



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

SEP 18 2006

Honorable Luis S. N. Reyes
Interim Superintendent of Education
Department of Education
Post Office Box DE
Hagatna, Guam 96932

Dear Superintendent Reyes:

This is to inform you that we have conditionally approved Guam's Application, including policies, procedures, methods, descriptions, and assurances, for Federal Fiscal Year (FFY) 2006 under Part C of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the Part C Application for FFY 2006, including the policies, procedures, methods, descriptions, assurances, certifications, and submission statement submitted by the Guam Public School System (GPSS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 12, 2006 and amended on May 30, 2006 and May 31, 2006, in which it assures that it will:

1. Operate consistent with the Part C requirements of PL 108-446 and its applicable regulations in 34 CFR Part 303;
2. Ensure that the Statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2006 grant period; and
3. Make such changes to, and submit for OSEP's approval, existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of Part C of the IDEA, as amended, as soon as possible, and not later than the earlier of the date indicated by Guam in Section II of its application on June 30, 2007. Section II of Guam's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which Guam needs to amend policies, procedures, methods and descriptions and the timelines by which Guam will amend any policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, Guam has included the date by which it expects to complete necessary changes associated with any policies, procedures, methods and descriptions that are not yet in compliance with the requirements of Part C of the IDEA, as amended.

OSEP's determination that GPSS is eligible for conditional approval is also based on our receipt of the May 23, 2006 specific assurance (received electronically on May 30, 2006, signed original received on June 12, 2006) from GPSS to OSEP related to Guam's system of payments. In this specific assurance GPSS assures that no later than December 1, 2006 it will:

1. Submit new policies to OSEP, by December 1, 2006, that meet Federal requirements and clarify that all families under Part C are not charged fees for any Part C services, and how

and when GPSS will disclose personally identifiable information and access a family's public or private insurance consistent with 20 U.S.C. §§1432(4) and 1435(a)(10) and 34 CFR §§303.173(a), 303.401, 303.404, 303.460 and 300.571, 303.501(a)(2) and (b), 303.520(b) and 303.521(a); and

2. Ensure compliance, in the interim, with the following Part C requirements: 20 U.S.C. §§1432(4) and 1435(a)(10) and 34 CFR §§303.173(a), 303.501(a)(2) and (b), 303.520(b), 303.521(a), 303.404, 303.460 and 300.571 including sending a memorandum to all agencies and providers that are part of the GPSS's Part C early intervention system to inform them of changes that impact on the provision of early intervention services in Guam (including clarifying that families are not charged for early intervention services under Part C).

Guam's FFY 2006 IDEA Part C grant award is being released subject to special conditions that are identified in the enclosed U.S. Department of Education's September 15, 2006 letter to GDOE (which is incorporated into the grant letter by this reference) that are being imposed pursuant to the Department's authority in 34 CFR §80.12. Under the Special Conditions, GDOE can only draw down up to one-fourth of its grant award amount in each Department program, including the Grants for Infants and Families program authorized by Part C of IDEA, in each three month period unless it receives approval from the Department to draw down a larger amount. The special conditions associated with the high-risk designation that remain in effect while the GDOE continues to address the Department's remaining fiscal and programmatic concerns include the following: (1) the timely completion of single audits; (2) submission of detailed quarterly reports; and (3) monthly posting of budget and expenditure information on the GDOE's website.

Enclosed is Guam's grant award for funds currently available under the Department of Education FFY 2006 Appropriations Act for the Part C program. These funds are for use primarily in the fiscal year 2006-2007 and are available for obligation by Part C grant recipients from July 1, 2006 through September 30, 2008.

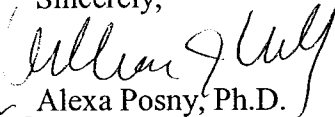
The enclosed grant award for FFY 2006 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

OSEP's March 29, 2006 letter regarding Guam's State Performance Plan (SPP), in Table A, under Indicator 7, indicated that Guam was required to submit, by June 1, 2006, its revised policy regarding the 45-day timeline for conducting evaluations, assessments, and initial IFSP meetings within 45 days of a child's referral to Part C, consistent with Part C of IDEA under 34 CFR §303.321(e)(2), 303.322(e)(1) and 303.342(a). Guam submitted its revised policy on May 31, 2006 and resolved this issue.

Please note that as part of Guam's Application for FFY 2006, Guam has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2006 grant period. Any changes made by Guam, after OSEP's approval of Guam's FFY 2006 Application and to the Part C policies, must meet the applicable public

participation requirements in Part C of the IDEA and may also need to be submitted to OSEP for approval prior to implementation. IDEA Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities. Therefore, by accepting this grant, Guam is expressly agreeing as a condition of IDEA funding to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

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

Enclosure:

Enclosure A

cc: Patricia Mantanona
Part C Coordinator