



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

JUL - 1 2009

Honorable Claire Poumele
Director of Education
American Samoa Department of Education
PO Box 656
Pago Pago, American Samoa 96799

Dear Director Poumele:

This is to inform you that we have conditionally approved American Samoa's application for Federal Fiscal Year (FFY) 2009 funds under Part B of the Individuals with Disabilities Education Act (IDEA) and are transmitting your regular IDEA Part B funds for FFY 2009. This letter also transmits the first fifty percent of your jurisdiction's IDEA Part B funds under the American Reinvestment and Recovery Act of 2009 (ARRA) (see Enclosure D -- April 1, 2009 Memo and Grant Terms and Conditions).

Our conditional approval of your regular FFY 2009 IDEA Part B grant award is based on our review of the application submitted by the American Samoa Department of Education's (ASDE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 18, 2009, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A. In addition, ASDE provided specific assurances that it will:

1. Operate consistent with Part B and applicable regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B of the IDEA and applicable regulations as soon as possible, and not later than June 30, 2010. Section II of ASDE's application identifies the IDEA requirements for which ASDE needs to amend policies and procedures and the timelines by which ASDE will amend its policies and procedures in order to comply with Part B and applicable regulations. Within Section II, the State has included for each assurance it cannot meet at this time the date by which it expects to complete necessary changes to any policies and procedures that are not yet in compliance with the requirements of Part B and applicable regulations.

American Samoa's FFY 2009 IDEA Part B grant awards are being released subject to special conditions identified in the U.S. Department of Education's June 23, 2009, letter to American Samoa regarding the Single Audit Act, included as Enclosure C, that are being imposed pursuant to the Department's authority in 34 CFR §80.12. The Special Conditions associated with the high-risk designation that remain in effect while American Samoa continues to address the Department's remaining fiscal and programmatic concerns requires American Samoa to: (1) submit semiannual reports regarding its progress in implementing measures required under the comprehensive Corrective Action Plan; (2) submit quarterly reports on its efforts and initiatives to implement corrective actions and controls in accordance with the Payroll Corrective Action Plan; and (3) conduct single audits and submit reports on an annual basis in a timely and complete manner.

The programmatic FFY 2008 Special Conditions imposed by OSEP on American Samoa's FFY 2008 IDEA Part B grant award are being lifted because ASDE has demonstrated that it is reporting publically and to the Secretary on the participation and performance of children with disabilities in alternate assessments, pursuant to 20 U.S.C. §1412(a)(16)(D).

Please note that as part of your application for FFY 2009, ASDE has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2009 grant period. Any changes made by ASDE, after OSEP approval, to information that is a part of ASDE's application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is ASDE's regular grant award for funds currently available under the Omnibus Appropriations Act, 2009 for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2009-2010 and are available for obligation from July 1, 2009 through September 30, 2011 in accordance with 34 CFR §76.709.

In addition to these regular FFY 2009 Part B funds, the ARRA provided a one-time large increment in IDEA Part B funding. The ARRA IDEA Part B grant is a supplemental appropriation to the regular IDEA Part B appropriation. The first 50 percent of the ARRA IDEA Part B funds is being awarded to ASDE through this grant letter with its regular FFY 2009 IDEA Part B formula grant. The effective date of the ARRA IDEA Part B grant award is February 17, 2009. Acceptance by your jurisdiction of the ARRA IDEA Part B grant award constitutes an agreement to comply with the conditions in Enclosure D and Box 10 on the enclosed Grant Award Notification.

As specified in OSEP's June 12, 2009 e-mail to ASDE, ASDE is required to submit a plan that includes additional information to address how it will meet the accountability and reporting requirements in section 1512 of the ARRA before it will be considered eligible to receive the second 50 percent of its ARRA IDEA Part B funds. As detailed in Enclosure D, States and Territories are required to track and account for the ARRA IDEA Part B funds separately from the regular IDEA Part B grant awards funds. In order to receive the remaining funds, your State will need to submit, for review and approval by the Department, additional information that addresses how the State will meet the accountability and reporting requirements in section 1512 of the ARRA.

Together, ASDE's regular FFY 2009 IDEA funds and ASDE's ARRA IDEA Part B funds constitute ASDE's total FFY 2009 Part B allocation. Given the increased IDEA Part B FFY 2009 allocation, ASDE may wish to review carefully the guidance on the ARRA IDEA Part B grant awards, available at <http://www.ed.gov/fund/data/award/idea/arra/index.html>.

The amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2009. Of the \$11,505,211,000 appropriated for Section 611 in FFY 2009, \$2,912,828,004 is available for awards on July 1, 2009, and \$8,592,382,996 will be available on October 1, 2009.

Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

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Enclosure D provides the terms and conditions of receipt of the ARRA IDEA Part B funds. Acceptance by your State of these grant awards constitutes an agreement by the State to comply with the terms and conditions in Enclosure D.

The enclosed grant awards for FFY 2009 are 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 B.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

- Enclosure A
- Enclosure B
- Enclosure C
- Enclosure D

cc: State Director of Special Education