



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

June 24, 2021

Honorable Jon J.P. Fernandez  
Superintendent of Education  
Guam Department of Education  
500 Mariner Avenue  
Barrigada, Guam 96913

Dear Superintendent Fernandez:

I am writing to advise you of the U. S. Department of Education's (Department) 2021 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Guam needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of Guam's data and information, including the Federal fiscal year (FFY) 2019 State Performance Plan/Annual Performance Report (SPP/APR), other Entity-reported data, and other publicly available information.

With the FFY 2019 SPP/APR submission, the Office of Special Education Programs (OSEP) requested that States and Entities report whether and how the data collection for any indicator was impacted by the COVID-19 pandemic. Specifically, OSEP requested that States and Entities include in the narrative for each impacted indicator: (1) the impact on data completeness, validity, and/or reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State's or Entity's ability to collect and verify the data for the indicator; and (3) any steps the State or Entity took to mitigate the impact of COVID-19 on the data collection and verification. OSEP appreciates States' and Entities' level of transparency regarding the impact of COVID-19 on the data reported in the FFY 2019 SPP/APR. When making determination decisions for 2021, OSEP considered all information submitted that related to the impact of the COVID-19 pandemic. For 2021 determinations, no State or Entity received a determination of "Needs Intervention" due solely to data impacted by COVID-19.

OSEP is continuing to use both results and compliance data in making determinations for outlying areas, freely associated States, and the Bureau of Indian Education (the Entities) in 2021, as it did for determinations in 2020.<sup>1</sup> Guam's 2021 determination is based on the data reflected in the Entity's "2021 Part B Results-Driven

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<sup>1</sup> OSEP has used results data on the participation and performance of children with disabilities on the National Assessment of Educational Progress (NAEP) in making determinations for States (but not Entities) since 2014. Although the BIE is the only Entity that administers the NAEP, OSEP has not used NAEP data in making the BIE's determinations because the BIE's NAEP data were previously not available. However, given that the BIE's NAEP data are now available, OSEP is considering using the NAEP data in making the BIE's 2022 determination under IDEA section 616(d).

Accountability Matrix” (RDA Matrix). The RDA Matrix is individualized for each Entity and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) a Results Matrix that includes 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) the Entity’s Determination.

The RDA Matrix is further explained in a document, entitled “How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2021: Freely Associated States, Outlying Areas, and the Bureau of Indian Education-Part B” (HTDMD).

The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for Guam. In making Part B determinations in 2021, OSEP used results data related to:

- (1) the percentage of CWD who graduated with a regular high school diploma; and
- (2) the percentage of CWD who dropped out.

You may access the results of OSEP’s review of Guam’s SPP/APR and other relevant data by accessing the EMAPS SPP/APR reporting tool using your Entity-specific log-on information at <https://emaps.ed.gov/suite/>. When you access Guam’s SPP/APR on the site, you will find, in applicable Indicators 1 through 16, the OSEP Response to the indicator and any actions that the Entity is required to take. The actions that the Entity 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 language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments:

- (1) Guam’s RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled “2021 Data Rubric Part B,” which shows how OSEP calculated Guam’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and
- (4) a document entitled “Dispute Resolution 2019-2020,” 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.

As noted above, Guam’s 2021 determination is Needs Assistance. A State’s or Entity’s 2021 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State’s or Entity’s determination would also be Needs Assistance if its RDA Determination percentage is 80% or above but the Department has imposed Specific Conditions on the State’s or Entity’s last three IDEA Part B grant awards (for FFYs 2018, 2019, and 2020), and those Specific Conditions are in effect at the time of the 2021 determination.

Guam's determination for 2020 was also Needs Assistance. In accordance with section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(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 it needs assistance and require the State or Entity to work with appropriate entities;
- (2) direct the use of State or Entity-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 Specific Conditions on the State's or Entity's IDEA Part B grant award.

