

American Samoa Part C Verification Visit Letter

Enclosure

Scope of Review

During the verification visit OSEP reviewed critical elements of American Samoa's general supervision, data and fiscal systems, and American Samoa's systems for improving child and family outcomes and protecting child and family rights.

Methods

In reviewing American Samoa's systems for general supervision, collection of State-reported data,¹ fiscal management, and American Samoa's systems for improving child and family outcomes and protecting child and family rights, OSEP:

- Analyzed the components of the American Samoa's general supervision, data, and fiscal systems to ensure that the systems are reasonably calculated to demonstrate compliance and improved performance
- Reviewed American Samoa's systems for collecting and reporting data submitted for selected indicators in its Federal Fiscal Year (FFY) 2008 Annual Performance Report (APR)/State Performance Plan (SPP)
- Reviewed the following—
 - Previous APRs
 - American Samoa's application for funds under Part C of the IDEA
 - Previous OSEP monitoring reports
 - American Samoa's Web site
 - Other pertinent information related to American Samoa's systems²
- Gathered additional information through surveys, focus groups or interviews with—
 - The Part C Coordinator
 - State-level personnel responsible for implementing the general supervision, data, and fiscal systems
 - Early intervention service (EIS) program staff, where appropriate
 - State Interagency Coordinating Council
 - Parents and Advocates

Description of the Part C System and Background

The American Samoa Department of Health (ASDOH) is designated as the lead agency to administer the IDEA Part C early intervention program in American Samoa and American Samoa's early intervention system is a unitary system (i.e., the lead agency is also the only EIS program). Within ASDOH, the IDEA Part C program is administered by the American Samoa early intervention program (ASEIP) staff.

¹ For a description of American Samoa's general supervision and data systems, see the State Performance Plan (SPP) on ASDOH's Web site.

² Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.

Departmentwide Special Conditions: American Samoa was designated a high-risk grantee by the U.S. Department of Education (Department) under 34 CFR §80.12 for all Department grant awards in FFYs 2007 through FFY 2010 based on noncompliance with the Single Audit Act and other fiscal accountability requirements. Under the FFY 2010 Departmentwide special conditions, American Samoa must submit biannual progress reports on April 30, 2010, October 31, 2010, April 30, 2011, and October 31, 2011. American Samoa submitted the April and October 2010 progress reports and the Department will respond separately to those progress reports. The findings and conclusions in this report are related to the findings and corrective actions required in the Departmentwide special conditions.

OSEP's Fiscal Concerns Affecting American Samoa's Failure to Timely Provide Services: Separate from the Departmentwide Special Conditions, OSEP conducted a verification visit in November 2010 to review, under Part C of the IDEA, American Samoa's general supervision, data, and fiscal systems, and American Samoa's systems for improving child and family outcomes and protecting child and family rights. For the first time during the verification visit, OSEP staff learned from ASEIP staff that ASDOH failed to provide Part C services to eligible children between June 2009 and August 2010 (during FFY 2009 and part of FFY 2010) in accordance with the requirements in IDEA sections 634(1) and 34 CFR §§303.340(c), 303.342(e), and 303.344(f). OSEP learned through the review of documents, analysis of data, and interviews with ASEIP officials, that ASDOH does not have written policies and procedures for, and does not ensure, the appropriate procurement of Part C goods and services, including contractual agreements (see other findings on timely obligation and liquidation and inappropriate use of Part C funds in Critical Elements 1 and 2 under Fiscal Systems). OSEP finds that this critical fiscal element is the root cause of ASEIP's inability to ensure the timely provision of early intervention services to infants and toddlers with disabilities and their families, during June 2009 through August 2010.

ASEIP officials explained that this long-standing noncompliance was a direct result of ASDOH's inability to contract with essential service personnel in a timely manner to provide needed services. Based on a review of individualized family service plans (IFSPs) and interviews with ASEIP officials, OSEP finds that: (1) children referred to Part C were placed on waiting lists for evaluations and were not evaluated as required under 34 CFR §303.322; (2) services recommended for eligible children in the areas of developmental delay or concern were neither identified in the IFSP for, nor provided to, eligible children and their families as required by 34 CFR §§303.322 and 303.344; and (3) six-month and annual IFSP reviews were not conducted as required by 34 CFR §303.342. ASEIP officials estimated that over 100 eligible children and their families were denied services due to American Samoa's failure to have a system in place to ensure the prompt procurement of contracted qualified personnel to provide those services.

