

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

Background:

The Guam Public School System (GPSS) is the lead agency responsible for administering Part C of the IDEA in Guam, and the Guam Early Intervention System (GEIS) is the entity within GPSS that administers Part C. GPSS operates as a unitary system, and is responsible for self-identification of any issues of noncompliance in the entity's early intervention system. GEIS reported in its Part C FFY 2006 annual performance report (APR) that it served 155 infants and toddlers with disabilities representing 1.52% of the State's population from birth to age three (at the time of OSEP's visit to Guam, GEIS staff reported that it had increased this number to 166 infants and toddlers with disabilities). GPSS has adopted a system of payments under Part C of the IDEA, and has adopted the Part B due process hearing procedures under 34 CFR §303.420 to resolve individual child disputes under Part C.

I. General Supervision

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

Components of the State's Monitoring System: GEIS utilizes a number of mechanisms to identify noncompliance, including a review by the GPSS Office of Compliance, an annual review of data, an internal file review, and dispute resolution processes. GEIS staff reported that each of these mechanisms has the capacity to identify noncompliance in Guam's early intervention system, though currently only the Compliance Office and annual data review processes have been utilized to issue formal findings of noncompliance that are reflected in data submitted to OSEP.

When and How Findings are Issued: GEIS staff reported that the Compliance Office review of the Part C program occurs every three years and is performed by monitoring staff from the GPSS Division of Special Education, Office of Compliance. This monitoring includes a review of child records, interviews with GEIS staff, interviews with families receiving early intervention services, observations of service provision, as well as eligibility and IFSP meetings. The file review completed as a part of this process is based on a random sample of child files, and performed with the use of a standard monitoring protocol that includes items addressing two APR compliance indicators (7 and 8C) as well as a number of related IDEA Part C requirements. GEIS staff reported and provided documentation demonstrating that reviews by the Office of Compliance result in Compliance Review Reports that are sent to the Part C Coordinator (and copied to the Superintendent of Education) via memorandum from the Assistant Superintendent of Special Education. An OSEP document review of Guam's March 21, 2006 Compliance Review Report for GEIS indicates that the most recent report was issued within three months of the initiation of the review process. Through its review, OSEP additionally determined that the report included a description of each finding of noncompliance with citations of applicable IDEA requirements, and a timeline for the completion of corrective actions. Each report also includes a

Corrective Action Improvement Plan (CAIP) template that includes sections where the program reports on activities to correct the noncompliance, timelines, responsible personnel, and documentation demonstrating evidence of change for each finding.

GEIS staff reported that its annual data review process is another mechanism used to identify noncompliance and issue findings that are reported to OSEP, and that findings made through this mechanism are based on the Part C Coordinator's review of a full Federal Fiscal Year's (FFY) census data for Federal compliance indicators. These data are compiled in the GEIS data system and reported to OSEP in Guam's Annual Performance Report (APR). The APR includes a description of each finding of noncompliance and citations of applicable IDEA requirements. GEIS staff reported on a number of processes that occur between the collection date for annual data (June 30th), and the determination of findings of noncompliance in order to validate the data collected in the GEIS database (see Data Critical Element #1 for further description of these processes). Included in these processes is the opportunity for GEIS program staff to clarify information from the data system (including the opportunity to provide information on family and other exceptional circumstances, and to reconcile any data anomalies).

Although the findings of noncompliance identified through the annual data review are reported in the APR, GEIS has not developed a mechanism for tracking those findings, including a written record of when the findings are made, and when the one-year timeline expires. GEIS staff reported that Guam had not yet established due dates for the annual data review, or for issuing findings based on that data.

Other Components—Internal file reviews, Dispute Resolution: GEIS staff also reported to OSEP that the Part C Coordinator uses an internal file review process to analyze the root causes for identified noncompliance. In the file review process, Guam reported that GEIS reviews monthly data reports from their data system and identifies potential noncompliance related to APR compliance indicators as well as a number of related timeline requirements. For each child file indicating noncompliance, the Part C Coordinator first works with early intervention staff to determine whether family/exceptional circumstances, system reasons, or data anomalies are responsible for the apparent noncompliance. In instances where noncompliance is confirmed, GEIS performs a root cause analysis and determines the underlying system reason for the noncompliance. GEIS staff reported that information gathered in this process has been used primarily to direct improvement activities including trainings at the program and individual staff levels. GEIS staff also indicated that noncompliance identified through this process (including noncompliance on related requirements), is addressed through GEIS Monthly Staffing Action Plans with individual early intervention personnel. At the time of OSEP's visit, GEIS did not use the internal file review process to issue formal findings of noncompliance that are reflected in data submitted to OSEP in the APR.

