

**Guam Part B 2008 Verification Visit Letter
Enclosure**

I. General Supervision System

Critical Element 1: Identification of Noncompliance

Does the State have a general supervision system that is reasonably designed to identify noncompliance in a timely manner using its different components?

Verification Visit Details and Analysis

The Guam Public School System (GPSS) is the agency responsible for administering Part B of the Individuals with Disabilities Education Act (Part B) throughout Guam's 39 schools. The Special Education Division within GPSS is responsible for ensuring compliance with the requirements of Part B, and the Office of Compliance within the Special Education Division conducts monitoring activities. GPSS functions as a unitary system, meaning that it is both the State educational agency and the local educational agency (LEA) as those terms are defined under Part B. GPSS staff reported that Guam currently uses the following components of its general supervision system to identify noncompliance with Part B requirements: (1) the Compliance Review Process that includes on-site school monitoring; (2) the Special Education (SPED) Data System Review; and (3) the Dispute Resolution System.

Compliance Review Process

GPSS staff reported that the Office of Compliance within the Special Education Division uses the Compliance Review Process to monitor schools on-site every three years. The Office of Compliance selects schools for on-site monitoring based on the date of the last on-site visit and the results of a review of student files through the SPED Data System. The Compliance Review begins when the Assistant Superintendent of Special Education notifies schools in writing that a monitoring visit is scheduled for a specific date. The notice includes a description of the activities that the Compliance Officers will conduct during the monitoring visit, such as a student file review, classroom observation, and interviews with parents and special education staff, including special education teachers, general education teachers, related service providers, support staff, counselors, school aides and administrators.

During the Compliance Review Process, GPSS staff reported that Compliance Officers review student files and other relevant documents, and interview appropriate staff to determine compliance with Part B requirements regarding: providing a free appropriate public education (FAPE) in the least restrictive environment (LRE); conducting evaluations and determining eligibility; developing, reviewing and revising individualized education programs (IEPs); implementing procedural safeguards; and protecting confidentiality of personally identifiable information. At the conclusion of the Compliance Review Visit, the Assistant Superintendent sends a Compliance Review Report (monitoring report) to the school principal with a copy to the Superintendent. The school has fifteen calendar days to either concur with, or dispute the findings. In case of a dispute, schools are provided a specific date for submitting documentation that supports compliance. The monitoring report cites the findings of noncompliance with specific Part B regulations and directs the school to submit a Corrective Action Improvement Plan (CAIP) to the Compliance Office within 45 days of receiving the monitoring report.

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GPSS staff reported that from 2005 to the present, GPSS conducted on-site monitoring in only five of Guam's 39 schools. GPSS staff stated that the Compliance Office did not conduct on-site monitoring in all schools on a three-year cycle as planned, due to inadequate staffing, significant changes in administrative staff in the Special Education Division, and the availability of monthly data reports from the SPED data system to monitor compliance off-site. GPSS reported conducting on-site monitoring of two schools in 2005-2006, no schools in 2006-2007, and three schools in 2007-2008. In 2005-2006, GPSS selected schools for on-site monitoring based on the last date they received an on-site review, as well as on compliance issues identified through the SPED data system. In 2007-2008, GPSS selected three schools for on-site monitoring because each school was previously identified for monitoring in 2006-2007, and each had a high number of overdue IEPs and reevaluations.

OSEP's review of all five monitoring reports indicated that GPSS identified noncompliance under Part B and issued written findings within two to six weeks of the conclusion of the on-site Compliance Review. The findings included citations of applicable Part B requirements and a description of data supporting the State's findings of noncompliance. GPSS issued findings of noncompliance with Part B requirements related to FAPE, IEPs, procedural safeguards, initial evaluations and reevaluations, LRE, and confidentiality of information.

SPED Data System Review

GPSS staff reported that the Compliance Office monitors compliance every month through a review of data reports from the SPED data system that includes information on provision of special education and related services, IEPs, evaluations, LRE, procedural safeguards and confidentiality. For example, GPSS uses data from the SPED data system to monitor longstanding noncompliance related to the delivery of required special education and related services as specified in IEPs, and timelines for annual IEPs and reevaluations. The program coordinator from the Special Education Division meets with school staff to review the monthly data reports and ensure that individual cases of noncompliance are corrected.

