2024 to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through 21, and to provide each freely associated State a grant in no less than the amount that the freely associated State received in fiscal year 2023 under Part B of the IDEA.

Enclosure C provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure C shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

On April 22, 2024, the Office of Management and Budget (OMB) published major changes to the 2 C.F.R. Part 200 as part of the OMB Guidance for Federal Financial Assistance, which is still referred to as the OMB Uniform Guidance. Under IDEA Section 605 and the OMB Uniform Guidance (2 C.F.R. § 200.407), IDEA grant recipients must obtain prior approval<sup>1</sup> to charge the following items as direct costs to IDEA funds: (1) Equipment and (2) Construction or alteration of facilities. The definition of “equipment” has changed.<sup>2</sup>

The new provisions in the OMB Uniform Guidance are generally effective on October 1, 2024. However, the Department is providing formula grant recipients the flexibility to apply the new provisions in the OMB Uniform Guidance effective July 1, 2024 (instead of October 1, 2024) for all Department funds available as of that date (including FFYs 2022 and 2023 carryover funds). This flexibility extends to the new \$10,000 threshold for equipment, provided that the Federal grant recipient or subrecipient has updated its capitalization level for financial statement purposes from \$5,000 to \$10,000. Previously, equipment was defined as the lower of the recipient’s capitalization level or \$5,000. If the recipient has a fiscal policy with a capitalization level that is less than \$10,000, it will need to revise its fiscal policy to change its capitalization level threshold to \$10,000 to utilize this new OMB threshold for prior approval.

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<sup>1</sup> This list is not exhaustive. IDEA grant recipients should review the new provisions in 2 C.F.R. § 200.407, which identify other direct costs for which Federal grant recipients must request prior approval. <sup>2</sup> Federal grant recipients will continue to need to obtain prior approval for the use of IDEA grant funds to acquire equipment, but the definition of equipment has changed. Specifically, equipment is now defined to mean “tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes, or \$10,000.”

<sup>2</sup> Federal grant recipients will continue to need to obtain prior approval for the use of IDEA grant funds to acquire equipment, but the definition of equipment has changed. Specifically, equipment is now defined to mean “tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes, or \$10,000.”

Under 2 C.F.R. § 200.456, Federal grant recipients are no longer required to obtain the Department’s prior approval for “participant support costs.” OSEP’s approval of this FFY 2024 IDEA grant does not constitute prior approval of direct costs under 2 C.F.R. § 200.407. OSEP will respond separately to requests for prior approval.

Any changes made by CNMI, after OSEP approval, to information that is a part of CNMI’s application, must meet the public participation requirements in 34 C.F.R. § 300.165.

In Section V.A of its IDEA Part B application, pursuant to the authority in IDEA Section 618(a)(3), CNMI was required to submit data on the total amount of CNMI’s financial support made available for special education and related services for children with disabilities in CNMI’s State fiscal year (SFY) 2022 and SFY 2023. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data that CNMI has provided in Section V.A, OSEP will follow up with CNMI.

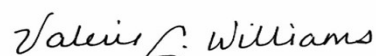
Section 604 of the IDEA provides that “[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act].” Section 606 provides that each recipient of assistance under the IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, CNMI is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2024 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part B.

As a reminder, all prime recipients of IDEA Part B funds must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006, as amended. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. See <https://www.fsr.gov/>.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Valerie C. Williams  
Director  
Office of Special Education Programs

Enclosures

- Enclosure A (Sections II.A-II.C of CNMI’s application)
- Enclosure B (Section II.D of CNMI’s application)

Page 4–Chief State School Officer

Enclosure C

Enclosure D (Department-wide Specific Conditions)

cc: State Director of Special Education

**State Name: Commonwealth of the Northern Mariana Islands**

**Enclosure A**

**A. Assurances Related to Policies and Procedures**

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<p><b>Yes</b> <i>(Assurance is given Place a check as applicable.)</i></p>	<p><b>No</b> <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i>  <i>Enter date(s) as applicable</i></p>	<p><b>Assurances Related to Policies and Procedures</b></p>
X		<p>1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.</p>
X		<p>2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)</p>
X		<p>3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.</p>
X		<p>4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)</p>
X		<p>5. 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 not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be</p>