GEIS staff reported that Guam has not received any administrative complaints or requests for due process hearings. However, GEIS staff also reported that a process is in place for examining any decisions resulting from dispute resolution processes for noncompliance with IDEA requirements, ordering corrective actions, and ensuring that the State's decisions have been enforced.

OSEP Conclusions

In order to effectively monitor the implementation of Part C of the IDEA in Guam under IDEA sections 616(a), 635(a)(10)(A) and 642 and 34 CFR §303.501(b), GPSS must identify noncompliance by issuing findings of noncompliance when GEIS obtains reliable data reflecting

noncompliance with Part C requirements through the GEIS annual data review and internal file review processes, and dispute resolution procedures. Based on the review of documents, analysis of data, and interviews with GPSS personnel, OSEP finds that one component, Guam's Office of Compliance review process, is reasonably calculated to identify noncompliance in a timely manner. Although OSEP's review of Guam's October 26, 2006 Validation Report for GEIS indicated that GPSS has been identifying noncompliance in the Part C program and issuing written findings that include citations of applicable IDEA requirements within three months of the initiation of the review process, GEIS' policies and procedures do not currently specify timelines for formally issuing findings of noncompliance related to data collected through the Compliance Office review. GEIS' annual data review process results in findings of noncompliance related to APR compliance indicators, based on annual census data from the GEIS database, that contain citations of applicable IDEA requirements. However, it is unclear when GEIS has officially chosen to issue these findings and begin the one-year timeline for correction in this process. OSEP staff provided guidance during the visit regarding the need for GEIS to establish procedures that include timelines for issuing findings, as well as a written record for tracking findings made through different component of Guam's system of general supervision. OSEP would expect the mechanism for tracking the findings to include a written record of making the findings within three months of discovery of the noncompliance.

OSEP cannot determine the effectiveness of Guam's internal file review process in identifying noncompliance because no written findings of noncompliance have been issued through that mechanism to date. GEIS staff reported that it is working to formalize its internal review process, and will issue written findings where noncompliance is identified through this process, and report to OSEP on the correction of those findings.

Required Actions/Next Steps

Within 60 days of the date of this letter GPSS must provide to OSEP:

1. policies and procedures that specify timelines for formally issuing findings of noncompliance related to data collected through the Compliance Office review;
2. policies and procedures that establish a process for identifying noncompliance and issuing findings through Guam's annual data review process. These policies and procedures should result in the establishment of a point (or points) in time when findings will be issued, from which timely correction can be measured, and a written record of the findings; and
3. revised monitoring procedures that ensure all noncompliance identified in its internal file review process is cited, and that findings are issued as appropriate.

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

Procedures for Correction/Enforcement: GEIS staff reported that through each of the mechanisms comprising its general supervision system Guam has the capacity to correct noncompliance, and reported on the use of a number of methods to obtain and document the timely correction of noncompliance. These include the use of CAIPs for programmatic correction of noncompliance identified through the Office of Compliance review process, on-site verification of the implementation of corrective actions, additional reporting requirements performed by the Part C Coordinator (including monthly, and quarterly reporting), and Staff

Action Planning for individual early intervention personnel. GEIS staff also described a system of training and technical assistance, and enforcement actions to address issues of noncompliance across mechanisms.

Specific to the correction of findings made through GPSS Office of Compliance reviews, GEIS staff described a process that begins when the Associate Superintendent of Special Education issues the results of an Office of Compliance review through a Compliance Review Report that is sent to the Part C Coordinator and copied to the GPSS Superintendent of Education. The report notifies the Part C Program Coordinator of specific findings of noncompliance¹ and requires the program to develop a CAIP to address each finding within 45 days of receiving the report.² Each CAIP is developed using a template provided in the Compliance Review Report, and includes sections for the program to document activities to correct noncompliance (including revisions to policies and procedures), timelines for those activities, and evidence of change (including the correction of individual child files where noncompliance was identified). GEIS staff reported that Guam's validation process does not require a review of more recent data demonstrating the effectiveness of the corrective actions that were implemented as a part of the CAIP process. Following GEIS' submission of the program's CAIP, the Office of Compliance performs an on-site verification of the implementation of corrective actions before issuing a Validation Report that confirms the completion of corrective actions and closes-out issues of noncompliance. Although Guam's monitoring protocol and process flow chart do not specify that correction of noncompliance must occur no later than one year from identification, OSEP's review of Guam's October 26, 2006 Validation Report for GEIS indicated that the most recent report confirming correction was issued within 9 months of the initiation of the review process.

