



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

Honorable Faoa'a Sunia
Lieutenant Governor
Acting Director of Education
American Samoa Department of Education
PO Box DOE
Pago Pago, American Samoa 96799

JUN 27 2012

Dear Acting Director Sunia:

Thank you for the timely submission of American Samoa's Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(ii), American Samoa needs assistance in implementing the requirements of Part B of IDEA. The Department's determination is based on the totality of American Samoa's data and information including American Samoa's FFY 2010 APR and revised SPP, other State-reported data, and information obtained through the FFY 2010 verification visit, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2012: Part B" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for American Samoa were that: (1) American Samoa's FFY 2010 data for Indicator 20, which measures the timeliness and accuracy of American Samoa's data reports, reflect 90.02% compliance; and (2) the Department has designated American Samoa a high-risk grantee and imposed Department-wide special conditions on June 21, 2012 due to American Samoa's continuing failure to successfully address significant problems in fiscal accountability for Department grant funds. For these reasons, we are unable to determine that American Samoa met requirements for FFY 2010 under section 616(d).

OSEP notes other areas that reflect a high level of performance, which include that American Samoa reported valid and reliable data for all indicators and that its FFY 2010 data reflect a high level of compliance for Indicators 11 (100%), 12 (100%), 13 (100%), and 15 (98.5%). We hope that American Samoa will be able to demonstrate that it meets requirements in its FFY 2011 APR.

The enclosed table provides OSEP's analysis of American Samoa's FFY 2010 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by American Samoa to its targets, improvement activities (timelines and resources) and baseline data in American Samoa's SPP. The table also identifies, by indicator: (1) American Samoa's reported FFY 2010 data; (2) whether such data met American Samoa's FFY 2010 targets and reflect progress or slippage from the prior year's data; (3) if applicable, that American Samoa's data are not valid and reliable; and (4) whether American Samoa corrected findings of noncompliance.

American Samoa's determinations for FFYs 2005, 2006, 2007, 2008, and 2009 were also needs assistance. In accordance with section 616(e)(1) of the IDEA and 34 CFR §300.604(a), if a State is determined to need assistance for two consecutive years, the Secretary must take one or more

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of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose Special Conditions on the State's Part B grant award.

Pursuant to these requirements, the Secretary is advising American Samoa of available sources of technical assistance related to Indicators 20 which measures the timeliness and accuracy of American Samoa's data reports. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at:

<http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator. For the indicator listed above, American Samoa must report with its FFY 2011 APR submission, due February 1, 2013, on: (1) the technical assistance sources from which American Samoa received assistance; and (2) the actions American Samoa took as a result of that technical assistance. The extent to which American Samoa takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under section 616 should American Samoa not be determined to meet requirements next year. We encourage American Samoa to take advantage of available sources of technical assistance in other areas as well, particularly if American Samoa is reporting low compliance data for an indicator.

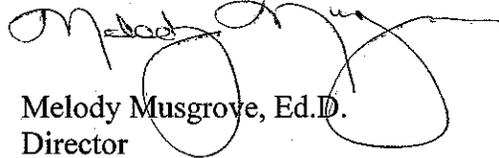
Pursuant to these requirements, the Secretary is also continuing to require American Samoa to access technical assistance related to American Samoa's Department-wide special conditions and status as a high-risk grantee, through the Department's Risk Management Service (RMS). Pursuant to its High-Risk Corrective Action Plan, American Samoa is required to provide RMS reports on implementation of corrective measures related to its designation as a high-risk grantee. American Samoa must report to OSEP, with its FFY 2011 APR submission, due February 1, 2013, on: (1) the technical assistance it has received from RMS; and (2) the actions the State took as a result of that technical assistance. The extent to which American Samoa takes advantage of available technical assistance may affect the actions OSEP takes under sections 616 and 642 should American Samoa not be determined to meet requirements next year.

As required by section 616(e)(7) of the IDEA and 34 CFR §300.606, American Samoa must notify the public within American Samoa that the Secretary of Education has taken the above enforcement action, including, at a minimum, by posting a public notice on the agency's Web site and distributing the notice to the media and through public agencies.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), States must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 1, 2012. Because your jurisdiction is a unitary entity (i.e., the SEA is the only LEA), you may meet this public reporting requirement by posting your FFY 2010 APR on American Samoa's educational agency's Web site and making it available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B). For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on American Samoa's educational agency's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting American Samoa's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Marsha Goldberg, your OSEP State Contact, at 202-245-6468.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove", written over a circular stamp or seal.

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

Enclosures

cc: State Director of Special Education