<p><b>Yes</b> (Assurance is given Place a check as applicable.)</p>	<p><b>No</b> (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)  Enter date(s) as applicable</p>	<p><b>Assurances Related to Policies and Procedures</b></p>
		<p>achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.</p>
<p>X</p>		<p>6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.</p>
<p>X</p>		<p>7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)</p>
<p>X</p>		<p>8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)</p>
<p>X</p>		<p>9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)</p>
<p>X</p>		<p>10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)</p>
<p>X</p>		<p>11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175</p>

<p><b>Yes</b> (Assurance is given Place a check as applicable.)</p>	<p><b>No</b> (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)  Enter date(s) as applicable</p>	<p><b>Assurances Related to Policies and Procedures</b></p>
		<p>and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)</p>
<p>X</p>		<p>12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.</p>
<p>X</p>		<p>13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)</p>
<p>X</p>		<p>14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.</p>
<p>X</p>		<p>15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.</p>
<p>X</p>		<p>16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.</p>
<p>X</p>		<p>17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.</p>

<p><b>Yes</b> (Assurance is given Place a check as applicable.)</p>	<p><b>No</b> (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)  Enter date(s) as applicable</p>	<p><b>Assurances Related to Policies and Procedures</b></p>
X		<p>18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.</p>
X		<p>19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)</p>
X		<p>20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)</p>
X		<p>21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.</p>
X		<p>22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.</p>
X		<p>23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.</p>
		<p>23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i></p>
X		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process,</p>



<p><b>Yes</b> (Assurance is given Place a check as applicable.)</p>	<p><b>No</b> (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)  Enter date(s) as applicable</p>	<p><b>Assurances Related to Policies and Procedures</b></p>
		<p>procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> <li>• require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or</li> <li>• purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)</li> </ul>
		<p>23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
<p>X</p>		<p>24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)</p>
<p>X</p>		<p>25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.</p>

## B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

## C. Certifications

The State is providing the following certifications:

Yes	Certifications
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i>, the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	2. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

**D. Statement**

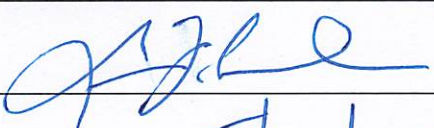
I certify that the State of The Commonwealth of the Northern Mariana Islands can make the assurances checked as 'yes' in Section II.A. and II.B. and the certifications required in Section II.C. of this application. These provisions meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) as found in PL 108-446 and the implementing regulations. The State will operate its IDEA Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA, as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2025. (34 CFR § 76.104)

I, the undersigned authorized official of the

Commonwealth of the Northern Mariana Islands Public School System,  
*(Name of State and official name of State agency)*

am designated by the Governor of this State to submit this application for FFY 2024 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State:
Lawrence F. Camacho, Ed.D.
Title of Authorized Representative of the State:
Commissioner of Education
Signature:

Date:
5/22/24

**Enclosure C**  
**IDEA Grants to States Program**  
**(Part B, Section 611)**

**Explanation of the Federal Fiscal Year (FFY) 2024 Allocation Table**

**Total Grant Award (Column B)**

Column B shows your total grant award for the Grants to States program for FFY 2024 under the Further Consolidated Appropriations Act, 2024 (Public Law 118-47).

State total grants are calculated in accordance with several factors. First, each State is allocated an amount equal to the amount that it received for fiscal year 1999. If the total program appropriation increases over the prior year, 85 percent of the remaining funds are allocated based on the relative population of children aged 3 through 21 who are in the age range for which the State ensures the availability of a free appropriate public education (FAPE) to children with disabilities. Fifteen percent of the remaining funds are allocated based on the relative population of children aged 3 through 21 living in poverty who are in the age range for which the State ensures the availability of FAPE to children with disabilities. The statute also includes several maximum and minimum allocation requirements when the amount available for distribution to States increases.

If the amount available for allocation to States remains the same from one year to the next, States receive the same level of funding as in the prior year. If the amount available for allocation to States decreases from the prior year, any amount available for allocation to States above the fiscal year 1999 level is allocated based on the relative increases in funding that the States received between fiscal year 1999 and the prior year. If there is a decrease below the amount allocated for 1999, each State's allocation is ratably reduced from the fiscal year 1999 level.

The amounts shown under the total grant award column reflect funding from two sources – (1) base allocations made in accordance with Section 611 of the IDEA (“base allocations”) and (2) funds reallocated to States as a result of reductions made under Section 612(a)(18) as a result of a failure to meet the IDEA’s maintenance of State financial support requirements (“MFS reallocations”). MFS reallocations are not considered when determining a State’s base allocation.