GEIS staff reported using monthly and quarterly data reports to track progress and verify correction of noncompliance reported in the APR through the annual data review. In this internal process, the Part C Coordinator, in conjunction with the data clerk and individual early intervention staff, reviews monthly data reports from the GEIS database detailing child-level data for untimely meetings and/or services and verifies reasons for delay (including documented exceptional family circumstances, as well as system reasons). GEIS staff reported that the Part C program considers findings of noncompliance to be corrected when a quarterly data report demonstrates compliance with the connected IDEA requirement. Although GEIS staff reports annually on the correction of noncompliance identified through the annual data review process in Guam's APR, GEIS does not currently have policies and procedures that establish a mechanism for tracking those findings, including a written record of when the findings are made, and when the one-year timeline expires.

As indicated under GS-1, GEIS staff reported that information gathered in Guam's internal file review process has been used internally, primarily to direct improvement activities including trainings at the program and individual staff levels. GEIS staff reported that issues of noncompliance identified through this process are addressed in Staffing Action Plans with individual early intervention personnel, and that these plans include required actions and timelines for the correction of noncompliance. However, GEIS staff reported that the Part C program has not used this mechanism to issue formal findings of noncompliance or included

¹ Findings made in GPSS' March 23, 2006 Compliance Review Report were reported to OSEP in Guam's FY 2006 APR as "State priority areas."

² The Compliance Review Reports provide the Part C program with the opportunity (15 days from the date of the report) to dispute or provide clarifying data regarding any findings of noncompliance, or to request an extension for the submission of the program's CAIP.

information on the correction of that noncompliance in Guam's APR. GEIS staff also reported that required actions in Staffing Action Plans often include the correction of individual child files where noncompliance was identified, but not a review of more recent data establishing that correction has occurred.

GEIS staff described a system of enforcement actions that Guam uses to support the correction of noncompliance identified through any of Guam's general supervision mechanisms. School Board Policy and GPSS Personnel Rules and Regulations form the basis of this system, and include a progressive range of personnel actions that can be taken with individual staff members responsible for persistent noncompliance. GEIS staff reported that enforcement actions range from required training and technical assistance, to memorandums of reprimand, and a Notice of Proposed Adverse Action that can result in demotion, suspension, or dismissal. Six levels of action are described in GPSS Personnel Rules and Regulations Disciplinary Action Procedures, including the criteria and potential ramifications for each action. GEIS staff reported that the Part C Coordinator has limitations in authority, and may need to work with other program administrators, the Associate Superintendent of Special Education, and the Superintendent of Education in order to take specific enforcement actions.

OSEP Conclusions

In order to effectively monitor the implementation of Part C of the IDEA by Guam under IDEA sections 616(a), 635(a)(10)(A) and 642 and 34 CFR §303.501(b), GPSS must ensure that identified noncompliance is corrected in a timely manner. Based on the review of documents, analysis of data, and interviews with State and local personnel, OSEP identified the following issues in GPSS' system of ensuring the timely correction of noncompliance for the Part C program:

1. The CAIP validation process does not include a review of more recent data demonstrating the effectiveness of the corrective actions implemented as a part of the CAIP.
2. The annual data review process does not include policies and procedures that establish a written record for tracking findings, including the timeline for the identification of findings based on annual data, or the one-year timeline for correction.
3. The internal file review process has not been used to issue formal findings of noncompliance, and does not include a review of more recent data demonstrating the effectiveness of the corrective actions that were implemented as a part of the Staffing Action Plan.

During the verification visit, OSEP staff discussed the need to determine timelines for identification and correction of noncompliance related to findings made in the annual data review and internal file review processes, including selecting a point (or points) in time to issue findings using these processes, and a written record of the findings. OSEP staff informed GEIS of the need to develop a tracking method that will allow the Part C program to clearly measure the correction of noncompliance identified through any mechanism in Guam's general supervision system. In making compliance decisions, GEIS was also informed of the need to review updated data to establish correction of findings.

Required Actions/Next Steps

Within 60 days of the date of this letter, GPSS must provide to OSEP:

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1. policies and procedures indicating that Guam is basing its decisions related to the correction of noncompliance on updated data (from the GEIS database or on-site monitoring, for example) that demonstrate the correct implementation of the specific statutory or regulatory requirements; and
2. policies and procedures that Guam has adopted to track the correction of findings of noncompliance made through any of Guam's general supervision mechanisms as soon as possible but no later than one year from identification.

