



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

JUL - 1 2010

Honorable Nerissa Bretania Underwood
Superintendent of Education
Guam Department of Education
Post Office Box DE
Hagatna, Guam 96932

Dear Superintendent Bretania Underwood:

We have determined that Guam's application for Federal Fiscal Year (FFY) 2010 funds, under Part C of the Individuals with Disabilities Education Act (IDEA or Part C), can be approved. Our approval is based upon our review of the application, submitted by the Guam Department of Education (GDOE) to the U.S. Department of Education Office of Special Education Programs (OSEP) on May 7, 2010, and amended on June 23, 2010. Our approval is also based on updated policies and procedures submitted on June 23, 2010, including the policies, procedures, methods, descriptions, assurances, and certifications provided in Section II which are incorporated by reference to this letter as noted in Enclosure A. This includes the assurance from the GDOE that the statewide system of early intervention services required by Part C under 20 U.S.C. 1431 through 1444 and applicable regulations in 34 CFR Part 303 is, and will remain, in effect throughout the FFY 2010 grant period.

Guam's FFY 2010 IDEA Part C grant award is being released subject to Special Conditions in the U.S. Department of Education's June 21, 2010 letter to Guam regarding the Single Audit Act, which is Enclosure B to this grant letter. These Special Conditions are imposed pursuant to the Department's authority in 34 CFR §80.12 to ensure fiscal accountability of funds received through Department grants. The Special Conditions require Guam to procure the services of a third-party fiduciary agent (Agent), and with that Agent to: (1) revise its Comprehensive Corrective Action Plan (CCAP) to ensure that GDOE will be able to achieve measurable progress in its financial management and administration of Department funds; (2) submit quarterly reports regarding its progress in implementing measures required under the CCAP; (3) continue to ensure that that necessary improvements in internal controls will be reinforced by governance and management stability within its organization, including within the GDOE Superintendent's Management Team as per GDOE's written assurance dated November 27, 2009; and (4) conduct single audits and submit reports on an annual basis in a timely and complete manner. Additionally, Section II.E of the Special Conditions provides information on restrictions that apply to the drawdown of Department funds by the GDOE. By accepting the enclosed grant award, GDOE expressly agrees to comply with the Special Conditions identified in Enclosure B.

Please note that as part of Guam's application for FFY 2010, the GDOE has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2010 grant period. Any changes made by Guam to its FFY 2010 application or Part C policies or procedures that are application requirements, after OSEP approval, must meet the applicable public participation requirements under Part C in 34 CFR §§303.110 through 303.113 and if they are requirements under Section II.A must also be

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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.

submitted to, and approved by, OSEP prior to Guam's implementation of its new or revised application, policies and procedures.

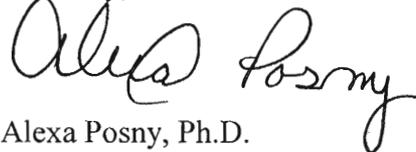
Enclosed is Guam's regular grant award for funds currently available under the Consolidated Appropriations Act, 2010 - P.L. 111-117 for the Part C program. These funds are for use primarily in 2010-2011 and are available for obligation by States from July 1, 2010 through September 30, 2012 in accordance with 34 CFR §76.709. GDOE agrees that by accepting the enclosed grant award subject to the terms of the Special Conditions identified in Enclosure B, it may not draw down any FFY 2010 Part C funds until such time as GDOE has entered into a binding contract with the approved Agent and the Agent is prepared to provide services under the contract.

Section 604 of the IDEA provides that "[a] State shall not be immune under the eleventh 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 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 a State 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 for FFY 2010 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 are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,



Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

- Enclosure A
- Enclosure B

cc: Part C Coordinator