GPSS staff also reported that it uses data from the SPED data system to report APR data to OSEP. Under Indicator 15, GPSS reports on correction of findings of noncompliance identified through the SPED Data System related to SPP/APR compliance indicators. However, GPSS staff reported that it does not have a mechanism for tracking those findings, including a written record of when the findings are made, and when the one-year timeline expires. GPSS staff reported that it has not established a point in time to review the data from the SPED data system and issue findings of noncompliance based on that data in order to track timely correction of noncompliance. GPSS staff confirmed issuing formal written findings of noncompliance to schools only through the Compliance Review on-site monitoring process and the dispute resolution system. GPSS staff reported that the Special Education Division would be issuing findings of noncompliance identified through the SPED Data System Review to individual schools and tracking correction of noncompliance regarding overdue IEPs and overdue reevaluations. GPSS is in the process of revising its general supervision system. In October 2008, GPSS developed a plan with the OSEP-funded Data Accountability Center (DAC) and the Guam Center for Excellence in Developmental Disabilities Education, Research, and Services (CEDDERS) called the "General Supervision Working Tool." The plan is used to assist GPSS in organizing its policies, procedures and practices for an effective system of general supervision. The expected outcome is that all components of GPSS' general supervision system will work together to ensure that noncompliance is identified and corrected in a timely manner.

Dispute Resolution System

During the verification visit, GPSS informed OSEP that it uses its dispute resolution system to make findings of noncompliance with Part B. GPSS reported that when findings are made through the Dispute Resolution System, the Assistant Superintendent notifies schools in a memorandum that a finding has been identified and needs to be corrected. Based on OSEP's review of reports and interviews with the Compliance Officer, OSEP found that GPSS issued 11 findings based on noncompliance identified through its State complaint system from 2006-2008 related to the failure to provide special education and related services to students with disabilities, such as required IEP services, including speech services, assistive technology, supportive services from a teacher's aide, and timely evaluations.

OSEP Conclusions

In order to effectively monitor implementation of Part B of the IDEA, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E), the State must identify noncompliance by issuing findings of noncompliance when the State obtains reliable data reflecting noncompliance with Part B requirements. Based on the review of documents, analysis of data and interviews with GPSS and Compliance Office personnel, OSEP finds that two components of GPSS' system for identifying noncompliance with Part B, the Compliance Review Process and the Dispute Resolution System, are reasonably designed to identify noncompliance in a timely manner. If a State examines data through its database and determines that it shows noncompliance with the requirements of Part B, the State must make a finding and require correction as soon as possible, and in no case later than one year after the State's identification (the State's written documentation of the finding of noncompliance). While GPSS's SPED Data System Review results in findings of noncompliance related to SPP/APR compliance indicators, OSEP finds that GPSS does not have a mechanism for tracking when findings of noncompliance related to SPP/APR compliance indicators are made and is not utilizing the SPED Data System Review to issue findings of noncompliance related to other Part B requirements.

Required Actions/Next Steps

Within 60 days of the date of this letter GPSS must provide to OSEP policies and procedures that establish a process for identifying noncompliance with Part B requirements and issuing findings through GPSS' SPED Data System Review. These policies and procedures should result in the establishment of a point (or points) in time when findings of noncompliance will be issued from which timely correction can be measured.

In the FFY 2008 APR, due February 1, 2010, in addition to providing the required data under Indicator 15, GPSS must provide data on the number of findings of noncompliance identified in FFY 2008 (2008-2009) based on the SPED Data System Review.

Critical Element 2: Correction of Noncompliance

Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner?

Verification Visit Details and Analysis

Compliance Review Process:

GPSS staff reported that it requires individual schools to develop Corrective Action Improvement Plans (CAIPs) to ensure correction of noncompliance identified through the Compliance Review Process. In 2007-2008, the Assistant Superintendent sent a memorandum to the three schools that were monitored indicating that noncompliance identified through the Compliance Review Process must be corrected as soon as possible, but in no case later than one year from identification (the date of the Compliance Review Report).

The school submits its CAIP to the Special Education Division for approval, and the Compliance Office determines approval within approximately two weeks of receiving the CAIP. Within two to six weeks of receiving an approved CAIP, the Compliance Office conducts a Validation Visit to examine updated data and to verify that the corrective actions were implemented and effective in correcting the noncompliance. CAIP approval and the Validation Visit both occur within one year from the date the school receives the monitoring report. Following the Validation Visit, the Assistant Superintendent of Special Education sends a letter to the school verifying that the school corrected the findings of noncompliance cited in the Compliance Review Report. Through the Compliance Review Process, GPSS can impose enforcement actions for continuing noncompliance and/or if corrective actions have not been implemented. If there is continuing noncompliance, the Office of Compliance notifies the Assistant Superintendent of Special Education who, in turn, notifies the appropriate Deputy Superintendent. The appropriate Deputy Superintendent may then commence implementation of adverse action against the principal of the school as outlined in GPSS Board Policy. GPSS reported that only the Superintendent could approve enforcement actions.