In addition, with its FFY 2008 APR, due February 1, 2010, GPSS must continue to provide under Indicator 9 data on timely correction during FFY 2008 of all findings made during FFY 2007, and include information on any FFY 2008 findings issued through the internal file review process and dispute resolution processes. With its FFY 2009 APR, due February 1, 2011, GPSS must then provide, under Indicator 9, data on the timely correction during FFY 2009 of all findings made during FFY 2008 including, as appropriate, data on the correction of any findings issued through the internal file review process and dispute resolution.

Critical Element 3: Dispute Resolution

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

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GEIS staff reported that the Part C program has adopted Part B due process hearing procedures under 34 CFR §303.420, and that GEIS also utilizes the Part B Office of Compliance for investigating and resolving State complaints filed under 34 CFR §§303.510 through 303.512. GEIS staff reported that Guam's procedures for the resolution of disputes are described in the *GEIS Comprehensive Service Delivery Plan Under Part C of IDEA*. That document also establishes the requirement to develop a corrective action plan to address any findings of noncompliance identified through Guam's dispute mechanisms. GEIS staff reported that GPSS utilizes the services of the Inafa' Maolek Mediation Center to address requests for mediation.

GEIS staff reported that Guam makes information on procedural safeguards available to families in a number of ways, including annual parent trainings that are performed in conjunction with Part B, and the GEIS website. GEIS staff reported that parents are provided with procedural safeguards at meetings, and that in order to ensure that information from the notice is conveyed, the need for an interpreter is evaluated with each family, and requests for interpreters are submitted to the GPSS Special Education Family Services as appropriate. In addition to the regular annual training for families on procedural safeguards, GEIS staff reported that the Parent Information Resource Center (PIRC) on Guam has scheduled additional parent rights and advocacy training during the current school year. GEIS staff also reported that, to meet the needs of GPSS staff, the Office of Compliance Coordinator and legal counsel provide annual trainings on issues related to procedural safeguards and family rights.

GEIS staff reported that it has not received administrative complaints or requests for mediation and due process hearings during the FFY 2005, 2006, or 2007 reporting periods. However, Guam reported that it has procedures for transmitting findings and decisions from due process hearings to the State Interagency Coordinating Council for Part C (and the Guam Advisory Panel for Students with Disabilities for Part B), and making them available to the public.

OSEP Conclusions

Based on the review of documents and interviews with State and local personnel, OSEP finds that GPSS has policies and procedures that are reasonably designed to implement the dispute resolution requirements of IDEA. Because GEIS has not received any Part C State complaints or mediation and due process hearing requests during the FFY 2005, 2006, or 2007 reporting periods, OSEP cannot determine the effectiveness of GPSS' implementation of its policies and procedures related to dispute resolution processes.

Required Actions/Next Steps

No further action required.

Critical Element 4: Improving Educational Results

Does the State have procedures and practices that are reasonably designed to improve early intervention results and functional outcomes for all infants and toddlers with disabilities?

Verification Visit Details and Analysis

GEIS staff indicated that all components of the State's general supervision system, including public awareness and child find efforts, monitoring, data collection, and training and technical assistance efforts, are designed to improve results and outcomes for infants and toddlers with disabilities and their families. In addition, GEIS staff reported on a number of specific activities that are aimed at improving educational results and functional outcomes for infants and toddlers with disabilities on Guam, including staff training on Routine Based Interview (RBI) for use in family assessment and outcome development, Play to Learn, Power of Play, training arrangements with the University of Guam, and participation in Guam's Governor's Early Childhood Summit described below:

- GEIS has selected RBI as a process for gathering family assessment information, and developing functional goals and outcomes on Individual Family Service Plans (IFSP). RBI will also assist GEIS in determining the resources, priorities, and concerns of families, and generate goals and objectives that are meaningful to infants and toddlers with special needs who are served in natural environments.
- In Play to Learn, GEIS staff brings together groups of families in natural environments (community settings). These sessions are organized by service coordinators, and include a parent training component as well as direct services to infants and toddlers. GEIS staff reported that Play to Learn additionally creates a networking opportunity for families of infants and toddlers with disabilities.
- In Power of Play, GEIS partners with other agencies, including The Guam Department of Public Health and Social Services (GDPHSS), Part B preschool (619), Head Start, child care providers, and the University of Guam to develop materials (including the development of an early learning guidelines manual developed with GDPHSS funds in the summer of 2008), and provide developmental training and networking opportunities to families on Guam.
- The University of Guam, Center for Excellence in Developmental Disabilities Education, research, and Service (CEDDERS) has offered trainings to GEIS staff that include courses on medical aspects of specific disabilities and social emotional development, both of which were made available for university credit. GEIS staff reported that the University of Guam CEDDERS also provides training on RBI and has worked with GEIS to develop a procedures manual for the collection of early childhood outcomes data, and the GEIS Family Handbook.