Procurement of Part C Services and Contracting: During the verification visit, ASEIP officials expressed concern regarding the "unusual delays" in the procurement process and in processing purchase requests. ASEIP officials reported that the American Samoa Government's (ASG) fiscal responsibilities are spread across several agencies and departments, which include Procurement, Treasury, and Budget and Planning, and that there are no formal procedures for processing requests for reimbursement and adjustment of Part C funds. For example, the process to initiate a request for proposal (RFP), requires signatures and review from the ASDOH Department Director (one to two months), Budget and Planning (approximately one week), Procurement Department for Chief Financial Officer's signature (about two weeks), leading to

the posting of the RFPs (five to seven days). However, these indicated timelines are not followed as was evident in the RFP contracting process to hire personnel to provide Part C services. OSEP learned that paperwork is frequently lost or sits unsigned on someone's desk, and since there is no process to track requests, the requests have to be re-initiated, resulting in long delays. ASEIP officials also reported that there are additional delays when assigned fiscal personnel from the ASG are off-island and there is no one acting in their place to move time-sensitive documents.

ASEIP officials informed OSEP that currently there is no process for expediting the delivery of goods or Part C services required pursuant to an IFSP, such as extending contracts that are about to expire while new contracts are procured. Additionally, RFPs required for service provider contracts (SPCs) are processed through several different departments within ASG including ASDOH, Budget and Planning and Procurement; however, there are no specific guidelines regarding the contract approval process within each department. ASEIP officials reported submitting RFPs for SPCs for occupational therapy, physical therapy, speech and language pathology and audiology in June 2009. As a result of long delays in the process, and the ASDOH Director's refusal to approve 60-day extensions on contracts to ensure Part C services were provided, eligible Part C children did not receive these services during FFY 2009.

However, ASEIP staff reported to OSEP staff that the noncompliance with evaluations and service provision was addressed as of August 2010, because at that time, ASDOH finalized one-year contracts with a physical therapist, occupational therapist and speech language pathologist. Finalizing those contracts was a long, arduous process, taking more than a year (from June 2009). In addition, ASEIP staff indicated they would review the files for all children eligible during June 2009 through August 2010 to determine whether such children need compensatory services, and other required corrective actions. OSEP remains concerned about the ability of the government of American Samoa (and not just ASDOH) to ensure that its procurement procedures will not result in a denial of IDEA Part C services to eligible children and their families. As a result, OSEP plans to conduct a joint visit to American Samoa with other Department officials in Risk Management Services in the spring of 2011 to specifically review American Samoa's procurement systems and the impact on delivery of Part C services to infants and toddlers with disabilities and their families in American Samoa.

OSEP Conclusions

OSEP finds that the government of American Samoa lacks an effective fiscal system that has resulted in the three areas of noncompliance with IDEA Part C requirements. Specifically, the lack of a procurement system as described above, and lack of procedures to ensure the timely obligation and liquidation, and appropriate use of Part C funds (as described in Critical Elements 1 and 2 under Fiscal Systems below), has resulted in the following noncompliance throughout FFY 2009: (1) children referred to Part C had not been evaluated, as required under 34 CFR §303.322; (2) services recommended for eligible children in the areas of developmental delay or concern had neither been identified in their IFSPs for, nor had been provided to, eligible children and their families, as required by 34 CFR §§303.322 and 303.344; and (3) six-month and annual IFSP reviews had not been conducted for eligible children with IFSPs, as required by 34 CFR §303.342.

Required Actions/ Next steps

ASDOH must provide the following within 90 days from the date of this letter:

- (1) Policies and procedures that address how ASDOH will guarantee that annual service provider contracts are in place by June 1st of every year, to ensure the continuation of Part C services;
- (2) Copies of SPCs for FFY 2010 and FFY 2011 from all contracted personnel that are providing Part C services;
- (3) A written description of which agencies (and departments or offices within those agencies) that are responsible for the procurement of Part C goods and services that includes each agency's role in the process;
- (4) A written description of policies and procedures specific to ASDOH's procurement process as it relates to the provision of IDEA Part C services, including acquisition of any goods or equipment such as assistive technology needed to provide such services;
- (5) A list of evaluations/assessments that have been completed by the date of this letter; and
- (6) A report on the number of children who did not receive Part C services from June 2009 through August 2010, and the status of the Part C services provided to such children since August 2010, including compensatory services.