SPED Data System Review

GPSS reported that while it reports on the correction of noncompliance related to SPP/APR compliance indicators identified through the SPED Data System Review in its APR, GPSS does not have policies and procedures that establish a mechanism for tracking those findings of noncompliance or for issuing findings of noncompliance related to other Part B requirements. Therefore, GPSS cannot determine when the one-year timeline for correction of noncompliance with the requirements of Part B expires. GPSS staff reported that it did not issue written findings of noncompliance identified through the monthly review of data from the SPED Data System although GPSS continues to have longstanding system-wide noncompliance for overdue IEP annual reviews and overdue reevaluations. GPSS staff also reported that there is widespread variability in how and when principals correct noncompliance in their schools that is identified through the SPED Data System Review, explaining that due to the many changes in administration in the past few years, correction for overdue IEPs and reevaluations was not made in all schools because there were no consequences (i.e., sanctions were not imposed on school principals and other staff for uncorrected noncompliance). However, GPSS staff reported that the Special Education Division is now attempting to timely correct noncompliance identified through the SPED Data System Review and will be issuing findings at individual schools and imposing enforcement actions for continued noncompliance.

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As a result of OSEP's visit, the Superintendent took immediate action to correct noncompliance throughout GPSS with the timely completion of IEP annual reviews and reevaluations. In a memorandum addressed to all school administrators from the Superintendent, dated December 10, 2008, new Standard Operating Procedures (SOPs) specified adherence to the timeline requirements for the annual review and revision of IEPs (34 CFR §300.324(b)) and reevaluations (34 CFR §300.303)). The Superintendent's memorandum outlined enforcement actions for noncompliance that include a range of sanctions that can be imposed on administrators in a four level process: Level 1 – counseling; Level 2 – reprimand; Level 3 – suspension; and Level 4 - dismissal. The memorandum also indicated that GPSS' Special Education Division would provide technical assistance to the schools to ensure implementation of the new SOPs. The Assistant Superintendent of Special Education further reported that in some cases principals are assigning administrative staff to work only on the correction of the noncompliance.

Correction of Longstanding Noncompliance Reported in the APR

In the FFY 2006 APR, GPSS reported in Indicator 15 that longstanding findings (overdue IEPs (34 CFR §300.324 (b)), overdue reevaluations (34 CFR §300.303), and placement in the LRE (34 CFR §300.116)), made in the two schools monitored were corrected within one year of identification. GPSS based its determination of timely correction on a review of monthly data reports and file reviews during on-site monitoring visits to the two schools. However, GPSS staff reported, based on its monthly data review, that longstanding noncompliance with overdue IEPs and overdue reevaluations continues to exist in other schools, indicating a systemic issue with regard to correction. GPSS also reported in the FFY 2006 APR an overall timely correction rate of 62.5% (5 of 8 findings). GPSS continues to make efforts to correct longstanding noncompliance with the requirement at 34 CFR §300.504(d) to provide the notice of procedural safeguards in the native language of the parent, and take steps to ensure that the parent understands the content of the notice and that there is written evidence that the requirements at 34 CFR §300.504(d) are met. GPSS implemented an SOP for the use of interpreters and is continuing to pursue making available written procedural safeguards notice in four of Guam's native languages. GPSS also reported progress in ensuring compliance with the requirements of 34 CFR §300.101 regarding children with disabilities receiving all of the special education and related services on their IEPs, from a rate of 6% compliance in FFY 2004 to 98% compliance in FFY 2007.

Dispute Resolution

GPSS reported that the timely correction of findings made through its dispute resolution system is handled on a case-by-case basis. The Compliance Office reviews State complaint and hearing officer decisions to determine if they identify noncompliance with Part B requirements. When noncompliance is identified and corrective actions are required, GPSS informs principals of the findings and collects data on correction as soon as possible but no later than one year after identification of the noncompliance. GPSS reported that it maintains documentation that corrective actions were implemented.

OSEP Conclusions

In order to effectively monitor implementation of Part B of the IDEA, as required by IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E), the State must ensure that identified noncompliance is corrected as soon as possible, and in no case later than one year from identification. Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP finds that two components of GPSS' system for

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identifying noncompliance with Part B, the Compliance Review Process and the Dispute Resolution System, are reasonably designed to ensure correction of identified noncompliance in a timely manner. However, OSEP finds that GPSS has not established policies and procedures to track the timely correction of findings identified through the SPED Data System Review.

During the verification visit, OSEP staff discussed the need to determine timelines for identification and correction of noncompliance related to findings identified through the SPED Data System Review, including selecting a point (or points) in time to issue findings using these processes. OSEP staff informed GPSS of the need to develop a tracking method that will allow the Special Education Division to clearly measure the correction of noncompliance identified through any mechanism in GPSS' general supervision system.

Required Actions/Next Steps

Within 60 days of the date of this letter, GPSS must provide to OSEP policies and procedures that GPSS has adopted to track the correction of findings of noncompliance identified through the SPED Data Review as soon as possible, and in no case later than one year from identification.

In the FFY 2008 APR, due February 1, 2010, GPSS must provide data under Indicator 15 on (1) the timely correction of findings of noncompliance identified in FFY 2007 through the Compliance Review Process, the Dispute Resolution System and the SPED Data System Review and (2) the status of correction of the longstanding findings of noncompliance regarding overdue IEPs and overdue reevaluations.

