

Archived Information



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

NOV 22 2004

Honorable Juan Flores
Superintendent of Education
Department of Education
Post Office Box DE
Hagtna, Guam 96932

Dear Dr. Flores:

This is to inform you that we have conditionally approved Guam's Eligibility Documents for Federal Fiscal Year (FFY) 2004 under Part B of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the following documents submitted by the Guam Department of Education to the U.S. Department of Education, Office of Special Education Programs (OSEP):

1. The Part B Eligibility Documents for FFY 2004, including the Eligibility Documents submitted May 2, 2000, and subsequent revisions to those Eligibility Documents and the Submission Statement submitted April 9, 2004; and
2. The June 18, 2004 letter from Guam to OSEP, in which Guam assures that as soon as possible, but no later than July 1, 2005, Guam will complete all of the changes set forth in the April 20, 2004 issues chart including: 34 CFR §§300.142(a)(1), (a)(2), and (b)(2).
3. In the June 18, 2004 letter, Guam also assures that it will take steps to ensure that, throughout the period of this grant award, all public agencies in Guam that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B. Guam further assures that it will provide OSEP with a copy of a memorandum notifying all public agencies of changes that impact on their provision of special education and related services that are required by OSEP as a result of its review of the State's Eligibility Documents.

Guam's failure to report on the participation and performance of children with disabilities on alternate assessments resulted in the Department imposing the FFY 2003 Special Conditions contained in Enclosure B of the September 30, 2003 grant award letter. Because Guam did not meet the Special Conditions, and has not yet reported to the Secretary and the public on the participation and performance of children with disabilities in alternate assessments (see explanation in Enclosure B), the Department is imposing Special Conditions on the State's FFY 2004 grant awards under Part B.

Therefore, the FFY 2004 Special Conditions require Guam to report to the Secretary and the public on the participation and performance of children with disabilities who take alternate assessments. The reasons for doing so and the specific conditions are detailed in Enclosure B. Guam must administer this award both in keeping with the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by Guam of this grant award constitutes an agreement by Guam to comply with the Special Conditions.

In addition, Guam's FFY 2004 IDEA Part B grant award is being released subject to special conditions identified in the U.S. Department of Education's September 30, 2004 letter to Guam regarding the Single Audit Act (copy enclosed) that are being imposed pursuant to the Department's authority in 34 CFR §80.12. The Special Conditions associated with the high-risk designation that remain in effect while the Guam Department of Education (GDOE) continues to address the Department's remaining fiscal and programmatic concerns include the following: (1) the timely completion of single audits; (2) reliance upon the expertise of an Oversight Agent; (3) submission of detailed quarterly reports; and (4) monthly posting of budget and expenditure information on the GDOE's website.

Please note that as part of your Eligibility Documents for FFY 2004, Guam has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by Guam, after OSEP approval, to information that is a part of Guam's eligibility documentation, must meet the public participation requirements of IDEA and must be approved by OSEP before implementation.

Enclosed is the grant award for funds available under the Department of Education FFY 2004 Appropriations Act for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2004-2005 and are available for obligation by States from July 1, 2004 through September 30, 2006.

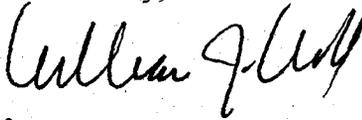
Enclosure A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds.

This award is based on submission of Guam's complete Eligibility Documents, a signed assurance statement regarding resolution of issues identified in OSEP's review of the Eligibility Documents, and implementation of the provisions of the IDEA. The Eligibility Documents and assurances must be made available for public inspection.

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

Sincerely,


for

Stephanie Smith Lee
Director

Office of Special Education Programs

Enclosures

cc: Vincent Leon Guerrero