



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

JUN 3 2010

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

Dear Superintendent Bretania Underwood:

Thank you for the timely submission of Guam's Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, Guam needs assistance in implementing the requirements of Part C of IDEA. The Department's determination is based on the totality of Guam's data and information including Guam's FFY 2008 APR and revised SPP, other State-reported data, Guam's submissions under the Department-wide Special Conditions on its FFY 2009 IDEA grant, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for Guam is that Guam's FFY 2009 IDEA Part C grant is subject to Department-wide Special Conditions regarding the Single Audit Act to ensure fiscal accountability. It is anticipated that these Special Conditions will continue on Guam's FFY 2010 grant. For this reason, we are unable to determine that Guam met requirements for FFY 2008 under IDEA sections 616(d) and 642. OSEP notes other areas that reflect a high level of performance, which include that Guam reported valid and reliable data for all indicators and that its FFY 2008 data reflect a high level of compliance for Indicators 1 (98.49%), 7 (98%), 8A (100%), 8B (100%), 8C (100%), 9 (100%), and 14 (100%). We hope that Guam will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the Guam's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by Guam to its targets, improvement activities (timelines and resources) and baseline data in Guam's SPP. The table also identifies, by indicator: (1) Guam's reported FFY 2008 data; (2) whether such data met Guam's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that Guam's data are not valid and reliable; and (4) whether Guam corrected findings of noncompliance.

Guam's determination for the FFYs 2005, 2006, and 2007 APRs was also needs assistance. In accordance with sections 616(e) and 642 of the IDEA, 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; (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 Part C grant award.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600  
[www.ed.gov](http://www.ed.gov)

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

Pursuant to these requirements, the Secretary is continuing to require the Guam Department of Education (GDOE) to access technical assistance related to Guam's amended Department-wide special conditions and status as a high-risk grantee through the Department's Risk Management Service (RMS). RMS has developed a Comprehensive Corrective Action Plan (CCAP) in conjunction with the GDOE to set benchmarks and measure progress in addressing Guam's high-risk status. A quarterly reporting mechanism is used by the RMS and the Department to evaluate Guam's progress related to CCAP benchmarks.

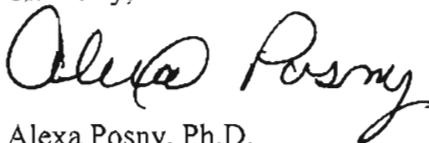
GDOE must report, with its FFY 2009 APR submission, due February 1, 2011, on: (1) the technical assistance it has received from RMS; and (2) the actions it took as a result of that technical assistance. The extent to which Guam takes advantage of available technical assistance may affect the actions OSEP takes under sections 616 and 642 should Guam not be determined to meet requirements next year. We encourage Guam to take advantage of available sources of technical assistance in other areas as well, particularly if Guam is reporting low compliance data for an indicator.

As required by IDEA sections 616(e)(7) and 642, Guam must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within Guam and may include such mechanisms as posting on the agency's website, distribution through the media and distribution through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, Guam must report annually to the public on the performance of each early intervention services program (EIS program) located in the jurisdiction on the targets in the SPP. Because your jurisdiction is a unitary entity (i.e., the State lead agency is the only EIS program), you may meet this public reporting requirement by posting your FFY 2008 APR on Guam's website and making it available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642. If your SPP includes revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on Guam's web-site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting Guam's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with Guam over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Charles Kniseley, your OSEP State Contact, at 202-245-7322.

Sincerely,



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

Enclosures

cc: Part C Coordinator