Failure to provide this information may affect American Samoa's FFY 2011 IDEA Part C grant.

I. General Supervision Systems

Critical Element 1: Identification of Noncompliance

Does the State have a general supervision system that is reasonably designed to identify noncompliance in a timely manner using its different components?

To effectively monitor the implementation of Part C of the IDEA by EIS programs/providers, as required by IDEA sections 616, 635(a)(10)(A), and 642 and 34 CFR §§303.500 and 303.501, American Samoa must have a general supervision system that identifies noncompliance in a timely manner.

ASEIP implements its Internal Monitoring and Self Assessment Plan (IMSAP) by reviewing monthly service reports (and verifying data in the reports by reviewing IFSPs), to identify noncompliance for SPP/APR Indicators 1, 7, 8A, 8B, and 8C. The ASEIP Part C Coordinator issues a finding of noncompliance along with corrective actions to the appropriate service provider or service coordinator. ASEIP officials reported that although the IMSAP has been an effective mechanism for identifying all Part C related noncompliance, as evidenced by past SPP/APRs, they were unable to monitor in FFY 2009, explaining that their time was spent managing the Part C services that they could provide, ensuring fiscal requirements were met, trying to obtain approval for SPCs, and responding to parents regarding efforts to address the unavailability of services. ASDOH made no findings in FFY 2009, but has a system in place to make findings in FFY 2010.

OSEP Conclusion

To effectively monitor the implementation of Part C of the IDEA by EIS providers, as required by IDEA sections 616, 635(a)(10)(A), and 642 and 34 CFR §§303.500 and 303.501, American Samoa must monitor for all IDEA requirements and issue written findings using all components of its general supervision system. Based on OSEP's review of ASDOH's IMSAP, IFSPs and interviews with ASEIP officials, OSEP cannot determine whether American Samoa has a system

designed to identify noncompliance using its different components because while it has a system, ASEIP was unable to fully implement its general supervision system during FFY 2009. Further, it is unclear whether ASEIP is making findings in FFY 2010.

Required Actions/Next Steps

Within 90 days from the date of this letter, American Samoa must provide a list of findings that ASDOH has made during FFY 2010 including the components of the system used to identify the noncompliance.

Critical Element 2: Correction of Noncompliance

Does the State have a general supervision system that is reasonably designed to ensure correction of identified noncompliance in a timely manner?

To effectively monitor the implementation of Part C of the IDEA by EIS programs/providers, as required by IDEA sections 616, 635(a)(10)(A), and 642, 34 CFR §§303.500 and 303.501, each IDEA Part C recipient agency must have a general supervision system that corrects noncompliance in a timely manner. In addition, as noted in OSEP Memorandum 09-02, Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act, dated October 17, 2008 (OSEP Memo 09-02), in order to verify that previously identified noncompliance has been corrected, American Samoa must verify that it is: (1) correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance), based on a review of updated data such as data subsequently collected through on-site monitoring or a data system; and (2) has corrected noncompliance for each child, unless the child is no longer within the jurisdiction of American Samoa's EIS program.

OSEP learned through a review of documents, analysis of data, and interviews with ASEIP officials, that ASEIP utilizes its IMSAP to verify the correction of noncompliance through the review of monthly service reports. If ASEIP's Part C Coordinator issues a finding of noncompliance one month, the ASEIP Part C Coordinator subsequently reviews and issues the next monthly service report to verify that corrective actions were taken and the noncompliance was corrected. However, as explained above, ASEIP was unable to fully implement the IMSAP during FFY 2009 and did not identify or correct findings during FFY 2009.

ASEIP also informed OSEP that it does not have an effective system for enforcing correction of noncompliance identified through monitoring. ASEIP officials explained that ASDOH's Department of Human Resources (ASDHR) is the authority within ASDOH that can implement the policy to take enforcement action; however, the ASDHR's current policies are too broad and do not specifically address taking enforcement action against staff that repeatedly ignore corrective actions and whose performance results in continuing noncompliance. ASEIP officials explained that ASDHR has not developed a policy or any other mechanism to support ASEIP to take appropriate enforcement action.

