



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

JUN 27 2012

Honorable Elisapeta Ponausua
Acting Director
P.O. Box American Samoa Department of Health
Government of American Samoa
Pago Pago, American Samoa 96799

Dear Acting Director Ponausua:

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 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 meeting 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 2010 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, and the American Samoa's submissions under any Special Conditions on the State's FFY 2010 Part C 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 2012: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for American Samoa was that the Department has designated American Samoa as 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 this reason, we were unable to determine that American Samoa met requirements for FFY 2010 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, including that American Samoa reported valid and reliable data for all indicators and a high level of compliance for Indicators 1 (100%), 7 (100%), 8A (100%), 8B (100%), 8C (100%), 9 (100%) and 14 (97.1%) and that OSEP has lifted the Special Conditions on American Samoa's FFY 2011 IDEA Part C grant regarding timely service provision and timely evaluations and assessments. We hope that American Samoa will be able to demonstrate that it meets requirements with its FFY 2011 APR.

The enclosed table provides OSEP's analysis of the 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

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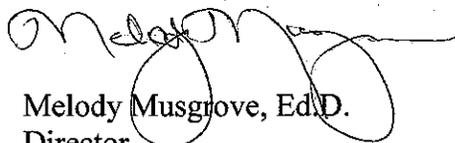
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Samoa's data are not valid and reliable; and (4) whether American Samoa corrected findings of noncompliance.

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. Pursuant to 34 CFR §303.702(b)(1)(A) in the final Part C regulations published on September 28, 2011, beginning with its reporting on the FFY 2011 performance of EIS programs in 2013, American Samoa must report to the public by June 1. 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 2010 APR on American Samoa's Web site and making it available to the public, consistent with IDEA sections 616(d)(2)(C)(ii)(I) and 642. For further information regarding these requirements, see "The Right IDEA" website at: <http://therightidea.tadnet.org/determinations>. OSEP encourages American Samoa to complete its reporting on the FFY 2010 performance of the EIS program as soon as practicable, if it has not already done so. Finally, please ensure that your updated SPP is posted on American Samoa's lead agency's Web site 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 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 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