



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

Honorable Utoofili Aso Maga, MBA, MPH
Director of American Samoa
Department of Health
Government of American Samoa
Pago Pago, American Samoa 96799

MAR 22 2006

Dear Director Aso Maga:

Thank you for your timely submission of American Samoa's State Performance Plan (SPP) for review under Part C of the Individuals with Disabilities Education Act (IDEA). Section 616(b) requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate American Samoa's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part C of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part C.

The Office of Special Education Programs (OSEP) is pleased to inform you that American Samoa's SPP under Part C meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. American Samoa must make its SPP available through public means, including posting on American Samoa lead agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

Under section 616(b)(2)(C)(ii)(II), American Samoa must annually report to OSEP on its performance under the SPP. American Samoa's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses an issue identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in American Samoa's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our October 27, 2005 letter that responded to your State's FFY 2003 APR, that also may require additional reporting.

American Samoa's longstanding noncompliance, reported under Indicators 1, 7, and 9 in Table B and related to the requirements: (1) 45-day timeline under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a); (2) IFSP content regarding present level of developmental functioning, family resources, priorities and concerns and natural environments justification under 34 CFR §303.344; and (3) timely service provision under 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) is the subject of Special Conditions on American Samoa's Part C

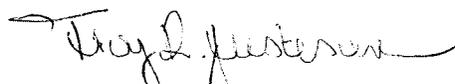
FFY 2005 grant award. American Samoa must provide data demonstrating compliance with these requirements or the information requested in Table B by the date of its final Progress Report due under the Special Conditions by April 14, 2006. Failure to provide data demonstrating compliance at that time may result in American Samoa's continuing designation as a "high risk" grantee or otherwise affect its FFY 2006 grant award.

In addition to reporting to OSEP, American Samoa must report annually to the public on the performance of each early intervention service (EIS) program located in American Samoa on the targets in American Samoa's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on EIS program performance is a critical provision related to ensuring accountability and focusing on improved results for infants and toddlers with disabilities. For American Samoa, this public reporting requirement is met by American Samoa's reporting on the performance of the American Samoa Department of Health as the lead agency, which is the only EIS program in American Samoa. OSEP will be providing technical assistance regarding the public reporting performance requirements at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the [SPP Resources](#) website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Julia Martin at 202-245-7431.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

Table A

Table B

cc: Dr. Jean Asuega
Part C Coordinator