Critical Element 3: Dispute Resolution

Does the State have procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA?

Verification Visit Details and Analysis

GPSS staff informed OSEP that the Compliance Officer in GPSS is responsible for ensuring the timely resolution of complaints, mediations and due process hearings. GPSS reported that a staff member in the GPSS Compliance Office manages complaints. GPSS staff reported that GPSS utilizes the services of the Inafa' Maolek Mediation Center to address requests for mediation. GPSS contracts with hearing officers to conduct due process hearings. An off-island legal consultant conducts training annually for hearing officers and mediators. GPSS reported that training was conducted in November 2007 for two hearing officers and one mediator.

GPSS reported that it makes information on procedural safeguards, including dispute resolution options, available to families in a number of ways. These include the *Handbook for the Delivery of Special Education Services* and GPSS' procedural safeguards notice. The *Handbook for the Delivery of Special Education Services* includes the required components of a State complaint or due process hearing request, as well as applicable definitions, steps, and timelines. GPSS also makes available annual training to parents and GPSS personnel on dispute resolution procedures.

State Complaints

GPSS staff reported that upon receipt of a signed written complaint alleging a violation of Part B, GPSS conducts an investigation that includes interviews, document reviews and, if necessary, a site visit. GPSS procedures also allow for the complainant to submit additional information. The Compliance Office obtains a response from the school, and makes an independent

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determination as to whether a violation of Part B has occurred. OSEP found through its review of eleven complaint files from 2006 to the present that the Special Education Division issues a written decision within the 60-calendar day timeline. OSEP's review of complaint decisions indicated that GPSS' written decisions included findings of fact, conclusions, and the reasons for GPSS' final decision. If GPSS finds that a school failed to provide FAPE to a child, GPSS' corrective action includes compensatory services and a statement of assurances to ensure appropriate future provision of services for all children with disabilities. GPSS staff reported that the Special Education Division assigns a staff person to monitor implementation of corrective actions related to complaint findings and ensure correction as soon as possible, but no later than one year from identification.

Mediations

GPSS staff reported that it contacts a local conflict resolution center for a mediator when it receives a request for mediation. GPSS reported that mediators are impartial, third party consultants trained by legal counsel experienced in Special Education and IDEA. GPSS received two mediation requests from 2006 to the present that resulted in written, signed mediation agreements on September 14, 2006 and May 27, 2008.

Due Process Hearings

GPSS reported that it follows the due process provisions of Part B, including the requirement to convene a resolution session within 15 days from the receipt of the parent's due process complaint, and if resolution of the due process complaint is not reached to the parent's satisfaction within 30 days from the receipt of the due process hearing request, convenes the due process hearing (34 CFR §300.510). However, GPSS reported that it makes every effort to reach settlement prior to a due process hearing. During the verification visit, OSEP reviewed all six due process complaints filed from 2006 to the present and met with the GPSS Compliance Officer to determine whether GPSS implements due process procedures that meet Part B requirements. Of the six due process hearing requests from 2006 to the present, three requests were resolved by resolution agreements, two were withdrawn and one was resolved through mediation. No requests for due process resulted in a hearing.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP finds that GPSS has procedures and practices that are reasonably designed to implement the dispute resolution requirements of Part B.

Required Actions/Next Steps

No further action is required.

Critical Element 4: Improving Educational Results

Does the State have procedures and practices that are reasonably designed to improve educational results and functional outcomes for all children with disabilities?

Verification Visit Details and Analysis

GPSS reported that it has multiple initiatives to improve educational results and functional outcomes for children with disabilities.

Secondary Transition

The Special Education Transition Program is developing and implementing a Community Based Education curriculum for credit towards graduation. The goal is to incorporate the curriculum into the overall general education curriculum framework in order to assist all students with disabilities in meeting IEP/transition goals and acquiring credit requirements for graduation.

Post-School Outcomes

GPSS has developed several improvement activities to address post-school outcomes. The activities include: conducting a needs assessment of transition services provided to students with disabilities to identify areas that must be addressed to improve the quality of services, establishing a comprehensive database for students with disabilities who graduate, drop-out, transfer or leave GPSS for unknown reasons, implementing professional development activities for school personnel, special education service providers and parents relative to implementing and monitoring transition services, and developing partnerships with the post-secondary educational institutions and other government agencies to identify potential educational and job opportunities for students with disabilities.