**Section 611 Base Allocation to LEAs (Column C)**

Column C is the portion of the local educational agency (LEA) flow-through amount that must be distributed to LEAs based on the amounts that the LEAs would have received from FFY 1999 funds had the State educational agency (SEA) flowed through 75 percent of the State award to LEAs. Note that this amount is less than the minimum amount that States were required to provide to LEAs from FFY 1999 funds. The Part B regulations at 34 CFR §300.705(b)(2) clarify how adjustments to the base payment amounts for LEAs are made.

**Maximum Set-Aside for Administration (Column D)**

Column D includes the maximum State set-aside amount for administration. A State may reserve for State administration up to the greater of the maximum amount the State could reserve for State administration from fiscal year 2004 funds, or \$800,000, increased by inflation as reflected by the Consumer Price Index for All Urban Consumers (CPIU). The maximum State set-aside amount available for administration for FFY 2024 is a 3.0 percent increase over the maximum amount that was available for FFY 2023. Each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under this program or \$35,000, whichever is greater.

## Maximum Set-Aside Available for Other State-Level Activities (Columns E - H)

The maximum level of funding that may be set aside from a State's total allocation for State-level activities, other than administration, is contingent upon the amount that the State actually sets aside for administration and whether the State opts to establish a LEA high-risk pool under IDEA, section 611(e)(3). For FFY 2024:

- (1) If the actual amount a State will set aside for State administration is over \$850,000 and the State will use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 10.0 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (2) If the actual amount a State will set aside for State administration is over \$850,000 and the State will not use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 9.0 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (3) If the actual amount a State will set aside for State administration is \$850,000 or less and the State will use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 10.5 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.
- (4) If the actual amount a State will set aside for State administration is \$850,000 or less and the State will not use funds from its award to support a high-risk pool, the maximum amount the State may set aside of its total award for State-level activities (other than administration) is 9.5 percent of its FFY 2006 award as adjusted for inflation based on the CPIU.

SEAs are required to use some portion of these State set-aside funds on monitoring, enforcement, and complaint investigation and to establish and implement the mediation process required by section 615(e), including providing for the costs of mediators and support personnel. In addition, States setting aside funds for a high-risk pool, as provided for under section 611(e)(3), must reserve at least 10 percent of the amount the State reserved for State-level activities for the high-risk pool.

SEAs also may use State set-aside funds: (1) for support and direct services, including technical assistance, personnel preparation, and professional development and training; (2) to support paperwork reduction activities, including expanding the use of technology in the individualized education program process; (3) to assist LEAs in providing positive behavioral interventions and supports and mental health services to children with disabilities; (4) to improve the use of technology in the classroom by children with disabilities to enhance learning; (5) to support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities; (6) for development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to postsecondary activities; (7) to assist LEAs in meeting personnel shortages; (8) to support capacity building activities and improve the delivery of services by LEAs to improve results for children with disabilities; (9) for alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools; (10) to support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities,

in accordance with sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965 (ESEA); and (11) to provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, in schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.

### **Section 611 Population/Poverty**

The minimum amount that a State must flow through to LEAs based on population/poverty equals the total award (Column B) minus the LEA base allocation (Column C), the maximum amount available for administration (Column D), and the maximum amount available for other State-level activities (Column E, F, G, or H). Of this amount, 85 percent must be distributed on a pro-rata basis to LEAs according to public and private elementary and secondary school enrollment, and 15 percent on a pro-rata basis to LEAs according to the number of children in LEAs living in poverty, as determined by the State.

**Enclosure D**



**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF FINANCE AND OPERATIONS  
OFFICE OF GRANTS MANAGEMENT**

June 18, 2024

Commissioner Lawrence F. Camacho  
Commonwealth of the Northern Mariana Islands Public School System  
Capitol Hill Bldg #1211  
PO BOX 501370  
Saipan, MP 96950

Dear Commissioner Camacho:

The purpose of this letter is to inform you that the U.S. Department of Education (Department) is carrying forward the FFY 2023 Departmentwide specific conditions placed on grants awarded to the Commonwealth of the Northern Mariana Islands Public School System (CNMI PSS) for FFY 2024.

