



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

July 1, 2015

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) 2015 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 American Samoa Department of Health (ASDOH) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 26, 2015.

Our conditional approval of the ASDOH's FFY 2015 IDEA Part C grant is also based on the 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 conditional approval is also based on the ASDOH's certification in Section II.D of its FFY 2015 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 2015 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 the American Samoa in Section II.A or B of its application or June 30, 2016, 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 30, 2015 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 IDEA sections §§616(g) and 642 and 2 CFR §§ 200.207 and 3474.10. By accepting the enclosed grant award, American Samoa agrees to comply with the Special Conditions identified in the Enclosure B.

As part of the American Samoa's application for IDEA Part C FFY 2015 funds, American Samoa has provided a certification, under Section II.D of its FFY 2015 application and pursuant

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to 34 CFR §76.104, that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2015 grant period.

Enclosed is the American Samoa's FFY 2015 grant award for funds currently available under the Consolidated and Further Continuing Appropriations Act, 2015, P.L. 113-235, for the IDEA Part C program. These funds are available for obligation by the American Samoa from the effective date of the grant award, July 1, 2015, through September 30, 2017 in accordance with 34 CFR §76.709.

Please note that effective with this IDEA Part B FFY 2015 grant award, IDEA Part B funds are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified in 2 CFR Part 200 and commonly referred to as the Uniform Guidance. The Uniform Guidance provisions in 2 CFR Part 200 replace provisions previously found in the Education Department General Administrative Regulations or EDGAR in 34 CFR Parts 74 and 80 and prior Office of Management and Budget (OMB) Circulars A-87 and A-133. Under 2 CFR §200.308(e), a State must obtain the prior approval of OSEP, by submitting a revised Section III (the Excel Interactive Spreadsheet), for a transfer of funds among direct cost categories, programs, or activities that exceed 10% of the total amount of funds reserved under IDEA section 611(e) for State-level activities or are expected to exceed 10% of that total, and the Federal share in the grant exceeds the Simplified Acquisition Threshold (currently set at \$150,000). This replaces a similar provision previously found in 34 CFR §80.30(c)(1). Please review the Department's technical assistance resources on the Uniform Guidance at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

Section IV.B of the IDEA Part C FFY 2015 application requested updated information about how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). ASDOH indicated in Section IV.B that ASDOH has a restricted indirect cost rate of 11.27% that expired September 30, 2014, and the lead agency is in the process of negotiating a new restricted indirect cost rate that will be in effect for the FFY 2015 grant period. In Section IV.B, your lead agency also indicated it will continue to bill IDEA Part C FFY 2015 grant funds based on this previously approved restricted indirect cost rate until a final restricted indirect cost rate agreement is approved for FFY 2015. This letter confirms that, under 2 CFR §200.210(a)(15) (effective July 1, 2015) and by accepting this IDEA Part C FFY 2015 grant, your State will continue to bill the IDEA Part C FFY 2015 grant funds based on this previously approved restricted indirect cost rate, to the extent authorized by your cognizant Federal agency, until a final restricted indirect cost rate agreement is approved for FFY 2015. When a final restricted indirect cost rate is approved by ASDOH's cognizant Federal agency for FFY 2015, you must forward a copy of it to our Indirect Cost Unit and to your OSEP State Contact

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11th 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, the 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 2015 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 the 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 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 long horizontal line extending to the right.

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

Enclosures

Enclosure A

Enclosure B

cc: Part C Coordinator