LRE

GPSS ensures that students with disabilities participate in regular classes with their non-disabled peers to the maximum extent appropriate, especially at the elementary and middle school levels. GPSS conducts "needs assessments" to guide training to high school educators to ensure more participation by high school students in regular classes. GPSS provides continuous professional development to school administrators, teachers and para-educators on a variety of instructional strategies to assist and support the education of students with disabilities in regular classes. The training directly results in determining appropriate and effective interventions and supports for students to meet their needs, and promotes their continued participation in the LRE. Additionally, middle and high school consulting resource teachers working with school administrators, personnel, and IEP teams, receive training in areas involving the IEP process and placement determinations. GPSS staff reported conducting continuous and targeted monitoring to identify systemic issues and develop activities that will result in greater participation for children with disabilities with their non-disabled peers.

Preschool LRE

The Early Childhood Special Education Preschool Program has decreased the number of students with disabilities placed in preschool special education classrooms and increased the opportunity for preschool children with disabilities to receive special education and related services in settings with their typically developing peers. Previously, there were eleven preschool special education classrooms. Currently, there are five preschool special education classrooms staffed with a teacher and a program aide. There are three itinerant teachers who provide specialized instruction and related services in other settings such as private day care centers, the Head Start Program, and in the child's home.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP finds GPSS has procedures and practices that are reasonably designed to improve educational results and functional outcomes for all children with disabilities.

Required Actions/Next Steps

No further action is required.

Critical Element 5: Implementation of Grant Assurances

Does the State have procedures and practices that are reasonably designed to implement selected grant assurances (i.e., monitoring and enforcement, private schools, NIMAS and assessment)?

Verification Visit Details and Analysis

Public Reporting and Determinations

As a part of its monitoring and enforcement responsibilities under section 616 of the IDEA and 34 CFR §§300.600 and 300.602, each State must annually report to the public on the performance of each LEA against the State's SPP/APR targets and must make an annual determination for each LEA. Because GPSS is a unitary system and does not have LEAs, GPSS meets the reporting requirement by publishing its SPP/APR on the GPSS website and is not required to make annual determinations.

Private Schools and Proportionate Share Calculations

GPSS ensures that it is spending a proportionate amount of Part B funds on providing special education and related services to parentally-placed private school children with disabilities, in accordance with 34 CFR §300.133(a). GPSS calculates the proportionate share based on data maintained by the Special Education Division and the Federal Programs Division. GPSS staff reported that it carries out a consultation with representatives from private schools in accordance with 34 CFR §300.134. GPSS monitors compliance with the proportionate share requirements by examining documentation on how the proportionate share is expended. Monitoring occurs on an ongoing basis through a review of monthly logs by the Federal Programs Division and the Special Education Division of GPSS. If a student with disabilities in a private school requires equipment, a request is made to the Special Education Division. Based on the needs identified in a student's services plan, the Special Education Division approves the request. The Federal Programs Division monitors the request and subsequent purchase. GPSS maintains an inventory of equipment and supplies placed in private schools. There have been no recent requests for equipment for students with disabilities parentally-placed in private schools.

NIMAS

GPSS has adopted the National Instructional Materials Accessibility Standard (NIMAS) and coordinates with the National Instructional Materials Access Center (NIMAC) in accordance with 34 CFR §300.172. GPSS uses the NIMAS standard when ordering instructional materials for students with special needs. GPSS has identified a State coordinator and has designated authorized users for NIMAC. GPSS is receiving technical assistance through the Pacific Consortium for Instructional Accessibility Project administered by the Guam CEDDERS. The consortium includes a partnership with Bookshare.org, an OSEP-funded resource for accessible

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materials and collaboration with the NIMAS technical assistance center and the Accessible Instructional Materials Project.

Assessments

GPSS staff reported that it administers the SAT-10 as the Statewide assessment (also called the Districtwide Assessment) for all students including students with disabilities. Prior to the assessment week, the SPED Data Office provides a report to each school and the Special Education Office indicating the name of each student with disabilities at each school and whether the student will participate with or without accommodations or whether the student will participate in an alternate assessment based on alternate achievement standards. The State reported that Special Education staff visit each school in GPSS during the assessment week to verify participation of all students with disabilities taking the assessment with or without accommodations or taking an alternate assessment based on alternate achievement standards for all students with disabilities in the assessments. GPSS reported that during the SPED staff visits to each school, data verifying the student's name and testing status is entered into districtwide monitoring sheets. The monitoring sheets are submitted to the SPED Data Office at the end of the assessment week. The SPED Data Office reported that it uses the monitoring sheets to cross-check the report that was sent to the schools prior to testing.

GPSS reported that it meets the requirement in 34 CFR §300.160(f) to report to the public on the participation and performance of students with disabilities on the regular assessment and the alternate assessment based on alternate achievement standards in the *Annual State of Public Education Report*, which GPSS posts on its website in the fall. GPSS is not meeting the requirement in 34 CFR §300.160(f)(1) because GPSS does not report in the *Annual State of Public Education Report* on the number of children with disabilities participating in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in regular assessments. In addition, GPSS does not report on the participation of children with disabilities on the regular assessment in the same detail as it reports on the participation of nondisabled children on the regular assessment because it does not disaggregate participation data for children with disabilities by grade as it does for nondisabled children.