- The Part C Coordinator acts as the representative for GPSS in the Governor's Early Childhood Summit, a multi-agency initiative to develop a comprehensive system around early care and education on Guam for children birth to five.

GEIS utilizes the ECO Center Child Outcome Summary Form (COSF) as a rating tool to gather information on early childhood outcomes, and has worked in conjunction with GPSS' data contractor to develop an outcome measurement system in the GEIS database that collects and interprets data related to SPP/APR Indicator 3. GEIS staff, including the Part C Coordinator and technical assistance providers, have attended national conferences on early childhood outcomes, and provide ongoing training and technical assistance to service coordinators and providers to address the collection and use of early childhood outcomes data.

OSEP Conclusions

Based on the review of documents and interviews with State and local personnel, OSEP finds that GPSS has procedures and practices that are reasonably designed to improve early intervention results and functional outcomes for all infants and toddlers with disabilities.

Required Actions/Next Steps

No further action required.

Critical Element 5: Implementation of Grant Assurances

Does the State have procedures and practices that are reasonably designed to implement selected grant application requirements, i.e., monitoring and enforcement, CSPD, and interagency agreements, contracts or other arrangements?

Verification Visit Details and Analysis

During OSEP's verification visit, GEIS staff reported on the implementation of Part C grant application assurances related to monitoring and enforcement (specifically public reporting), interagency agreements, and Guam's system for professional development.

Public Reporting and Local Determinations: As a part of its monitoring and enforcement responsibilities under section 616 of the IDEA, each State must annually report to the public on the performance of each early intervention service provider against the State's SPP/APR targets and must make an annual determination for each early intervention service provider. Because GEIS is a unitary system, and does not monitor any external early intervention service programs, it met the public reporting requirement by providing a report to the public on the performance of the Part C program compared to the State targets in each of the past two years. Information on the GEIS website also includes Guam's FFY 2006 Part C APR, the Secretary's June 6, 2008 determination letter, indicating that GEIS has been determined to Need Assistance for two consecutive years, and the Secretary's *How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2008: Part C* document.

Interagency Fiscal and Service Provision Responsibilities: Under IDEA sections 635(a)(10), 637(a)(2), (6) and (9), and 640, each State lead agency must include in its Part C application: (1) a certification that its methods to ensure service provision and fiscal responsibility for services are current and (2) its policies and procedures for transition (including an interagency agreement if the lead agency is not the State Educational Agency (SEA)) and potential interagency agreements regarding referrals of children under the Child Abuse and Protection and Treatment Act (CAPTA).

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With regard to service provision and fiscal responsibility for services, it is OSEP's understanding that GPSS, as the lead agency, provides all Part C services. GEIS staff confirmed that it has policies to ensure that IDEA Part C funds are used as a payor of last resort, and ensure the timely provision of services and ongoing service provision for IFSP services during any disputes regarding financial responsibilities. These policies include a system of payments policy that is on file with OSEP and defines when public benefits and private insurance may be used to pay for Part C services.

With regard to policies and procedures for transition, GEIS is part of the GPSS, which is the lead agency responsible for administering Part C. Because GPSS is also responsible for administering preschool programs under Part B of the IDEA, an interagency agreement regarding early childhood transition is not required under 34 CFR § 303.148(c)

With regard to referrals of children under CAPTA, Guam's FFY 2008 grant application included a general assurance that the State would submit to OSEP, by June 30, 2009, its policies and procedures that require the referral for early intervention services under Part C of a child under the age of 3 who (A) is involved in a substantiated case of abuse or neglect; or (B) is identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. OSEP will review this issue through the State's Part C grant application process.

GEIS staff reported that its current memorandum of agreement, developed in 2003, includes membership from GPSS (which includes Head Start), the University of Guam, Guam Memorial Hospital (GMH), the Guam Department of Health (which includes Title V of the Social Security Act, relating to Maternal and Child Health, and Title XIX of the Social Security Act, relating to the general Medicaid Program), and the Guam Department of Mental Health and Substance Abuse. The agreement addresses the roles of each agency; including child find responsibilities, evaluations, eligibility determinations, the development of IFSPs, and the provision of services other than Part C direct services. The agreement also includes a section on interagency dispute resolution procedures that permits interim payments so that services are not delayed and continue to be provided pending the resolution of interagency disputes.³ GEIS staff reported that a new interagency agreement is currently being developed with partner agencies, with an emphasis on further defining the fiscal responsibilities of each agency and potentially sharing responsibility for some Part C services and functions.

