



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

September 11, 2014

Honorable Motusa Tuileama Nua  
Director  
American Samoa Department of Health  
PO Box Department of Health  
Government of American Samoa  
Pago Pago, American Samoa 96799

Dear Director Nua:

We have conditionally approved American Samoa's application for Federal fiscal year (FFY) 2014 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the IDEA Part C application, submitted by the American Samoa Department of Health (ASDOH) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 29, 2014. We issued American Samoa's IDEA Part C FFY 2014 grant award originally on July 1, 2014, which is the effective date of this grant award. We are reissuing this revised grant letter for the sole purpose of correcting Enclosure A to accurately reflect ASDOH's April 29, 2014 application.

Our conditional approval of American Samoa's FFY 2014 IDEA Part C grant is also based on American Samoa's policies, procedures, methods, descriptions, assurances, and certifications identified in Section II.A, II.B, and II.C, which is incorporated by reference to this grant award letter as Enclosure A.

Our approval is also based on American Samoa's certification in Section II.D of its FFY 2014 IDEA Part C application, in which section the American Samoa certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2014 grant award consistently with the requirements of the IDEA as found in 20 U.S.C. §§1431 through 1443 and the final regulations in 34 CFR Part 303 (as published on September 28, 2011); and
2. Make such changes to existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than either the date indicated by American Samoa in Section II.A or B of its application or June 30, 2015, whichever is earlier.

American Samoa's FFY 2014 IDEA Part C grant award is also being released subject to the fiscal Special Conditions regarding the Single Audit Act, which Special Conditions are identified in the enclosed U.S. Department of Education's June 23, 2014 letter to American Samoa (which is Enclosure B and incorporated by this reference to this grant letter). These Department-wide Special Conditions regarding the Single Audit Act, are imposed pursuant to the Department's authority in 34 CFR §80.12. By accepting the enclosed grant award, American Samoa agrees to comply with the Special Conditions identified in the Department's enclosed June 23, 2014 letter.

As part of the American Samoa's application for FFY 2014, American Samoa has made an

assurance, under Section II.C.2 of its FFY 2014 application and pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2014 grant period.

Enclosed is American Samoa's FFY 2014 grant award for funds currently available under the Consolidated Appropriations Act, 2014 – P.L. 113-76 for the IDEA Part C program. These funds are available for obligation by American Samoa from July 1, 2014 through September 30, 2016 in accordance with 34 CFR §76.709.

Section IV.B of the IDEA Part C FFY 2014 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). American Samoa indicated in Section IV.B that ASDOH has a final restricted indirect cost rate agreement that has been approved by ASDOH's cognizant Federal agency and is effective until September 30, 2012. If this restricted indirect cost rate agreement is revised during the period American Samoa uses its IDEA Part C FFY 2014 funds, please forward to our Indirect Cost Unit and to your OSEP State Contact a copy of the revised restricted indirect cost rate agreement once it is approved by ASDOH's cognizant Federal agency.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11<sup>th</sup> amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act].” Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, American Samoa is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2014 funds 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 may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C. If American Samoa adopts a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or under the final regulations in 34 CFR Part 303, it must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and, for those policies and procedures specifically referenced in 34 CFR §303.101(c), receive OSEP approval prior to their implementation.

As a reminder, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your Fiscal Accountability Facilitator if you have further questions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a horizontal line extending to the right from the end of the name.

Melody Musgrove, Ed.D.  
Director  
Office of Special Education Programs

Enclosures

Enclosure A  
Enclosure B

cc: State Part C Coordinator