Guam currently receives technical assistance through the OSEP-funded General Supervision Enhancement Grant "PAC 6 Project" administered by Guam CEDDERS, focusing on the effective implementation of an alternate assessment based on alternate achievement standards for students with significant cognitive disabilities. GPSS is in the process of analyzing assessment data to determine next steps to enhance instruction in order to improve student outcomes.

OSEP Conclusions

Based on the review of documents, analysis of data and interviews with State personnel, OSEP finds that GPSS has procedures and practices that are reasonably designed to implement selected grant assurances regarding monitoring and enforcement, private schools and NIMAS. However, OSEP finds that GPSS has procedures and practices that are not reasonably designed to implement grant assurances regarding assessments. Under 34 CFR §300.160(f)(1), a State must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: the number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in regular assessments. GPSS does not publicly report on the number of children with disabilities

participating in regular assessments with accommodations and does not report on the participation of children with disabilities on the regular assessment in the same detail as it reports on the participation of nondisabled children.

Required Actions/Next Steps

Within 60 days from the date of this letter, GPSS must submit an assurance that in the next *Annual State of Public Education Report* it will report on the number of children with disabilities participating in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in regular assessments. In addition, GPSS must report on the participation of children with disabilities on the regular assessment in the same detail as it reports on the participation of nondisabled children on the regular assessment by disaggregating participation data for children with disabilities by grade as it does for nondisabled children.

II. Data System

Critical Element 1: Collecting and Reporting Valid and Reliable Data

Does the State have a Data System that is reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner?

Verification Visit Details and Analysis

GPSS reported that it has two data systems in place to ensure the collection of valid and reliable data for Part B: 1) the Financial, Student and Administrative Information System (FSAIS) which is the main data system for GPSS; and 2) the SPED data system.

In the March 7, 2005 Verification Letter to GPSS, OSEP reported that while existing mechanisms ensure the reliability, validity and accuracy of data, the combining of the data systems into a single, integrated data system would improve efficiency and allow GPSS to better utilize the data to make performance and compliance determinations. Currently, the SPED data system is not fully integrated into the FSAIS because it is not designed to capture all the data required for special education. GPSS reported that it is in the process of obtaining a new comprehensive student management system; however, there are issues of compatibility between the current SPED data system and the new student management system due to system capacity issues that need to be resolved before full integration of the systems could occur.

FSAIS is a student management system that maintains demographic data on all GPSS students such as student name, date of birth, age, school, grade, exiting as well as attendance, test scores, report cards, free and reduced lunch, and student enrollment by gender and ethnicity. All GPSS statistics are compiled in line with standards set by either the National Center for Education Statistics, or by policies set forth by the GPSS Board.

The SPED data system maintains all data for Part B with the exception of suspension and discipline data on students with disabilities, which is collected on FSAIS for all students. Data is collected monthly from schools and entered into the SPED data system. Data entry personnel at the school level receive training annually. Because information is entered only once by a single individual in the SPED Data Office, the Special Education Data Manager reported that this data is less prone to the type of errors that can occur when data is recorded and then re-entered multiple times.

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The Data Office staff within the Special Education Division reported that its processes for identifying and correcting data anomalies are consistent across sections 616 and 618 data collections, and that data entered into the system are subject to a number of edit checks designed to identify and address any anomalies. Data Office staff described a process for the paper transmittal of data into the system that involves the Compliance Officers, Program Staff and the Data Entry Clerk reviewing hard copies of documents (including IEPs and reevaluations) for required elements before and during data entry. To identify and correct data anomalies, Special Education Division staff reported that monthly reports from the database are generated and disaggregated by school, so that anomalies can be addressed with individual Program Staff assigned to the schools. Special Education Division staff reported that they developed a data dictionary and that they are developing a data manual for users of the SPED data system.

In October 2008, GPSS, in conjunction with the OSEP-funded Data Accountability Center and Guam CEDDERS, developed the "General Supervision Working Tool" that includes a plan to develop a data manual due by March, 2009. The GPSS data manual will describe procedures for data collection, entry and reporting to further ensure that data collected, submitted, and reported are valid and reliable.

OSEP Conclusions

Based on the review of documents, analysis of data and interviews with State personnel, OSEP finds that GPSS has a data system that is reasonably designed to collect and report valid and reliable data and information to GPSS and the public in a timely manner.

Required Actions/Next Steps

No further action is required.

Critical Element 2: Data Reflect Actual Practice and Performance

Does the State have procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance?