Pursuant to these requirements, the Secretary is advising Guam of available sources of technical assistance, including OSEP-funded technical assistance centers and resources at the following website: <https://osep.communities.ed.gov>, and requiring Guam to work with appropriate entities. In addition, Guam should consider accessing technical assistance from other Department-funded centers such as the Comprehensive Centers with resources at the following link: <https://compcenternetwork.org/states>. The Secretary directs Guam to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. We strongly encourage Guam to access technical assistance related to those results elements and compliance indicators for which Guam received a score of zero. Guam must report with its FFY 2020 SPP/APR submission, due February 1, 2022, on:

- (1) the technical assistance sources from which Guam received assistance; and
- (2) the actions Guam took as a result of that technical assistance.

As required by IDEA section 616(e)(7) and 34 C.F.R. § 300.606, Guam must notify the public that the Secretary of Education has taken the above enforcement actions, including, at a minimum, by posting a public notice on its website and distributing the notice to the media and through public agencies.

As a reminder, Guam must make its SPP/APR available to the public by posting it on its agency's website. Within the upcoming weeks, OSEP will be finalizing an Entity Profile that:

- (1) includes the Entity's determination letter and SPP/APR, OSEP attachments, and all Entity attachments that are accessible in accordance with Section 508 of the Rehabilitation Act of 1973; and
- (2) will be accessible to the public via the ed.gov website.

States and Entities were required to submit Phase III Year Five of the SSIP by April 1, 2021. OSEP appreciates Guam's ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed and responded to your submission and will provide additional feedback in the upcoming weeks. Additionally, OSEP will continue to provide technical assistance to Guam as it implements the SSIP, which is due on February 1, 2022.

OSEP appreciates Guam's efforts to improve results for children and youth with disabilities and looks forward to working with Guam over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,



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David Cantrell, PhD  
Acting Director  
Office of Special Education Programs

cc: Guam Director of Special Education

# Guam

## 2021 Part B Results Driven Accountability Matrix

Freely Associated States, Outlying Areas, and the Bureau of Indian Education

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### Results-Driven Accountability Percentage and Determination<sup>1</sup>

Percentage (%)	Determination
70	Needs Assistance

### Results and Compliance Overall Scoring

	Total Points Available	Points Earned	Score (%)
Results	4	3	75
Compliance	12	8	66.67

### 2021 Part B Results Matrix

#### Reading Assessment Elements

Reading Assessment Elements	Performance (%)	Score
Average Percentage of 3 <sup>rd</sup> through 8 <sup>th</sup> Grade Children with Disabilities Participating in Regular Statewide Assessments	N/A	N/A
Percentage of 4 <sup>th</sup> Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Education Progress	N/A	N/A
Percentage of 4 <sup>th</sup> Grade Children with Disabilities Included in Testing on the National Assessment of Education Progress	N/A	N/A
Percentage of 8 <sup>th</sup> Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	N/A	N/A
Percentage of 8 <sup>th</sup> Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	N/A	N/A

#### Math Assessment Elements

Math Assessment Elements	Performance (%)	Score
Average Percentage of 3 <sup>rd</sup> through 8 <sup>th</sup> Grade Children with Disabilities Participating in Regular Statewide Assessments	N/A	N/A
Percentage of 4 <sup>th</sup> Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Education Progress	N/A	N/A
Percentage of 4 <sup>th</sup> Grade Children with Disabilities Included in Testing on the National Assessment of Education Progress	N/A	N/A
Percentage of 8 <sup>th</sup> Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	N/A	N/A
Percentage of 8 <sup>th</sup> Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	N/A	N/A

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<sup>1</sup>For a detailed explanation of how the Compliance Score, Results Score, and the Results Driven Accountability Percentage and Determination were calculated, review "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2021: Freely Associated States, Outlying Areas, and the Bureau of Indian Education Part B."

