

July 1, 2017

Honorable Dr. Ruth S. Matagi-Tofiga
Director of Education
Post Office Box DOE
Pago Pago, American Samoa 96799

Dear Dr. Matagi-Tofiga:

We have approved American Samoa's application for Federal Fiscal Year (FFY) 2017 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the IDEA Part B application submitted by the American Samoa Department of Education (ASDOE) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 4 and June 13, 2017, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

American Samoa's FFY 2017 IDEA Part B grant award is also being released subject to the Department-wide Special Conditions placed on all Department grants to American Samoa in order to ensure that American Samoa's awards are expended in accordance with applicable legal requirements and with appropriate fiscal accountability measures, management practices, and controls. The Special Conditions and the specific reasons for imposing them are detailed in the enclosed Department's June 26, 2017 letter to American Samoa (which is Enclosure C and incorporated by this reference to this grant letter). These Department-wide Special Conditions are imposed pursuant to the Department's authority in 2 CFR §§200.207 and 3474.10 (former 34 CFR §80.12) because of numerous significant deficiencies in internal controls and fiscal accountability. By accepting the enclosed grant award, American Samoa agrees to comply with the Special Conditions identified in Enclosure C.

Please note that as part of your application for FFY 2017, American Samoa has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that American Samoa will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by American Samoa, after OSEP approval, to information that is a part of American Samoa's Part B application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is American Samoa's FFY 2017 grant award for funds currently available under the Consolidated Appropriations Act, 2017, P.L. 115-31, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2017, through September 30, 2019, in accordance with 34 CFR §76.709.

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 2017. Of the \$12,002,848,000 appropriated for Section 611 in FFY 2017, \$2,719,465,000 is available for awards on July 1, 2017, and \$9,283,383,000 will be available for awards on October 1, 2017. Under the Section 611 formula, the Secretary reserves

not more than one percent of the amount appropriated for FFY 2017 to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through 21. 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.

In Section V of its IDEA Part B application, pursuant to the authority in IDEA Section 618(a)(3), American Samoa was required to submit data on the total amount of American Samoa's financial support made available for special education and related services for children with disabilities in American Samoa's State fiscal year (SFY) 2015 and SFY 2016. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data American Samoa has provided in Section V, OSEP will follow-up with American Samoa.

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 the 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 2017 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 B.

As a reminder, all prime recipients of IDEA Part B 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 State's Fiscal Accountability Facilitator if you have further questions.

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

Sincerely,

/S/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosures

Enclosure A
Enclosure B
Enclosure C

cc: State Director of Special Education