The Department is awaiting the receipt of additional documentation to support the request to reconsider the specific conditions, submitted on behalf of the Commonwealth of the Northern Mariana Islands Public School System (CNMI PSS) by Acting Commissioner Donna Flores on December 22, 2023, in accordance with the fiscal year (FY) 2023 Departmentwide specific conditions. In the letter dated February 16, 2024, the Department communicated the additional information needed for the Department to be able to consider removing the Departmentwide specific conditions. As explained in that letter, CNMI PSS must fully demonstrate, to the Department's satisfaction, that the issues that led to the specific conditions imposed on CNMI PSS have been addressed in compliance with applicable Federal requirements concerning accountability and grants management. Once another request for reconsideration and accompanying documentation have been received and reviewed, the Department will be prepared to render a decision about whether to either modify or remove the Departmentwide specific conditions.

If you have any questions or require further assistance, please reach out to Christine Jackson, the primary contact for CNMI PSS within the Grants Risk Management Services Division of the Office of Grants Management (OGM), Office of Finance and Operations, at (202) 615- 3663 or via e-mail at [christine.jackson@ed.gov](mailto:christine.jackson@ed.gov).

We look forward to continuing to work with you to improve the delivery of Federal education and related services to children and youth in the CNMI.

Sincerely,

A handwritten signature in cursive script that reads "Calvin J. Mitchell Jr.".

Calvin Mitchell  
Deputy Assistant Secretary  
Office of Grants Management  
Office of Finance and Operations

cc: Governor Arnold I. Palacios  
Antonio L. Borja, Chairman, CNMI PSS Board Education  
Jackie Che, Federal Programs Administrator

Enclosure

400 MARYLAND AVE., S.W., WASHINGTON, DC 20212  
[www.ed.gov](http://www.ed.gov)

Commonwealth of the Northern Mariana Islands Public School System (CNMI PSS) Specific  
Conditions  
Federal Fiscal Year (FFY) 2024

These specific conditions are imposed on all grants issued by the U.S. Department of Education (Department) to CNMI PSS on or after the date of these specific conditions. Additionally, the specific conditions apply to grant funds previously awarded by the Department to CNMI PSS that are still available for obligation or liquidation on the date of these specific conditions. These specific conditions are applied to these program grants and funds in accordance with regulations governing specific conditions in 2 CFR § 200.208 in the Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

1. **Single Audits and Reports:** CNMI PSS shall continue to conduct single audits and submit reports to the Department on an annual basis in a timely and complete manner. All single audits shall be completed, and the reports published within nine months after the end of each fiscal year, as required by the Single Audit Act of 1984, as amended. If, for any reason, CNMI PSS expects an audit or report to be delayed and late, it shall notify the Department's contact person of the reason and extent of the delay as soon as possible.
2. **Updates on CNMI Web Site:** CNMI PSS shall continue to post on its website information regarding its budget, grant applications, and annual reports submitted to the Department under these specific conditions to provide for access by the general public.
3. **Reporting Requirements:** CNMI PSS shall submit a report to the Department that describes how it is continuing to improve its management and administration of Department grants. In particular, this report shall demonstrate how CNMI PSS is addressing repeat audit findings associated with compliance with procurement and suspension and debarment policies, including the findings in the FFY 2020 audit report concerning allowable costs, cash management, procurement and reporting. The report shall be signed by the authorized official of CNMI PSS and submitted to the Department no later than September 30, 2024.

The report should be submitted by CNMI PSS in both hard copy and electronically to:

Christine Jackson Senior  
Risk Consultant  
Grants Risk Management Services Division  
Office of Grants Management  
Office of Finance and Operations  
U.S. Department of Education 400  
Maryland Avenue, SW Washington,  
D.C. 20212  
ATTN: Grants Risk Management Services Division Email:  
christine.jackson@ed.gov

4. **Additional Conditions:** Should appropriate corrective actions cease or fiscal or programmatic accountability problems recur in the future, the Department reserves the



right to take additional appropriate actions, which include designating CNMI PSS a “high-risk” grantee under the authority of 2 CFR §§ 200.208 and 3474.10 and imposing additional specific conditions on CNMI PSS’ grant awards.

5. **Reconsideration and Modifications:** At any time, CNMI PSS may request reconsideration of the above specific conditions by contacting the Department contact named above in paragraph 3 of these conditions and stating in writing the reasons why CNMI PSS believes any particular condition should be amended or removed. Additionally, the Department may impose additional specific conditions or modify these specific conditions as appropriate. The Department will remove the specific conditions at such time as CNMI PSS fully demonstrates, to the Department’s satisfaction, that the issues that led to the specific conditions imposed on CNMI PSS have been addressed in compliance with applicable Federal requirements concerning accountability and grants management.

Dated: June 18, 2024