## Exiting Data Elements

Exiting Data Elements	Performance (%)	Score
Percentage of Children with Disabilities who Dropped Out Over 3 Years	16	1
Percentage of Children with Disabilities who Graduated with a Regular High School Diploma Over Previous 3 Years <sup>1</sup>	82	2

## 2021 Part B Compliance Matrix

Part B Compliance Indicator <sup>2</sup>	Performance (%)	Full Correction of Findings of Noncompliance Identified in FFY 2018	Score
Indicator 4B: Significant discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	N/A	N/A	N/A
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.	N/A	N/A	N/A
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.	N/A	N/A	N/A
Indicator 11: Timely initial evaluation	84.98	N/A	1
Indicator 12: IEP developed and implemented by third birthday	100	N/A	2
Indicator 13: Secondary transition	83.4	No	1
Timely and Accurate State-Reported Data	100		2
Timely State Compliant Decisions	100		2
Timely Due Process Hearing Decisions	N/A		N/A
Longstanding Noncompliance			0
Specific Conditions	Yes, 3 or more years		
Uncorrected identification noncompliance	Yes, 5 or more years		

<sup>1</sup>When providing exiting data under section 618 of the IDEA, States are required to report on the number of students with disabilities who exited an educational program through receipt of a regular high school diploma. These students meet the same standards for graduation as those for students without disabilities. As explained in 34 C.F.R. & 300.102(a)(3)(iv), in effect June 30, 2017, “the term regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA. A regular high school diploma does not include a recognized equivalent of a diploma, such as general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.”

<sup>2</sup>The complete language for each indicator is located in the Part B SPP/APR Indicator Measurement Table at: [http://sites.ed.gov/idea/files/1820-0624\\_Part\\_B\\_APR\\_Measurement\\_Table\\_2021\\_final.pdf](http://sites.ed.gov/idea/files/1820-0624_Part_B_APR_Measurement_Table_2021_final.pdf)

# HOW THE DEPARTMENT MADE DETERMINATIONS

UNDER SECTION 616(D) OF THE  
*INDIVIDUALS WITH DISABILITIES EDUCATION ACT* IN 2021: FREELY  
ASSOCIATED STATES, OUTLYING AREAS, AND THE BUREAU OF INDIAN  
EDUCATION  
**PART B**

REVISED 06/24/2021



## INTRODUCTION

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In 2021, the U.S. Department of Education (Department) is continuing to use both results and compliance data in making our determination for each freely associated State, outlying area, and the Bureau of Indian Education (BIE) (Entities) under section 616(d) of the Individuals with Disabilities Education Act (*IDEA*). We considered the totality of the information we have about an Entity, including information related to the participation of children with disabilities (CWD) on regular Statewide assessments; exiting data on CWD who dropped out and CWD who graduated with a regular high school diploma<sup>1</sup>; the Entity's Federal fiscal year (FFY) 2019 State Performance Plan/Annual Performance Report (SPP/APR); information from monitoring and other public information, such as Department-imposed Specific Conditions on the Entity's grant award under Part B; the impact of COVID-19 on the State's ability to collect and report valid and reliable data; and other issues related to the Entity's compliance with the *IDEA*. Below is a detailed description of how the Office of Special Education Programs (OSEP) evaluated the Entities' data using the Results Driven Accountability (RDA) Matrix.

The RDA Matrix consists of:

1. a **Compliance Matrix** that includes scoring on SPP/APR Compliance Indicators and other compliance factors;
2. a **Results Matrix** that includes scoring on Results Elements;
3. a **Compliance Score** and a **Results Score**;
4. an **RDA Percentage** based on the Compliance Score and the Results Score; and
5. the Entity's **Determination**.

The scoring of each of the above evaluation criteria is further explained below in the following sections:

- A. 2021 Part B Compliance Matrix and Scoring of the Compliance Matrix
- B. 2021 Part B Results Matrix and Scoring of the Results Matrix
- C. 2021 RDA Percentage and 2020 Determination

In making the 2021 determinations based on FFY 2019 APR data, OSEP specifically considered whether and to what extent States and Entities included in the narrative for each impacted indicator: (1) a description of the impact on data completeness, validity, and/or reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted that State's or Entity's ability to collect or verify the data for the indicator; and (3) a description of any steps the State or Entity took to mitigate the impact

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<sup>1</sup> When providing exiting data under section 618 of the *IDEA*, Entities are required to report on the number of students with disabilities who exited an educational program through receipt of a regular high school diploma. These students meet the same standards for graduation as those for students without disabilities. As explained in 34 C.F.R. § 300.102(a)(3)(iv), in effect June 30, 2017, "the term regular high school diploma means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E) of the ESEA. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential."