Verification Visit Details and Analysis

GPSS uses a system of checks and balances and training for personnel at all levels to ensure that the data it collects reflect actual practice and performance. Data Office staff reported that the SPED data system includes information on every child receiving special education and related services in GPSS. Schools send completed IEPs and other student file data to the Special Education Division for a quality assurance review. Special Education Division staff validates information in the database through review of schools' file data and IEPs and contacts the Data Office to correct any identified anomalies. Data Office staff reported that they further verify data by conducting automated data checks within the SPED data system, conducting visual verification of data that is submitted by personnel familiar with individual student cases, checking for anomalies, and comparing data between the FSAIS and the SPED data system.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP finds that GPSS has procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance.

Required Actions/Next Steps

No further action is required.

Critical Element 3: Integrating Data Across Systems to Improve Compliance and Results

Does the State compile and integrate data across systems and use the data to inform and focus its improvement activities?

Verification Visit Details and Analysis

GPSS reported that it uses its SPED data system for continuous improvement, monitoring, technical assistance, and ongoing support. Specifically, Compliance Office staff use the SPED data to select schools for onsite monitoring and guide the onsite monitoring activities. As part of on-site monitoring, the Compliance Office selects a sample of records for students with disabilities and compares those data with the data in the SPED data system. GPSS staff reported that it uses its SPED data system to direct training and technical assistance at the school level and to increase recruitment efforts of qualified personnel to provide needed services. GPSS also uses data from the SPED data system to report APR data to OSEP. However, due to the small numbers of complaints and due process hearing requests, the SPED data system is not used to maintain dispute resolution data.

GPSS is currently receiving technical assistance from the Data Accountability Center and Guam CEDDERS to improve its procedures for collecting and reporting data under sections 616 and 618. The reports will be utilized by the Special Education Division for monitoring and program improvement activities and to assist in determining other technical assistance needed for programs, schools and personnel.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP finds that GPSS compiles and integrates data across systems and uses the data to inform and focus its improvement activities.

Required Actions/Next Steps

No further action is required.

III. Fiscal System

Since 2003, GPSS has been designated a high-risk grantee under 34 CFR §80.12 based on noncompliance with the Single Audit Act and fiscal accountability requirements. The Department continues to impose Department-wide special conditions on GPSS that apply to all FFY 2008 funds awarded by the Department to GPSS and to funds from prior year grants to GPSS that are still available for obligation. As part of the Department-wide special conditions, the Department requires GPSS to submit a biannual progress report of its progress in implementing measures required under the Comprehensive Corrective Action Plan (CCAP). GPSS submitted its biannual progress report to the Department on January 30, 2009. The

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Department will respond separately to GPSS' submissions under the CCAP and its special conditions.¹

Critical Element 1: Timely Obligation and Liquidation of Funds

Does the State have procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA funds?

Verification Visit Details and Analysis

During OSEP's visit, GPSS staff described its system for ensuring the timely obligation and liquidation of Part B funds in accordance with the requirements in 34 CFR §§76.709 and 80.23(b) of the Education Department General Administrative Regulations (EDGAR).² GPSS staff reported that the Federal Programs Division submits a Part B grant budget proposal to the GPSS Fiscal Office. GPSS' Comptroller reviews and approves the budget request for Part B funds. GPSS staff reported that the GPSS Federal Programs Division monitors draw-downs of Part B funds by GPSS and ensures that Part B funds are obligated within the allowable 27 month period of availability and liquidated within 30 months. GPSS expended all funds from its FFY 2004 and FFY 2006 IDEA Part B grant awards. GPSS had unexpended funds of \$2,195 from its FFY 2005 IDEA Part B grant award.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP finds GPSS has procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA Part B funds.

Required Actions/Next Steps

No further action is required.

Critical Element 2: Appropriate Distribution of IDEA Funds

Does the State have procedures that are reasonably designed to ensure appropriate distribution of IDEA funds within GPSS?

Verification Visit Details and Analysis

Under 34 CFR §300.704(a)(ii), GPSS may reserve for each fiscal year not more than five percent of the amount the outlying area receives under 34 CFR §300.701(a) for the fiscal year or \$35,000, whichever is greater. As noted previously, GPSS is a unitary system. Accordingly, GPSS is not required to develop a funding mechanism to distribute Part B funds to its LEAs.

Required Actions/Next Steps

No further action is required.

¹ As GPSS implements the CCAP and periodically reports on its progress as required under the FFY 2008 special conditions, the Department will continue to separately review GPSS' implementation of the SOPs that GPSS has developed to address a range of fiscal and management issues.

² GPSS staff provided OSEP with SOPs addressing the timely obligation and liquidation of Part B funds. These include SOP 900-008 implemented on October 16, 2007, ensuring that Federal funds are obligated within the funding period unless carry-over of un-obligated balances is permitted by the grantor, and that all obligations under Federal awards are liquidated no later than 90 calendar days after the funding period, respectively

Critical Element 3: Appropriate Use of IDEA Funds

Does the State have procedures that are reasonably designed to ensure appropriate use of IDEA funds?