OSEP Conclusion

Based on the review of documents, analysis of data, and interviews with personnel, OSEP concludes that American Samoa does not have a general supervision system that is reasonably designed to correct noncompliance in a timely manner using its different components. OSEP finds that although ASDOH has a system to correct noncompliance, ASDOH was unable to fully implement its system during FFY 2009 due to a lack of available staff. Therefore, ASDOH did

not ensure the timely correction of noncompliance, as required by IDEA sections 616, 635(a)(10)(A), and 642 and 34 CFR §§303.500 and 303.501, and OSEP Memo 09-02. Additionally, ASDOH does not have a system of enforcement options to ensure correction of noncompliance identified through monitoring in accordance with the specific regulatory requirements as outlined in IDEA section 616, and 34 CFR §§303.500 and 303.501.

Required Actions/Next Steps

Within 90 days from the date of this letter ASDOH must submit: (1) a list of all findings identified or outstanding in FFY 2010 and how ASDOH ensured the verification of correction of such findings, consistent with OSEP Memo 09-02, as soon as possible, but not later than one year from the finding; and (2) with ASDHR, a description of its policies or mechanisms used to support ASEIP to take appropriate enforcement action when findings are not corrected.

Critical Element 3: Dispute Resolution

Does the State have procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA?

American Samoa must have procedures and practices that are reasonably designed to implement the following IDEA Part C dispute resolution requirements: the State Complaint procedures in 34 CFR §303.512; and the mediation and due process procedure requirements in 34 CFR §§303.419 through 303.425 (as modified by IDEA sections 615(e) and 639(a)(8)).

OSEP Conclusions

Based on the review of documents and interviews with personnel, OSEP concludes that American Samoa has procedures and practices that are reasonably designed to implement the dispute resolution requirements of IDEA. However, because ASDOH has not received any Part C State-level complaints or mediation and due process hearing requests during the FFYs 2006, 2007, or 2008 reporting periods, OSEP cannot determine the effectiveness of ASDOH's implementation of its policies and procedures related to dispute resolution processes.

Required Actions

No action is required.

Critical Element 4: Improving Early Intervention Results

Does the State have procedures and practices that are reasonably designed to improve early intervention results and functional outcomes for all infants and toddlers with disabilities?

American Samoa must have procedures and practices that are reasonably designed to improve early intervention results and functional outcomes for all infants and toddlers with disabilities.

OSEP Conclusions

Based on the review of documents and interviews with personnel, OSEP is unable to determine whether American Samoa has procedures and practices that are reasonably designed to improve early intervention results and functional outcomes for all infants and toddlers with disabilities.³

Required Actions/Next Steps

See required actions on page 4 above.

Critical Element 5: Implementation of Grant Assurances

Does the State have procedures and practices that are reasonably designed to effectively implement selected grant application requirements, i.e., making local determinations and publicly reporting on EIS program performance, comprehensive system of personnel development (CSPD), and State-level interagency coordination?

American Samoa must have procedures and practices that are reasonably designed to ensure that American Samoa is effectively implementing the following grant application requirements: (1) making local determinations for, and publicly reporting on, early intervening services (EIS) program performance pursuant to IDEA sections 616 and 642; (2) implementation of a CSPD pursuant to IDEA section 635(a)(8) and 34 CFR §303.360; and (3) State-level interagency coordination to ensure that methods are in place under IDEA sections 635(a)(10), 637(a)(2) and 640 and applicable provisions in 34 CFR §303.523.

Determinations/Public Reporting: The requirement for making local determinations and publicly reporting on EIS performance pursuant to IDEA sections 616 and 642 does not apply to American Samoa. American Samoa is a unitary system (in which the lead agency is the only EIS program) and does not have other EIS programs. American Samoa meets the public reporting requirement by annually posting its SPP/APR.

State-Level Interagency Coordination: ASEIP officials confirmed that there is currently a signed memorandum of understanding (MOU) between the American Samoa Department of Education (ASDOE) and ASDOH. The MOU agreement outlines the responsibilities of ASDOH and ASDOE in support of their collaboration in ensuring transition services to children from Part C to Part B. OSEP finds that the current MOU outlines the specific responsibilities of both agencies, but does not include the regulatory requirements specific to interagency agreements including financial responsibilities and procedures for resolving disputes as outlined in 34 CFR §§303.523 through 303.528, the interagency dispute resolution provisions in 34 CFR §303.523(c) and provisions to ensure timely provision of services pending reimbursement in 34 CFR §303.525.