## HOW THE DEPARTMENT MADE DETERMINATIONS

of COVID-19 on the data collection and verification. OSEP appreciates States' and Entities' level of transparency regarding the impact of COVID-19 on the data reported in the FFY 2019 SPP/APR. For 2021 determinations, no State or Entity received a determination of "Needs Intervention" due solely to data impacted by COVID-19.

## A. 2021 PART B COMPLIANCE MATRIX

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In making each Entity's 2021 determination, the Department used a Compliance Matrix, reflecting the following data:

1. The Entity's FFY 2019 data for applicable Part B Compliance Indicators<sup>1</sup> 4B, 9, 10, 11, 12, and 13 (including whether the Entity reported valid and reliable data for each indicator); and whether the Entity demonstrated correction of all findings of noncompliance it had identified in FFY 2018 under such indicators;
2. The timeliness and accuracy of data reported by the Entity under sections 616 and 618 of the *IDEA*;
3. The Entity's FFY 2019 data, reported under section 618 of the *IDEA*, for the timeliness of State complaint and due process hearing decisions;
4. Longstanding Noncompliance:  
The Department considered:
  - a. Whether the Department imposed Specific Conditions on the Entity's FFY 2020 *IDEA* Part B grant award and those Specific Conditions are in effect at the time of the 2021 determination, and the number of years for which the Entity's Part B grant award has been subject to Specific Conditions; and
  - b. Whether there are any findings of noncompliance identified in FFY 2017 or earlier by either the Department or the Entity that the Entity has not yet corrected.

### Scoring of the Compliance Matrix

The Compliance Matrix indicates a score of 0, 1, or 2, for each of the compliance indicators in item one above and for each of the additional factors listed in items two through four above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the Entity received in its scoring under these factors, the Compliance Matrix reflects a Compliance Score, which is combined with the Results Score to calculate the Entity's RDA Percentage and Determination.

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<sup>1</sup> The U.S. Virgin Islands report data for Indicators 4B, 9, 10, 11, 12, and 13. Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands report data for Indicators 11, 12, and 13. The Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the BIE report data on Indicators 11 and 13.

## Scoring of the Matrix for Compliance Indicators 4B, 9, 10, 11, 12, and 13

In the attached Entity-specific 2021 Part B Compliance Matrix, an Entity received points as follows for each of the Compliance Indicators 4B, 9, 10, 11, 12, and 13<sup>3</sup>:

- Two points, if either:
  - The Entity's FFY 2019 data for the indicator were valid and reliable, and reflect at least 95%<sup>4</sup> compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 5% compliance)<sup>5</sup>; or
  - The Entity's FFY 2019 data for the indicator were valid and reliable, and reflect at least 90% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 10% compliance); and the Entity identified one or more findings of noncompliance in FFY 2018 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2018 for the indicator. Such full correction is indicated in the matrix with a “Yes”) in the “Full Correction of Findings of Noncompliance Identified in FFY 2018” column.<sup>6</sup>
- One point, if the Entity's FFY 2019 data for the indicator were valid and reliable, and reflect at least 75% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 25% compliance), and the Entity did not meet either of the criteria above for two points.
- Zero points, under any of the following circumstances:
  - The Entity's FFY 2019 data for the indicator reflect less than 75% compliance (or, for Indicators 4B, 9, and 10, reflect greater than 25% compliance); or
  - The Entity's FFY 2019 data for the indicator were not valid and reliable<sup>7</sup>; or
  - The Entity did not report FFY 2019 data for the indicator<sup>8</sup>.

<sup>3</sup> A notation of “N/A” (for “not applicable”) in the “Performance” column for an indicator denotes that the indicator is not applicable to that particular Entity. The points for that indicator are not included in the denominator for the matrix.