Verification Visit Details and Analysis

GPSS staff reported that a number of mechanisms are in place to ensure that Part B funds are expended in accordance with the requirements of Part B, OMB Circular A-87, EDGAR and other applicable Federal requirements. In order to ensure the appropriate use of IDEA Part B funds, GPSS staff described fiscal policies and procedures that are designed to provide guidance to administrators and program directors for improving the accountability and internal controls of GPSS programs. GPSS staff reported that the Federal Programs Division has a designated employee who works with the Special Education Division regarding the use of Part B funds. All funds within GPSS, including Part B funds, receive a separate funding code, which GPSS uses to track the use of Part B funds. GPSS staff reported that every month there is a review of expenditures of all Federal funds, including Part B funds, by the Federal Programs Office and the Division of Special Education.

GPSS staff described a number of mechanisms used to ensure fiscal accountability in the use of IDEA Part B funds. These mechanisms include: (1) Single State Audits; (2) audits by GPSS internal auditor; and (3) Fiscal Monitoring Checklists. GPSS staff reported that both Single State Audits and GPSS internal audits are performed annually, and that Fiscal Monitoring Checklists are performed on an ongoing basis. GPSS staff reported that the Office of the Public Auditor, which Guam law requires to coordinate single State audits across all government agencies, also audits GPSS. GPSS staff reported that it also generates a bid for an external audit every fiscal year. The bid specifications are reviewed by Guam's Office of the Public Auditor (OPA). After OPA's approval, the bid is announced for 15 business days before it is awarded. At the end of every fiscal year the external auditor conducts an audit.

The Assistant Superintendent of Special Education and the Federal Programs Division meet with department managers weekly to review findings and work with supporting documents to track all audits. If there is an audit finding, staff are informed that the finding must be corrected and cannot be allowed to reoccur. A Deputy Superintendent has been hired who will provide more stringent controls to ensure that audit findings are corrected in a timely manner. Training is provided to all parties, including Special Education, Financial Affairs, FSAIS and other GPSS staff on new policies and procedures. In the event that audit findings are made through the State's Single Audit office related to GPSS programs, including the Part B Program, GPSS reported that it has processes in place for resolving single audit findings in a timely manner.³ During the verification process (both pre-site and on-site), GPSS provided OSEP with documentation of corrective actions taken by GPSS to address findings from a number of open Single State Audits (including 2002, 2003, 2004, 2006 and 2008 audits). The Department will respond separately to any outstanding audit findings.

In order to further ensure the appropriate use of Part B funds, GPSS staff described its fiscal policies and procedures approving a Manager's Internal Control Program⁴ that, when fully implemented, will provide guidance to administrators and program directors for improving the accountability and internal controls of GPSS programs, including special education programs.

³ SOP 06-13 related to handling of audits

⁴ SOP 1600-002, implemented September 11, 2008.

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These procedures require control self-assessments, and include an Internal Control Review Guide, steps for developing a risk assessment matrix, and a number of standard forms for the evaluation and analysis of each program's control capabilities.

GPSS staff also reported that controls on the use of Part B funds are provided through a procurement process in which the Federal Programs Division reviews each GPSS procurement request using fiscal monitoring checklists⁵. GPSS staff reported that principals develop and submit purchase requests from Part B funds for needed items for special education students to the Special Education Division. The Assistant Superintendent of Special Education reviews and approves the requests from schools for purchases from Part B funds. All purchases using Part B funds are made through a requisition process and are inventoried by the Fiscal Office upon arrival. Received items are then sent to the Special Education Division for processing before being sent to the schools that requested them. Monitoring of special education purchases for schools made with Part B funds is the responsibility of the principal who is required to ensure that all special education items are secured at the end of the school day. The Special Education inventory is updated quarterly.

GPSS staff reported that it has policies and procedures in place to calculate the amount of State funds actually expended for special education and related services in order to ensure it is meeting the Maintenance of Effort (MOE) requirement in 34 CFR §300.163⁶. Under 34 CFR §300.163, a "State must 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." This is often referred to as the State-level maintenance of effort requirement. GPSS provided OSEP with expenditure information for FY 2004 through FY 2007 that demonstrates that it has expended at least as much as it spent in the prior fiscal year for special education and related services for children with disabilities. GPSS reported that its State-level of support for special education was \$4,225,953 in FY 2006 and that amount increased to \$4,779,788 in FY 2007.

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with State personnel, OSEP finds that GPSS has procedures that are reasonably designed to ensure appropriate use of IDEA Part B funds.

Required Actions/Next Steps

No further action is required.

⁵ Policies related to procurement include SOP 900-018 establishing controls on all requisitions and purchase orders, and 900-002 ensuring controls on official travel requests.

⁶ GPSS' Standard Operating Procedure (SOP) 900-012(A) applies to the Federal requirements of matching, level of effort, and earmarking requirements for Federal grants, including Part B.