CSPD/Part C Personnel: GEIS staff described a training and technical assistance system that is organized by the Part C Coordinator and Co-Coordinator, and includes trainings designed to meet the needs of the Part C staff as a whole as well as the needs of individual service coordinators and providers. GEIS staff reported that it is possible to provide trainings during regularly occurring staff meetings, as well as through specific meetings for service coordinators or service providers. GEIS maintains an activity log that documents Guam's professional development opportunities and reflects GEIS efforts to provide staff development on issues related to compliance with IDEA requirements (including data requirements), as well as best and promising practices in the field of early childhood special education. The log also documents GEIS' public awareness and child find efforts. GEIS staff reported that the program's current initiatives include staff trainings on Guam's procedural manual, ongoing RBI training, and

³ Appendix A of Guam's MOU includes procedures for interagency agreements and resolution of disputes, as does component fourteen of Guam's *Comprehensive Service Delivery Plan Under Part C of IDEA*.

trainings related to Guam's Transition Guidebook, which was recently developed in conjunction with the Part B preschool program.⁴

OSEP Conclusions

Based on the review of documents and interviews with State and local personnel, OSEP finds that GPSS has procedures and practices that are reasonably designed to implement selected grant application requirements, i.e., public reporting and CSPD. OSEP will review and respond to the State's policies and procedures regarding CAPTA referrals through the Part C grant application process.

Required Actions/Next Steps

No further action required.

II. Data

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

GEIS staff reported that Guam coordinates the collection of data from a number of sources in order to report annually to the Department and the public. These sources include the GEIS database (managed through a contractual arrangement with EduTech), a family outcomes database (maintained by the University of Guam, CEDDERS), and a separate tracking mechanism for the correction of noncompliance identified through Guam's dispute resolution processes. GEIS staff reported that its database currently combines data elements related to a number of section 618 and section 616 reporting requirements, including APR Indicators 1 (timely provision of services), 2 (natural environments), 3 (early childhood outcomes), 5 (percentage of infants birth to one served), 6 (percentage of infants and toddlers birth to three served), 7 (45-day timelines), and 8 (transition).

GEIS staff reported that its database allows for the generation of a number of reports that Guam uses to track compliance and performance levels within the Part C program. These include reports that track timelines and status for infants and toddlers in all phases of eligibility and IFSP development, initial service timeline reports, and delay reports for any timeline measured in the system. GEIS staff reported that the validity and reliability of these reports is ensured by a number of functions in the database. These include required fields, dropdown lists designed to avoid data entry errors, auto calculation functions (including the calculation of due dates for 45-days, initial and annual IFSPs, six-month reviews, and transition conferences). Further ensuring the integrity of data, GEIS staff reported that access to the database is limited to the Part C Coordinator and Data Entry Clerk, and that user IDs and password protections are used to authenticate access into the system. Consent from the Part C Coordinator is required before any changes can be made to data in the system.

⁴ Guam's FFY 2008 grant application included a general assurance that the State would submit to OSEP, by June 30, 2009, its policies and procedures regarding transition, as required by 20 U.S.C. 1437(a)(9)(A). Guam has not submitted those policies and procedures to OSEP for purposes of meeting the grant application requirement. OSEP will address this issue through the State's Part C grant application process.

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GEIS staff 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. GEIS staff described a process for the paper transmittal of data into the system that involves the Part C Coordinator and Data Entry Clerk reviewing hard copies of documents (including eligibility and IFSP documents) for required elements before and during data entry. To identify and correct data anomalies, GEIS staff reported that monthly reports from the database are generated and disaggregated by service coordinator or provider, so that anomalies (as well as potential noncompliance, as described under GS-2) can be addressed with individual early intervention staff. The low number of infants and toddlers served allows the Part C Coordinator to review data on all children in the system on a monthly basis, and means that changes in data resulting from even a few children are more pronounced in GEIS data reports. In the event that it is necessary, the program can review all child records to locate the source of (and to correct) any data anomalies.

To support user needs, GEIS staff reported that Guam has developed a data dictionary, a GEIS Data System User Manual, and a number of attachments to the manual that address recent enhancements made to the system, including a number of capabilities added to allow GEIS to collect valid and reliable data on Federal reporting requirements. GEIS staff reported that, in addition to leading the development of the user manual, and creating the enhancements to the database, EduTech also provides technical assistance to the Part C Program on a range of database related issues. GEIS staff reported that additional technical assistance on section 618 reporting instructions and requirements was provided by the Data Accountability Center (DAC).