<sup>4</sup> In determining whether an Entity has met the 95% compliance criterion for Indicators 11, 12, and 13, the Department will round up from 94.5% (but no lower) to 95%. In determining whether an Entity has met the 90% compliance criterion for these indicators, the Department will round up from 89.5% (but no lower) to 90%. In addition, in determining whether an Entity has met the 75% compliance criterion for these indicators, the Department will round up from 74.5% (but no lower) to 75%. Similarly, in determining whether an Entity has met the 5% compliance criterion for Indicators 4B, 9, and 10, the Department will round down from 5.49% (but no higher) to 5%. In determining whether an Entity has met the 10% compliance criterion for these indicators, the Department will round down from 10.49% (but no higher) to 10%. In addition, in determining whether an Entity has met the 25% compliance criterion for these indicators, the Department will round down from 25.49% (but no higher) to 25%. The Department will also apply the rounding rules to the compliance criteria for 95% and 75% for:

(1.) the timeliness and accuracy of data reported by the Entity under sections 616 and 618 of the IDEA; and  
 (2.) the Entity's FFY 2018 data, reported under section 618 of the IDEA, for the timeliness of State complaint and due process hearing decisions.

<sup>5</sup> For Indicators 4B, 9, and 10, a very high level of compliance is generally at or below 5%.

<sup>6</sup> A “No” in that column denotes that the Entity has one or more remaining findings of noncompliance identified in FFY 2018 for which the Entity has not yet demonstrated correction. An “N/A” (for “not applicable”) in that column denotes that the Entity did not identify any findings of noncompliance in FFY 2018 for the indicator.

<sup>7</sup> If an Entity's FFY 2019 data for any compliance indicator are not valid and reliable, the matrix so indicates in the “Performance” column, with a corresponding score of 0. The explanation of why the Entity's data are not valid and reliable is contained in the OSEP Response to the Entity's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool.

<sup>8</sup> If an Entity reported no FFY 2019 data for any compliance indicator (unless the indicator is not applicable to the Entity), the matrix so indicates in the “Performance” column, with a corresponding score of 0.

## Scoring of the Matrix for Timely and Accurate Entity-Reported Data

In the attached Entity-specific 2021 Part B Compliance Matrix, an Entity received points as follows for Timely and Accurate Entity-Reported Data<sup>9</sup>:

- Two points, if the OSEP-calculated percentage reflects at least 95% compliance.
- One point, if the OSEP-calculated percentage reflects at least 75% and less than 95% compliance.
- Zero points, if the OSEP-calculated percentage reflects less than 75% compliance.

## Scoring of the Matrix for Timely State Complaint Decisions and Timely Due Process Hearing Decisions

In the attached Entity-specific 2021 Part B Compliance Matrix, an Entity received points as follows for timely State complaint decisions and for timely due process hearing decisions, as reported by the Entity under section 618 of the *IDEA*:

- Two points, if the Entity's FFY 2019 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the Entity's FFY 2019 data reflect at least 75% and less than 95% compliance.
- Zero points, if the Entity's FFY 2019 data reflect less than 75% compliance.
- Not Applicable (N/A), if the Entity's data reflect less than 100% compliance, and there were fewer than ten State complaint decisions or ten due process hearing decisions.

## Scoring of the Matrix for Longstanding Noncompliance (Includes Both Uncorrected Identified Noncompliance and Specific Conditions)

In the attached Entity-specific 2021 Part B Compliance Matrix, an Entity received points as follows for the Long-Standing Noncompliance component:

- Two points, if the Entity has:
  - No remaining findings of noncompliance identified, by OSEP or the Entity, in FFY 2017 or earlier; and
  - No Specific Conditions on its FFY 2020 grant award that are in effect at the time of the 2021 determination.

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<sup>9</sup> OSEP used the Part B Timely and Accurate State-Reported Data Rubric to award points to Entities based on the timeliness and accuracy of their sections 616 and 618 data. A copy of the rubric is contained in the OSEP Response to the Entity's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool. On page two of the rubric, entitled "APR and 618-Timely and Accurate State-Reported Data," Entities are given one point for each indicator with valid and reliable data and five points for SPP/APRs that were submitted timely. The total points for valid and reliable SPP/APR data and timely SPP/APR submission are added together to form the APR Grand Total. On page three of the rubric, the Entity's section 618 data is scored based on information provided to OSEP on section 618 data timeliness, completeness, and edit checks from EDFacts. On page four of the rubric, the percentage of Timely and Accurate State-Reported Data is calculated by adding the 618 Data Grand Total to the APR Grand Total and dividing this sum by the total number of points available for the entire rubric. This percentage is inserted into the Compliance Matrix.

