



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Wilfred Aflague  
Interim Superintendent of Education  
Department of Education  
Post Office Box DE  
Hagatna, Guam 96932

JUN 6 2008

Dear Superintendent Aflague:

Thank you for the timely submission of Guam's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Guam's APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), Guam needs intervention in meeting the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs intervention for Guam included the following: (1) Guam reported 3% compliance for Indicator 13, which represents slippage from 7% in 2005-2006; and (2) with respect to Indicator 13, Guam was required to report the percent of youth aged 16 and above with an individualized education program (IEP) that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. Guam's very low level of compliance on this critical indicator demonstrates that Guam is not ensuring that all youth aged 16 and above have an IEP that includes the required secondary transition content. In addition, Guam's compliance level has decreased from the very low FFY 2005 compliance level of 7%. The State reported that one finding of noncompliance identified in FFY 2005 related to this indicator was not corrected. This is a critical indicator since inclusion of appropriate postsecondary goals and transition services in a student's IEP enable the student to make a successful transition from school to post-school activities, including postsecondary education, vocational education, integrated employment and independent living.

We also note that, in September 2003, the Department designated Guam a "high-risk" grantee and imposed Special Conditions on all of its grants to Guam. The Special Conditions require certain reporting on Guam's progress in improving fiscal accountability and financial management concerning Department grants. Guam continues to work on the Department's fiscal and programmatic concerns and its FFY 2008 grant will again be subject to Department-wide Special Conditions.

We hope that Guam will be able to demonstrate that it meets requirements in the next APR.

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The enclosed table provides OSEP's analysis of Guam's FFY 2006 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 the State's SPP. It also identifies, by indicator, Guam's status in meeting its targets, whether Guam's data reflect progress or slippage, and whether Guam corrected noncompliance and provided valid and reliable data.

Guam may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

If you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

Pursuant to section 616(d)(2)(B) of the IDEA and 34 CFR §300.603(b)(2), a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary for Special Education and Rehabilitative Services to demonstrate why the Department should change its determination. To request a hearing, submit a letter to Tracy R. Justesen, Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW, Room 5107, Potomac Center Plaza, Washington, DC 20202-2600 within 30 days of the date of this letter and provide in the letter the basis for your request.

OSEP is committed to supporting Guam's efforts to improve results for children with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Richard Steffan, your OSEP State Contact, at 202-245-6759.

Sincerely,



William W. Knudsen  
Acting Director  
Office of Special Education Programs

Enclosures

cc: State Director of Special Education