



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

Honorable Elisapeta Ponausuia  
Director  
American Samoa Department of Health  
Government of American Samoa  
Pago Pago, American Samoa 96799

**JUN 20 2011**

Dear Elisapeta Ponausuia:

Thank you for the timely submission of American Samoa's Federal fiscal year (FFY) 2009 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)(iii) and 642, American Samoa needs intervention 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 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and information obtained through verification visits and American Samoa's submissions under the Special Conditions on American Samoa's FFY 2010 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 2011: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs intervention for American Samoa was its failure to provide valid and reliable data for compliance Indicators 1 and 7. Indicator 1 measures the percent of children who received their Part C services in a timely manner as required by 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (timely service provision). Indicator 7 measures the percent of children who received their initial evaluation, assessments and IFSP meeting within 45 days of referral as required by 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (45-day timeline). Although American Samoa reported 86% and 100% respectively for Indicators 1 and 7 in its FFY 2009 APR, OSEP found that for that same period, FFY 2009, American Samoa had not provided Part C services and thus its data for these indicators were not valid and reliable.

Without valid and reliable data for these two critical indicators, American Samoa is unable to identify and timely correct noncompliance with the timely service provision and the 45-day timeline requirements, and OSEP and the public are unable to determine whether the State is in compliance with these requirements. For this reason, OSEP has determined that American Samoa needs intervention in implementing the requirements of Part C of the IDEA. We hope that American Samoa will be able to provide such services and evaluations in FFY 2010 and 2011 and provide valid and reliable data for these indicators in its FFY 2010 APR.

The enclosed table provides OSEP's analysis of American Samoa's FFY 2009 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 2009 data; (2) whether such data met American Samoa's FFY 2009 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 may want to consider taking advantage of available sources of technical assistance. 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:

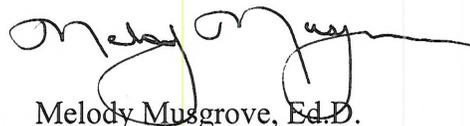
<http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, American Samoa must report annually to the public on the performance of each early intervention services program (EIS program) located in American Samoa on the targets in the SPP. In addition, American Samoa must: (1) review EIS program performance against targets in the American Samoa's SPP; (2) determine if each EIS program "meets requirements" of IDEA Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. 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 Web site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

Pursuant to sections 616(d)(2)(B) and 642 of the IDEA, a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary to demonstrate why the Department should change the State's determination. To request a hearing, submit a letter to Dr. Alexa Posny, Assistant Secretary, United States Department of Education, 400 Maryland Avenue SW, Washington, DC 20202 within 15 days of the date of this letter. The letter must include the basis for your request for a change in American Samoa's determination.

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. 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,



Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosures

cc: Part C Coordinator