## HOW THE DEPARTMENT MADE DETERMINATIONS

- One point, if either or both of the following occurred:
  - The Entity has remaining findings of noncompliance identified, by OSEP or the Entity, in FFY 2017, FFY 2016, and/or FFY 2015, for which the Entity has not yet demonstrated correction (see the OSEP Response to the Entity's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool; for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Specific Conditions on the Entity's FFY 2020 Part B grant award and those Specific Conditions are in effect at the time of the 2021 determination.
- Zero points, if either or both of the following occurred:
  - The Entity has remaining findings of noncompliance identified, by OSEP or the Entity, in FFY 2014 or earlier, for which the Entity has not yet demonstrated correction (see the OSEP Response to the Entity's FFY 2019 SPP/APR in the EMAPS SPP/APR reporting tool for specific information regarding these remaining findings of noncompliance); and/or
  - The Department has imposed Specific Conditions on the Entity's last three (FFYs 2018, 2019, and 2020) *IDEA* Part B grant awards, and those Specific Conditions are in effect at the time of the 2021 determination.

## B. 2021 PART B RESULTS MATRIX

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In making each Entity's 2021 determination, the Department used a Results Matrix reflecting the following data:

1. The percentage of CWD participating in regular Statewide assessments across all available grade levels (3 through 8);
2. The percentage of CWD exiting school by dropping out; and
3. The percentage of CWD exiting school by graduating with a regular high school diploma.

The Results Elements for participation in regular Statewide assessments are scored separately for reading and math. When combined with the exiting data, there are a total of four Results Elements for the Entities. The Results Elements are defined as follows:

### **Percentage of CWD Participating in Regular Statewide Assessments**

**Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the Entities did not have any FFY 2019 data for this element. Percentage of CWD Exiting School by Dropping Out**

This is a calculation of the percentage of CWD, ages 14 through 21, who exited school by dropping out. The percentage was calculated by dividing the number of students ages 14 through 21 served under *IDEA* Part B, reported in the exit reason category *dropped out* for SYs 2018-2019, 2017-2018, and 2016-2017, by the total number of students ages 14 through 21 served under *IDEA* Part B, reported in the six exit-from-both-special education-and-school categories (*graduated with a regular high school diploma*, *graduated with an alternate diploma*, *received a certificate*, *dropped out*, *reached maximum age for services*, and *died*) for SYs 2018-2019, 2017-2018, and 2016-2017, then multiplying the result by 100<sup>10</sup>. (Data source: EDFacts SYs 2018-2019, 2017-2018, and 2016-2017; data extracted 5/27/20, 5/29/19, 5/30/18)

### **Percentage of CWD Exiting School by Graduating with a Regular High School Diploma**

This is a calculation of the percentage of CWD, ages 14 through 21, who exited school by graduating with a regular high school diploma. The percentage was calculated by dividing the number of students ages 14 through 21 served under *IDEA* Part B, reported in the exit reason category *graduated with a regular high school diploma* for SYs 2018-2019, 2017-2018, and 2016-2017, by the total number of students ages 14 through 21 served under *IDEA* Part B, reported in the six exit-from-both-special education-and-school categories (*graduated with a regular high school diploma*, *graduated with an alternate diploma*, *received a certificate*, *dropped out*, *reached maximum age for services*, and *died*), exiting school in SYs 2018-2019, 2017-2018, and 2016-2017, then multiplying the result by 100. (Data source: EDFacts SYs 2018-2019, 2017-2018, and 2016-2017; data extracted 5/27/20, 5/29/19, 5/30/18)

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<sup>10</sup> The Department will make these calculations using unsuppressed data. However, due to privacy concerns the Department has chosen to suppress calculations made with small cell counts in the public document.

