



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

JUL 3 2010

Honorable Tuiasina Salamo Laumoli  
Director  
American Samoa Department of Health  
Government of American Samoa  
Pago Pago, American Samoa 96799

Dear Director Tuiasina Salamo Laumoli:

Thank you for the timely submission of American Samoa's Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, American Samoa needs assistance in implementing the requirements of Part C of IDEA. The Department's determination is based on the totality of American Samoa's data and information including American Samoa's FFY 2008 APR and revised SPP, other State-reported data, American Samoa's submissions under the Special Conditions on the State's FFY 2009 IDEA grant, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for American Samoa include that it did not report (or demonstrate verification of) correction of findings for Indicator 8C, and its FFY 2008 data reflect 89% compliance with the timely transition conference requirements in Indicator 8C. In addition, American Samoa's FFY 2009 IDEA Part C grant is subject to Department-wide Special Conditions regarding the Single Audit Act to ensure fiscal accountability, and it is anticipated that these Special Conditions will continue on American Samoa's FFY 2010 grant. For these reasons, we are unable to determine that American Samoa met requirements for FFY 2008 under IDEA sections 616(d) and 642.

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 FFY 2008 data reflecting a high level of compliance for Indicators 1, 7, 8A, 8B, 9 and 14, which were all at 100%. We hope that American Samoa will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of American Samoa's FFY 2008 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 the American Samoa's SPP. The table also identifies, by indicator: (1) American Samoa's reported FFY 2008 data; (2) whether such data met the American Samoa's FFY 2008 targets and reflect progress or slippage from 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 determination for the FFYs 2005, 2006, and 2007 APRs was also needs assistance. In accordance with sections 616(e) and 642 of the IDEA, if a State is determined to

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600  
[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

need assistance for two consecutive years, the Secretary must take one or more 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 C grant award.

Pursuant to these requirements, the Secretary is advising American Samoa of available sources of technical assistance related to the timely transition conference requirements in Indicator 8C. 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 SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/>. 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(s) listed above, your State must report to OSEP, with its FFY 2009 APR submission, due February 1, 2011: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. Also, the State must report to OSEP by October 1, 2010, how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance related to this indicator. The extent to which American Samoa takes advantage of available technical assistance for these indicators may affect the actions OSEP takes under sections 616 and 642 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 the State is reporting low compliance data for an indicator.

As required by IDEA sections 616(e)(7) and 642, American Samoa must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the State and may include such mechanisms as posting on the agency's website, distribution through the media and distribution through public agencies.

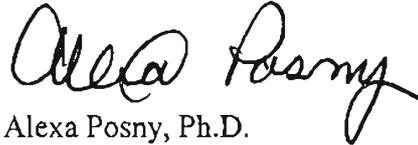
As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, the State lead agency must report annually to the public on the performance of each early intervention services program (EIS program) located in the jurisdiction on the targets in the SPP. Because your jurisdiction is a unitary entity (i.e., the State lead agency is the only EIS program), you may meet this public reporting requirement by posting your FFY 2008 APR on the State's website and making it available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642. If your SPP includes revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the State's website and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting American Samoa's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with American Samoa over the next year.

Page 3 – Lead Agency Director

If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Brenda Wilkins, your OSEP State Contact, at 202-245-6920.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny". The signature is fluid and cursive, with the first name "Alexa" written in a larger, more prominent script than the last name "Posny".

Alexa Posny, Ph.D.  
Acting Director  
Office of Special Education Programs

Enclosures

cc: Part C Coordinator