GEIS staff reported that Guam is developing a new database, under the GPSS Financial Student Administrative Information System (FSAIS), that, when operational, will combine both Part C and Part B data reporting elements with general education student information. GPSS staff reported that the FSAIS will assign a unique identifier to infants and toddlers that will remain consistent when transition occurs to Part B services, avoid the need for data re-entry, and allow for the tracking of children across the GPSS systems.

OSEP Conclusions

Based on the review of documents, analysis of data, demonstration of data system capabilities, and interviews with GEIS and contracted personnel, OSEP finds that GEIS has 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.

Required Actions/Next Steps

No further action 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

Guam staff reported that the capabilities of the GEIS database, along with the size of the Part C program ensure that the data collected in the system reflects actual practice and performance. GEIS staff reported that the data system reflects information on every child receiving early intervention services on Guam, and includes data elements that are embedded in naturally occurring documentation processes (for eligibility and IFSP development, for example). GEIS

staff reported that the data entered into the system comes from documentation completed by the service coordinators and providers who are developing and implementing a child's IFSP and that, as a result, data pulled from the system is more likely to reflect actual practices. Because information is entered only once, and by a single individual, GEIS staff reported that its data is less prone to the type of corruption that can occur when data is recorded and then re-entered multiple times.⁵ To further validate that information entered into the system is accurate and reflects actual practices, the Part C Coordinator reviews all "hard copy" documents before information is entered into the GEIS database.

GEIS staff reported and demonstrated that Guam has the ability, through its database, to generate reports on actual practices related to a number of Federal requirements, including timely service delivery and transition conferences. GEIS staff reported that progress or slippage in Guam's reported data is a reflection of system-wide progress and slippage, and an accurate indicator of the effectiveness of GEIS improvement activities including any changes in policies, procedures, and practices. GEIS staff also reported that, due to its low numbers, each individual instance of compliance or noncompliance has an exaggerated impact on the data that Guam submits.

OSEP Conclusions

Based on the review of documents, analysis of data, demonstration of data system capabilities, and interviews with State and local personnel, OSEP finds that GEIS 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 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

GEIS staff described a system in which data from all components of the Guam's general supervision system, including its data system, Office of Compliance monitoring, annual data review process, and internal file review process are used to determine appropriate improvement activities, design training and technical assistance to early intervention staff, and revise improvement activities included in State's SPP/APR, or revise GEIS policies and procedures. Because the GEIS database is able to disaggregate data by type of staff (service coordinator or provider, for example) or individual staff members, the Part C Coordinator can determine whether a systemic, group, or individual issue exists and direct GEIS technical assistance efforts and enforcement actions, as appropriate. Similarly, GEIS staff reported that information from the root-cause analysis performed as a part of the internal file review process has resulted in the Part C Coordinator working with the EduTech consultant to develop new queries and enhance the data systems' ability to generate reports addressing APR indicators and related requirements.

GEIS staff reported that efforts to compile and integrate data across systems are also reflected in the State's Transition Guidebook, developed in conjunction with Part B preschool staff. The guide was developed as a result of GEIS' analysis of family survey data, as well as APR data on

⁵ GEIS staff reported that prior to September, 2007 data was entered into the GEIS database and then re-entered in the Part B database, resulting in duplicated efforts and a greater number of data anomalies.

Indicator 8 (particularly Guam's transition conference data from sub-indicator 8C). Guam reported that census data from the GEIS data system informs the annual data review and APR development processes, that findings of noncompliance are identified using annual census data, and that updated data from the data system (in the form of quarterly reports) is used to demonstrate correction of noncompliance identified through the annual data review. GEIS staff reported that its ongoing monthly and quarterly reports are used to improve performance, and to achieve and sustain compliance.

OSEP Conclusions

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

Required Actions/Next Steps

No further action required.

III. Fiscal

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 Department FFY 2008 funds to GPSS and to all Department 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 Department will respond separately to GPSS' submissions under the CCAP and its special conditions.⁶

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

Each lead agency must ensure that IDEA Part C funds are timely obligated and liquidated in accordance with the requirements in the Education General Administrative Regulations (EDGAR). During OSEP's visit, GPSS staff described Guam's system to ensure that IDEA Part C funds are obligated and liquidated in a timely manner.⁷ Under this system, GPSS assigns each Federal grant a unique grant number, and sub-grant numbers as appropriate, which identification

⁶ 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 Standard Operating Procedures (SOPs) that GPSS has developed to address a range of fiscal and management issues.

⁷ GPSS staff provided OSEP with standard operating procedures addressing the timely obligation and liquidation of Part C funds. These include SOP 900-015 and SOP 900-008 (both implemented 10/16/07) 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.

includes a designation for the particular Federal Fiscal Year (FFY) in which the grant was awarded. GPSS staff reported during the verification visit that liquidations of Federal Part C funds by the Part C program are monitored quarterly by the GPSS Federal Programs Office, and that regular communication exists between the GPSS Federal Programs Office and GEIS on the issue of expending funds within the funding period.

