



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

June 30, 2015

Honorable Jon Fernandez  
Superintendent  
Guam Department of Education  
Post Office Box DE  
Hagatna, Guam 96932

Dear Superintendent Fernandez:

I am writing to advise you of the U. S. Department of Education's (Department) 2015 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Guam needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of Guam's data and information, including the Federal fiscal year (FFY) 2013 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Guam's 2015 determination is based on the data reflected in Guam's "Part B Compliance Matrix – 2015" (Compliance Matrix). The Compliance Matrix is further explained in a document, entitled How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act Part B in 2015: Entities with Determinations Based on Compliance" (HTDMD Compliance Only).

Although OSEP is continuing to use both results data and compliance data in making determinations in 2015 for other States, the Department did not have sufficient results data to use when making 2015 determinations for the following entities: American Samoa, the Bureau of Indian Education, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Republic of Palau, and the Virgin Islands. In making Part B determinations in 2015 for other States, OSEP used results data related to the participation of children with disabilities (CWD) on regular Statewide assessments, the participation and performance of CWD on the National Assessment of Educational Progress (NAEP), and exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma, as reported by States under section 618 of the IDEA. Although the Commonwealth of the Northern Mariana Islands does report section 618 exiting data, which is included in the Data Display described below, it is not required to conduct Statewide assessments and does not participate in NAEP. Therefore, the Department is using the criteria set forth in the HTDMD Compliance Only, which are similar to the criteria the Department used to make determinations for these entities in 2013 and 2014.

You may access the results of OSEP's review of Guam's SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at [osep.grads360.org](http://osep.grads360.org). When you access Guam's SPP/APR on the site, you will find in Indicators 1 through 16, the OSEP Response to the indicator, and any actions that Guam is required to take. The actions that Guam is required to take are in two places: (1) any actions related to the correction of findings of noncompliance are in the "OSEP Response" section of the indicator;

and (2) any other actions that Guam is required to take are in the “Required Actions” section of the indicator. It is important for you to review the Introduction to the SPP/APR, which may also include an OSEP response and/or Required Actions.

You will also find all of the following important documents saved as attachments to the Progress Page: (1) Guam’s RDA Matrix; (2) the HTDMD document; (3) a spreadsheet entitled “2015 Data Rubric Part B,” which shows how OSEP calculated Guam’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; (4) a document entitled “Dispute Resolution 2013-14,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix; and (5) a Data Display, which presents certain State-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of State performance in key areas.

As noted above, Guam’s 2015 determination is Needs Assistance. A State’s 2015 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Special Conditions on the State’s last three (FFYs 2012, 2013, and 2014) IDEA Part B grant awards, and those Special Conditions are in effect at the time of the 2015 determination.

Guam’s determination for 2014 was also needs assistance. In accordance with section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(a), if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance and require the State to work with appropriate entities; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose Special Conditions on the State’s IDEA Part B grant award.

Pursuant to these requirements, the Secretary is continuing to require the Guam Department of Education (GDOE) to access technical assistance related to Guam’s Department-wide special conditions and status as a high-risk grantee through the Department’s Risk Management Service (RMS). Under the 2015 Special Conditions, Guam must maintain its contract with its third party fiduciary agent, and continue to implement its Comprehensive Corrective Action Plan (CCAP) and to report to the Department on a quarterly basis on its progress in implementing measures under the CCAP. These quarterly reports are intended to allow GDOE to demonstrate measurable progress in developing financial management systems and in administering Department funds.

In 2015, States were required to submit an SPP/APR which included baseline data and measurable and rigorous targets for FFY 2013 through FFY 2018 for each indicator in the SPP/APR. In addition, under Indicator 17, States were required to submit a State Systemic Improvement Plan (SSIP) that included activities the State would implement to improve results for children with disabilities. OSEP has reviewed and accepted Guam’s SPP/APR, including Phase I of the SSIP and determined that it meets the requirements of IDEA section 616(b) to include measureable and rigorous targets, including targets for FFY 2018 that reflect improvement over Guam’s baseline data. OSEP appreciates Guam’s work on Phase I of its SSIP. This represents a significant effort to improve results for students with disabilities. We

have carefully reviewed your submission and provided feedback during a recent conference call with Guam. OSEP will continue to work with Guam as it develops Phase II of the SSIP, due April 1, 2016.

Guam must make its SPP/APR available to the public by posting it on the SEA's Web Site. Within the next several days, OSEP will be finalizing a State Profile for Guam that: (1) will be accessible to the public; (2) includes links to a PDF of Guam's SPP/APR, including all of Guam's and OSEP's attachments; and (3) Guam may use to make its SPP/APR accessible to the public. We will provide you with the link to that profile when it is live.

OSEP appreciates Guam's efforts to improve results for children and youth with disabilities and looks forward to working with Guam over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Jocelyn Logan-Friend, your OSEP State Lead, at 202-245-6684.

Sincerely,

/s/ Melody Musgrove

Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

cc: State Director of Special Education