OSEP Conclusion

Based on the review of documents, analysis of data, and interviews with ASEIP officials, OSEP is unable to determine if American Samoa has procedures and practices that are reasonably designed to ensure that ASEIP is effectively implementing the following grant application requirements: State-level interagency coordination between ASDOH and ASDOE to ensure that methods are in place under IDEA sections 635(a)(10), 637(a)(2) and 640 and applicable

³ ASEIP staff reported that ASEIP was unable to fully implement its procedures and practices during FFY 2009 due to the impact of fiscal concerns described above.

provisions in 34 CFR §§303.523 through 303.528, including the interagency dispute resolution provisions in 34 CFR §303.523(c), and provisions to ensure timely provision of services pending reimbursement in 34 CFR §303.525.

Required Actions/Next Steps

American Samoa must submit with its FFY 2011 IDEA Part C application, an amended transition MOU between ASDOH and ASDOE that includes the specific regulatory requirements in 34 CFR §§303.520 through 303.528.

II. Data Systems

Critical Element 1: Collecting and Reporting Valid and Reliable Data

Does the State have a data system that is reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner, and that the data collected and reported reflects actual practice and performance?

To meet the requirements of IDEA sections 616, 618, 635(a)(14), and 642 and 34 CFR §303.540, American Samoa must have a data system that is reasonably designed to collect and report valid and reliable data and information to the Department and the public in a timely manner and ensure that the data collected and reported reflects actual practice and performance.

OSEP Conclusions

Based on the review of documents and interviews with personnel, OSEP concludes that American Samoa has a data system that is reasonably designed to collect valid and reliable data and information. However, as noted in the General Supervision section above, given the significant areas of noncompliance, it is unclear to OSEP that American Samoa can provide valid and reliable data in American Samoa's FFY 2009 APR due February 1, 2011 for compliance Indicators 1, 7, 8 and 9.

Required Actions/Next Steps

OSEP will respond separately to American Samoa's FFY 2009 and FFY 2010 APR data for Indicators 1, 7, 8 and 9.

Critical Element 2: Data Reflect Actual Practice and Performance

Does the State have procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance?

To meet the requirements of IDEA sections 616, 618, 635(a)(14), and 642 and 34 CFR §303.540, American Samoa must have procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance.

OSEP Conclusion

Based on the review of documents and interviews with personnel, OSEP concludes that American Samoa has procedures that are reasonably designed to verify that the data collected and reported reflect actual practice and performance.

Required Actions/Next Steps

No action is required.

Critical Element 3: Integrating Data Across Systems to Improve Compliance and Results

Does the State compile and integrate data across systems and use the data to inform and focus its improvement activities?

To meet the requirements of IDEA sections 616, 618, 635(a)(14), and 642, 34 CFR §303.540 and OSEP Memorandum 10-04: Part C State Performance Plan (Part C – SPP) and Part C Annual Performance Report (Part C – APR), American Samoa must compile and integrate data across systems and use the data to inform and focus its improvement activities.

OSEP Conclusion

Based on the review of documents and interviews with personnel, OSEP concludes that American Samoa compiles and integrates data across systems and uses the data to inform and focus its improvement activities.

Required Actions/Next Steps

No action is required.

III. Fiscal Systems

Critical Element 1: Timely Obligation and Liquidation of Funds

Does the State have procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA funds?

American Samoa must have procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA funds, as required by the General Education Provisions Act (GEPA), its implementing regulations in the Education Department General Administrative Regulations (EDGAR) (including 34 CFR Parts 76 and 80), and the applicable sections of Office of Management and Budget (OMB) Circulars A-87 and A-133.

OSEP learned through review of documents, analysis of data, and interviews with personnel,⁴ that American Samoa does not have policies and procedures to ensure the timely obligation and liquidation of IDEA Part C funds. In FFY 2007, American Samoa lapsed \$18,948 of its IDEA Part C funds.

ASEIP officials reported that to date, there are no regularly scheduled meetings or reports generated by ASDOH related to timely obligation and liquidation of Part C funds. Specifically, ASEIP officials ensure the timely obligation and liquidation of Part C funds through an informal process which includes emails, memoranda, and telephone conversations with the American Samoa Government's Treasure Office (ASGTO). OSEP learned that ASEIP staff request the required reports related to timely obligation and liquidation on a weekly basis to verify Part C program expenditures. ASEIP officials expressed concern that ASDOH and ASGTO were not allowing the full period for obligating Part C funds permitted under the Tydings Amendment.

