



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

June 28, 2016

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

Dear Superintendent Fernandez:

I am writing to advise you of the U. S. Department of Education's (Department) 2016 determination under sections 616 and 642 of the *Individuals with Disabilities Education Act (IDEA)*. The Department has determined that Guam needs assistance in meeting the requirements of Part C of the *IDEA*. This determination is based on the totality of Guam's data and information, including the Federal fiscal year (FFY) 2014 State Performance Plan/Annual Performance Report (SPP/APR), other Guam-reported data, and other publicly available information.

Guam's 2016 determination is based on the data reflected in the State's "2016 Part C Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State or entity and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) Results Components and Appendices that include scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) Guam's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2016: Part C" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2016, as it did for Part C determinations in 2015. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) For 2016, the Department's *IDEA* Part C determinations continue to include consideration of each State or entity's Child Outcomes data, which measures how children who receive *IDEA* Part C services are improving functioning in three outcome areas that are critical to school readiness:

- Positive social-emotional skills;

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- acquisition and use of knowledge and skills (including early language/communication); and
- use of appropriate behaviors to meet their needs.

Specifically, the Department considered the data quality and the child performance levels in each State or entity's Child Outcomes FFY 2014 data.

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. When you access Guam's SPP/APR on the site, you will find, in Indicators 1 through 10, 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 "2016 Data Rubric Part C," which shows how OSEP calculated Guam's "Timely and Accurate State-Reported Data" score in the Compliance Matrix;
- (4) a document entitled "Dispute Resolution 2014-15," which includes the *IDEA* section 618 data that OSEP used to calculate Guam's "Timely State Complaint Decisions" and "Timely Due Process Hearing Decisions" scores in the Compliance Matrix; and
- (5) a Data Display, which presents certain entity-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of entity performance in key areas.

As noted above, Guam's 2016 determination is Needs Assistance. A State or entity's 2016 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State or entity would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Special Conditions on the State or entity's last three (FFYs 2013, 2014, and 2015) *IDEA* Part C grant awards, and those Special Conditions are in effect at the time of the 2016 determination.

The State's determination for 2015 was also Needs Assistance. In accordance with section 616(e)(1) of the *IDEA* and 34 C.F.R. §303.704(a), if a State or entity is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions:

- (1) advise the State or entity of available sources of technical assistance that may help the State or entity address the areas in which the State or entity needs assistance and require the State or entity to work with appropriate entities;
- (2) direct the use of State-level funds on the area or areas in which the State or entity needs assistance; or
- (3) identify the State or entity as a high-risk grantee and impose Special Conditions on the State's or entity's IDEA Part C grant award.

Pursuant to these requirements, the Secretary is continuing to require the Guam Department of Education (GDOE) to access technical assistance related to the Guam Department of Education Department-wide special conditions and status as a high-risk grantee through the Department's Risk Management Service. Under the 2016 Special Conditions, Guam must continue to implement its Comprehensive Corrective Action Plan (CCAP) and 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.

States were required to submit Phase II of the State Systemic Improvement Plan (SSIP) by April 1, 2016. OSEP appreciates Guam's ongoing work on its SSIP and its efforts to improve results for infants and toddlers with disabilities and their families. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with Guam as it develops Phase III of the SSIP, due April 3, 2017.

As a reminder, Guam must report annually to the public, by posting on its lead agency's website, on the performance of each early intervention service (EIS) program located in Guam on the targets in the SPP as soon as practicable, but no later than 120 days after Guam's submission of its FFY 2014 SPP/APR. In addition, Guam must:

- (1) review EIS program performance against targets in the State's SPP/APR;
- (2) determine if each EIS program "meets the requirements" of Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the *IDEA*;
- (3) take appropriate enforcement action; and
- (4) inform each EIS program of its determination.

Further, Guam must make its SPP/APR available to the public by posting it on the lead agency's website. 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 infants and toddlers with disabilities and their families and looks forward to working with your entity 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 Charles Kniseley, your OSEP State lead, at 202-245-7322.

Sincerely,

/s/ Ruth E. Ryder

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: State Part C Coordinator