GPSS staff reported that expenditures are charged to multiple years of Part C grant awards, and that each grant account remains open until the end of the 27-month period of availability or until the grant funds have been exhausted, whichever come first. When the period of obligation ends for each Federal grant, GPSS staff reported that the GPSS Federal Programs Office monitors to ensure that funds are liquidated and final invoices are paid before grant funds are no longer available in the Federal Grant Administration and Payment System (GAPS), and those funds are no longer available for liquidation (90-days after the obligation period ends). GPSS staff reported that, although there is no recent history of Guam needing additional time to liquidate funds, GPSS policies and procedures do allow for submitting a request for an extension to OSEP to re-establish the grant in GAPS. Guam has expended all of its funds from the FFY 2004, 2005, and 2006 IDEA Part C grant awards.

OSEP Conclusions

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

Required Actions/Next Steps

No further action required.

Critical Element 2: Appropriate Distribution of IDEA Funds

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

Verification Visit Details and Analysis

Procedures for Appropriate Use of IDEA Part C Funds at State Level: Each lead agency must ensure that IDEA Part C funds are expended at the State level on appropriate uses, consistent with the requirements in IDEA section 638, the EDGAR, OMB Circular A-87, and other applicable Federal requirements. GEIS staff described a number of mechanisms used to ensure fiscal accountability in the use of IDEA Part C funds. These include: (1) single State audits under the Single Audit Act; (2) audits by the GPSS internal auditor; and (3) Fiscal Monitoring Checklists. GEIS staff reported to OSEP during the verification visit that both single State audits and GPSS internal audits are performed annually, and that Fiscal Monitoring Checklists, described below, are used on an ongoing basis. GPSS staff reported that Guam's Office of the Public Auditor, which coordinates single State audits across all Guam government agencies, also audits GPSS.

Regarding general fiscal controls, GPSS staff described its Manager's Internal Control Program, which was approved in September 2008 and, once fully operational, will provide guidance to administrators and program directors for improving the accountability and internal controls of GPSS programs. 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 IDEA Part C funds are provided through a procurement process in which the Guam Federal Programs Office reviews each GEIS procurement request using fiscal monitoring checklists.⁸ In the event that audit findings are made through the State's Single Audit office related to GPSS programs (including the Part C Program), GPSS staff identified its established procedures for the timely resolution of audit findings in a timely manner.⁹ During the verification process (both pre-site and on-site), GPSS staff provided OSEP with documentation of corrective actions taken by GPSS to address findings from a number of open State Single Audits (including 2002, 2003, 2004, 2006, and 2008 audits). The Department will respond separately to any specific outstanding audit findings.

Payor of Last Resort Requirements: GPSS has policies to ensure that IDEA Part C funds are used as a payor of last resort, and adopted a system of payments policy that is on file with OSEP. Guam's system of payments policy defines when public benefits and private insurance may be used to pay for Part C services, and GEIS staff confirmed that the funding source for each Part C service is identified in the Planned Services section of each child's IFSP.

Nonsupplanting Requirements: With respect to Part C's nonsupplanting requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b), GPSS staff reported that, at the time of OSEP's visit, Guam did not have in place a specific method to calculate the amount of State and local expenditures for early intervention services for Part C children and their families in order to comply with Part C's maintenance of effort requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b).

OSEP Conclusions

Based on the review of documents, analysis of data, and interviews with GPSS personnel, OSEP finds that GPSS has procedures that are reasonably designed to ensure appropriate use of IDEA Part C funds at the State level with the exception of Part C's nonsupplanting requirements. OSEP finds that GPSS has not adopted specific procedures to track the amount of State and local expenditures for early intervention services for Part C children and their families in order to comply with Part C's maintenance of effort requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b).

Required Actions/Next Steps

With its Part C FFY 2009 application, GPSS must provide OSEP a specific assurance that GPSS has informed its State audit office of the need to review, as part of the State's Single Audit conducted under the Single Audit Act, GPSS' procedures to comply with the tracking of State and local expenditures to meet the requirements of Part C's maintenance of effort (MOE) requirements in IDEA section 637(b)(5)(B) and 34 CFR §303.124(b). GPSS must also continue to keep OSEP apprised in writing of any further efforts it or its State audit office makes to ensure compliance with Part C's MOE requirements.

⁸ 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.

⁹ SOP 06-13 related to the handling of audits