Under 34 CFR §76.709(a), which implements GEPA section 421(b), “[i]f a State or a subgrantee does not obligate all of its grant or subgrant funds by the end of the fiscal year for which

⁴ OSEP scheduled a meeting with ASGTO and the Department of Budget and Planning to discuss the ASG's fiscal policies and procedures, but neither of those agencies participated in the meeting.

Congress appropriated the funds, it may obligate the funds during a carryover period of one additional fiscal year.” For a program such as Part C of the IDEA, which is forward-funded, State funds must remain available for obligation from July 1 (or the first date the funds become available for obligation) through September 30 of the second fiscal year (for a maximum total of 27 months). American Samoa’s practice of restricting the period of availability of funds to ASEIP is inconsistent with 34 CFR §76.709(a).

OSEP Conclusion

Based on the review of documents, analysis of data and interviews with ASEIP personnel, as described above, OSEP finds that American Samoa does not have procedures that are reasonably designed to ensure the timely obligation and liquidation of IDEA funds.

Required Actions/Next Steps

Within 90 days of the date of this letter, ASDOH must provide a description of the procedures in place to ensure the timely obligation and liquidation of IDEA Part C funds, and specifically include in its procedures the availability of IDEA Part C funds for the full period allowable under 34 CFR §76.709(a).

Critical Element 2: Appropriate Use of IDEA Funds

Does the State have procedures that are reasonably designed to ensure appropriate use of IDEA funds?

American Samoa must have procedures that are reasonably designed to ensure appropriate use of IDEA Part C funds that are consistent with the requirements of GEPA, EDGAR (including 34 CFR Parts 76 and 80), OMB Circulars A-87 and A-133, IDEA section 638 and applicable provisions in 34 CFR Part 303.

Use of IDEA Part C funds: OSEP learned through review of documents, analysis of data, and interviews with personnel, that American Samoa does not have written policies and procedures regarding the use of IDEA Part C funds, and that its practices are unclear as to who has responsibility for ensuring the appropriate use of IDEA Part C funds. ASEIP officials reported that they have requested a single manual of fiscal policies and procedures that would guide the use of IDEA Part C funds. ASEIP officials confirmed that without internal fiscal program staff, these functions would not be performed. Although the ASDOH Chief Financial Officer appears to be nominally responsible for reviewing monthly expenditure reports and disseminating them to program offices, staff confirmed this is not a formalized process. ASEIP officials reported that in practice, Part C fiscal staff request and review expenditure reports from Planning and Budget (on encumbrances) and Treasury (on expenditures) on a monthly basis to attempt to reconcile IDEA Part C funds utilized by ASEIP.

ASEIP officials indicated that the Part C program developed an internal Financial Status Report to summarize and reconcile end of the year expenditures. ASEIP further reported that the Part C Coordinator monitors expenditures and has found that occasionally, items such as travel and payroll are charged to the Part C program for non-IDEA Part C program employees. As a safeguard measure, ASEIP instituted an additional oversight procedure that requires the Part C Coordinator’s signature on all requisitions. However, ASEIP officials reported that expenditure reports received by ASEIP do not always reflect the amounts expended by the ASG and therefore, there is no way to determine if the correct amount of Federal funds is used to reimburse the ASG.

Procurement Delays: Please refer to the description on pages 2 through 4 of this document for additional findings regarding the procurement procedures.

OSEP Conclusion

Based on the review of documents, analysis of data, and interviews with personnel, as described directly above and in the introduction regarding procurement and timely provision of services on pages 2 through 4 of this document, OSEP concludes that American Samoa does not have procedures and practices that are reasonably designed to ensure the appropriate use of IDEA Part C funds.

Required Actions/Next Steps

In addition to the required actions identified on page 4 of this document, ASEIP must, within 90 days of the date of this letter, provide its written procedures that identify each ASG entity's responsibility for ensuring the appropriate use of IDEA Part C funds, consistent with the requirements of GEPA, EDGAR (including 34 CFR Parts 76 and 80), OMB Circulars A-87 and A-133, IDEA section 638 and applicable provisions in 34 CFR Part 303.