## Scoring of the Results Matrix

In the attached Entity-specific 2021 Part B Results Matrix, an Entity received points as follows for the Results Elements:

- Each Entity's participation rates on the regular Statewide assessments reflects "N/A" on the Results Matrix. Each State's data on the percentage of CWD who exited school by dropping out were rank-ordered and the top, middle, and bottom thirds determined using tertiles. The exiting percentages for the Entities were calculated using the percentage of CWD exiting school by dropping out in SYs 2018-2019, 2017-2018, and 2016-2017, and points were assigned. The percentages that fell in the top tertile of States (*i.e.*, those with the lowest percentage) received a score of '2', percentages that fell in the middle tertile of States received a '1', and percentages that fell in the bottom tertile of States (*i.e.*, those with the highest percentage) received a '0'.
- Each State's data on the percentage of CWD who exited school by graduating with a regular high school diploma were rank-ordered and the top, middle, and bottom thirds determined using tertiles<sup>11</sup>. The exiting percentages for the Entities were calculated using the percentage of CWD exiting school by graduating with a regular high school diploma in SYs 2018-2019, 2017-2018, and 2016-2017, and points were assigned. The percentages that fell in the top tertile of States (*i.e.*, those with the highest percentage) received a score of '2', percentages that fell in the middle tertile of States received a '1', and percentages that fell in the bottom tertile of States (*i.e.*, those with the lowest percentage) received a '0'.

The following table identifies how each of the Results Elements was scored:

Results Elements	RDA Score = 0	RDA Score = 1	RDA Score = 2
<b>Participation Rate of CWD on Regular Statewide Assessments (reading and math, separately) based on an average of participation rates across all available grade levels (3 through 8) in which the assessment was administered.</b>	N/A	N/A	N/A
<b>Percentage of CWD Exiting School by Graduating with a Regular High School Diploma based on the percentage of CWD exiting school by graduating with a regular high school diploma in SYs 2016-2017, 2017-2018, and 2018-2019.</b>	<70	70-78	>79
<b>Percentage of CWD Exiting School by Dropping Out based on the percentage of CWD exiting school by dropping out in SYs 2016-2017, 2017-2018, and 2018-2019.</b>	>21	21-14	<=13

Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the Entity received in its scoring under the Results Elements, the Results Matrix reflects a Results Score, which is combined with the Compliance Score to calculate the Entity's RDA Percentage and Determination.

<sup>11</sup> The tertiles of a data set divide it into three equal parts.

## C. 2021 RDA Percentage and 2021 Determination

The Entity's RDA Percentage was calculated by adding 40% of the Entity's Results Score and 60% of the Entity's Compliance Score. The Entity's RDA Determination is defined as follows:

<b>Meets Requirements</b>	An Entity's 2021 RDA Determination is Meets Requirements if the RDA Percentage is at least 80%, <sup>12</sup> unless the Department has imposed Specific Conditions on the Entity's last three (FFYs 2018, 2019, and 2020) <i>IDEA</i> Part B grant awards, and those Specific Conditions are in effect at the time of the 2021 determination.
<b>Needs Assistance</b>	An Entity's 2021 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. An Entity's determination would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Specific Conditions on the Entity's last three (FFYs 2018, 2019, and 2020) <i>IDEA</i> Part B grant awards, and those Specific Conditions are in effect at the time of the 2021 determination.
<b>Needs Intervention</b>	An Entity's 2021 RDA Determination is Needs Intervention if the RDA Percentage is less than 60%.
<b>Needs Substantial Intervention</b>	The Department did not make a determination of Needs Substantial Intervention for any State or Entity in 2021.

<sup>12</sup> In determining whether an Entity has met this 80% matrix criterion for a Meets Requirements determination, the Department will round up from 79.5% (but no lower) to 80%. Similarly, in determining whether an Entity has met the 60% matrix criterion for a Needs Assistance determination discussed below, the Department will round up from 59.5% (but no lower) to 60%.

