

Table A – Guam Part C
Issues Identified in Guam Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 1:</p> <p>Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p><u>Noncompliance:</u></p> <p>Guam’s SPP, page 5, states that only 45% of infants and toddlers with IFSPs receive the early intervention services on their individualized family service plans (IFSPs) in a timely manner.</p> <p><u>Other:</u></p> <p>In Guam’s computation of its baseline data for this compliance indicator, Guam may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child’s record.</p> <p>Guam’s timely standard is the IFSP service initiation date, the reasonableness of which is established by the IFSP team, which includes the parent. Guam’s SPP, page 5, indicates that “the baseline data for SPP Indicator 1 was collected through an individual file review of all initial IFSPs during the reporting period of July 1, 2004 – June 30, 2005.” Therefore, data submitted included timely services for the initial IFSP only. Data regarding timely delivery of services required under annual IFSPs was not included.</p>	<p><u>Noncompliance:</u></p> <p>Guam reported a 45% level of compliance for Indicator 1 in the SPP, specifically the requirements at 34 CFR §§303.342(e) and 303.344(f)(1). Guam must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. Guam should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable Guam to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of Guam’s status under section 616(d) of the IDEA.</p> <p><u>Other:</u></p> <p>In the FFY 2005 APR, due February 1, 2007, Guam should not include in the calculation children for whom Guam has identified the cause for the delay as exceptional family circumstances documented in the child’s record. Guam must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances. Guam must monitor to ensure that the IFSP service initiation date is reasonable and that early intervention services are provided as soon as possible after the IFSP meeting and report any noncompliance with this monitoring requirement in Indicators 1 and 9A of the FFY 2005 APR due February 2, 2007.</p> <p>Guam did not provide the complete information required under this indicator because only initial IFSPs were included in the baseline data. Guam must include this information in the APR, due February 1, 2007. Failure to include this information may affect OSEP’s determination of Guam’s status under section 616(d) of the IDEA.</p>

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<p>Indicator 2:</p> <p>Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.¹</p> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p><u>Other:</u></p> <p>Guam’s SPP, page 8, states that “GEIS [Guam Early Intervention System] was able to meet the needs of all eligible children in the home and typical day care settings.”</p> <p>Targets state, “100% of infants and toddlers with IFSPs receive early intervention services in the home or programs for typically developing children.”</p> <p>OSEP noted that Guam reported baseline data indicating 100% compliance and established a target of 100%. Section 635(a)(16) of the IDEA requires that a State has policies and procedures to ensure that, consistent with section 636(d)(5), to the maximum extent appropriate, early intervention services are provided in natural environments. Section 636(d)(5) requires that the IFSP contain a statement of the natural environments in which early intervention services will be provided appropriately, including a justification of the extent, if any, to which services will not be provided in a natural environment. Depending on the individual needs of particular children and their families, it may not be appropriate to provide all services in natural environments; therefore, achieving a target of 100% may result in a violation of a child’s individual right to services in an appropriate environment that is not the natural environment.</p>	<p>In the APR, due February 1, 2007, Guam may wish to review and revise its targets to be above 95%, but not 100%. Guam may also choose to include procedures to ensure that all determinations made about the environment in which early intervention services are delivered are based on the individual needs of, and outcomes for, the child.</p>

¹ At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

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<p>Indicator 7:</p> <p>Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C’s 45-day timeline.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p><u>Noncompliance:</u></p> <p>Guam’s SPP, page 22, indicates that 88% of eligible infants and toddlers with IFSPs had an evaluation, assessment, and an initial IFSP meeting within 45-days of consent. However, Part C requires that an evaluation, assessment and an initial IFSP meeting be held within 45 days of referral. 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).</p> <p><u>Other:</u></p> <p>In Guam’s computation of its baseline data for this compliance indicator, Guam may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child’s record.</p>	<p>As part of its FFY 2006 application (but not later than June 1, 2006), Guam must submit its revised policy that is consistent with Part C of IDEA (indicating that the 45 days begins from referral, not consent). 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. As noted above, the FFY 2005 data must reflect the revised standard.</p> <p><u>Other:</u></p> <p>In the FFY 2005 APR, due February 1, 2007, Guam should not include in the calculation children for whom Guam has identified the cause for the delay as exceptional family circumstances documented in the child’s record. Guam must include in its discussion of data, the numbers it used to determine its calculation under this indicator and report separately the number of documented delays attributable to family circumstances.</p>
<p>Indicator 8 A and B:</p> <p>Percent of all children exiting Part C who received timely transition planning to support the child’s transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p><u>Indicator 8A and B:</u></p> <p><u>Other:</u></p> <p>Measurement A, SPP page 25, states that “using the 618 Exit data taken on December 1, 2004 for the reporting period of December 2, 2003 –December 1, 2004, there was evidence to show that 100% of the children who received Part C services and ‘exited’ at the ‘transition planning age’ had transition steps and services in the IFSP.”</p> <p>618 data does not necessarily demonstrate compliance in ensuring that IFSPs contain transition steps and services in accordance with 34 CFR §§303.148(b)(4) and 303.344(h). A child transitioning to Part B may or may not have had transition steps included in their IFSP.</p> <p>In Measurement B, SPP page 25, GEIS concludes</p>	<p><u>Indicator 8A and B:</u></p> <p>Guam must include, in the FFY 2005 APR, due February 1, 2007, valid and reliable data demonstrating compliance from July 1, 2005 through June 30, 2006. Failure to include these data may affect OSEP’s determination of Guam’s status under section 616(d) of the IDEA.</p> <p><u>See Table B regarding Indicator 8C.</u></p>

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	<p>that, based on section 618 data, “there was evidence to show that the Local Education Agency (LEA) representative through the Part B Preschool Consulting Resource Teacher (CRT) was notified of the potential Part B eligibility for all 41 children. . .” 618 data does not necessarily demonstrate compliance with ensuring LEA notification under 34 CFR §303.148(b)(1).</p> <p align="center"><u>See Table B regarding Indicator 8C.</u></p>	
<p>Indicator 13: Percent of mediations held that resulted in mediation agreements. (20 USC 1416(a)(3)(B) and 1442)</p>	<p><u>Other:</u> SPP, page 35, states, “Target to be established in 2005-2006, as appropriate.”</p>	<p>OSEP guidance on developing the SPP indicated that targets and improvement activities were not needed until the number of mediations requested totaled 10 or greater. Guam may remove the targets and improvement activities related to mediation in the APR, due February 1, 2007, if the number of mediations for 2004-2005 is less than 10. In a reporting period when the number of mediations reaches 10 or greater, Guam must develop targets and improvement activities, and report them in the corresponding APR.</p>