FFY 2019 APR-- Guam

<b>Part B Timely and Accurate Data -- SPP/APR Data</b>		
<b>APR Indicator</b>	<b>Valid and Reliable</b>	<b>Total</b>
<b>1</b>	1	1
<b>2</b>	1	1
<b>3B</b>	N/A	N/A
<b>3C</b>	N/A	N/A
<b>4A</b>	1	1
<b>4B</b>	N/A	N/A
<b>5</b>	1	1
<b>6</b>	1	1
<b>7</b>	1	1
<b>8</b>	N/A	N/A
<b>9</b>	N/A	N/A
<b>10</b>	N/A	N/A
<b>11</b>	1	1
<b>12</b>	1	1
<b>13</b>	1	1
<b>14</b>	1	1
<b>15</b>	1	1
<b>16</b>	1	1
<b>17</b>	N/A	N/A
	<b>Subtotal</b>	12
<b>APR Score Calculation</b>	<b>Timely Submission Points</b> - If the FFY 2019 APR was submitted on-time, place the number 5 in the cell on the right.	5
	<b>Grand Total</b> - (Sum of subtotal and Timely Submission Points) =	17.00

FFY 2019 APR-- Guam

<b>618 Data</b>				
<b>Table</b>	<b>Timely</b>	<b>Complete Data</b>	<b>Passed Edit Check</b>	<b>Total</b>
<b>Child Count/LRE Due Date: 4/1/20</b>	1	1	1	3
<b>Personnel Due Date: 11/4/20</b>	1	1	1	3
<b>Exiting Due Date: 11/4/20</b>	1	1	1	3
<b>Discipline Due Date: 11/4/20</b>	1	1	1	3
<b>State Assessment Due Date: N/A</b>	N/A	N/A	N/A	0
<b>Dispute Resolution Due Date: 11/4/20</b>	1	1	1	3
<b>MOE/CEIS Due Date: 6/17/20</b>	1	1	1	3
			<b>Subtotal</b>	18
<b>618 Score Calculation</b>			<b>Grand Total (Subtotal X 1.14285714) =</b>	20.57

FFY 2019 APR-- Guam

## Guam

### IDEA Part B - Dispute Resolution

School Year: 2019-20

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#### Section A: Written, Signed Complaints

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<b>(1) Total number of written signed complaints filed.</b>	<b>7</b>
(1.1) Complaints with reports issued.	7
(1.1) (a) Reports with findings of noncompliance.	4
(1.1) (b) Reports within timelines.	7
(1.1) (c) Reports within extended timelines.	0
(1.2) Complaints pending.	0
(1.2) (a) Complaints pending a due process hearing.	0
(1.3) Complaints withdrawn or dismissed.	0

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#### Section B: Mediation Requests

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<b>(2) Total number of mediation requests received through all dispute resolution processes.</b>	<b>0</b>
(2.1) Mediations held.	0
(2.1) (a) Mediations held related to due process complaints.	0
(2.1) (a) (i) Mediation agreements related to due process complaints.	0
(2.1) (b) Mediations held not related to due process complaints.	0
(2.1) (b) (i) Mediation agreements not related to due process complaints.	0
(2.2) Mediations pending.	0
(2.3) Mediations withdrawn or not held.	0

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#### Section C: Due Process Complaints

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<b>(3) Total number of due process complaints filed.</b>	<b>8</b>
(3.1) Resolution meetings.	8
(3.1) (a) Written settlement agreements reached through resolution meetings.	7
(3.2) Hearings fully adjudicated.	1
(3.2) (a) Decisions within timeline (include expedited).	0

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(3.2) (b) Decisions within extended timeline.	0
(3.3) Due process complaints pending.	0
(3.4) Due process complaints withdrawn or dismissed (including resolved without a hearing).	7

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## Section D: Expedited Due Process Complaints (Related to Disciplinary Decision)

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<b>(4) Total number of expedited due process complaints filed.</b>	<b>0</b>
(4.1) Expedited resolution meetings.	0
(4.1) (a) Expedited written settlement agreements.	0
(4.2) Expedited hearings fully adjudicated.	0
(4.2) (a) Change of placement ordered.	0
(4.3) Expedited due process complaints pending.	0
(4.4) Expedited due process complaints withdrawn or dismissed.	0

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**Comment:**

**Additional Comment:**

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This report shows the most recent data that was entered by Guam. These data were generated on 5/19/2021 10:15 PM EDT.