



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

Honorable Elisapeta Ponausuia
Acting Director
American Samoa Department of Health
PO Box Department of Health
Pago Pago, American Samoa 96799

MAR - 4 2011

Dear Acting Director Ponausuia:

This letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit with the American Samoa Department of Health (ASDOH) in San Francisco, California, during the week of November 8, 2010. As indicated in our letter to you dated July 22, 2010, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Part C of the Individuals with Disabilities Education Act (IDEA).¹ Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving early intervention and educational results for infants, toddlers, children, and youth with disabilities.

The purpose of the verification visit is to review American Samoa's systems for general supervision, collection of State-reported data, and fiscal management, as well as American Samoa's systems for improving child and family outcomes and protecting child and family rights. OSEP developed critical elements that were used to guide its evaluation of American Samoa's general supervision, data, and fiscal systems. The Enclosure to this letter describes the scope of OSEP's review of American Samoa's systems and briefly outlines relevant statutory and regulatory requirements for each critical element. Generally, the Enclosure to this letter does not include descriptions of American Samoa's systems because this information is available on American Samoa's Web site in American Samoa's State Performance Plan. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the Enclosure to this letter. OSEP found significant noncompliance during FFY 2009 pertaining to timely receipt of Part C services and child find due to systemic fiscal concerns. Specifically, OSEP found that the ASDOH failed to support the American Samoa Early Intervention Program's (ASEIP) in contracting essential personnel in a timely manner resulting in ASEIP's failure to provide Part C services to children found eligible under Part C.

¹ During the week of November 8, 2010, OSEP also conducted its Part B verification visit to the American Samoa Department of Education.

In addition, OSEP found noncompliance and has required corrective actions in the following areas: (1) ensuring 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 Memorandum 09-02, dated October 17, 2008; (2) ensuring that the memorandum of understanding between the American Samoa Department of Education and ASDOH includes the regulatory requirements specific to interagency agreements including, financial responsibilities and procedures for resolving disputes as required in 34 CFR §§303.520 through 303.528; (3) ensuring that procedures are reasonably designed to ensure the timely obligation and liquidation of IDEA funds consistent with 34 CFR §76.709(a); and (4) ensuring that procedures and practices are reasonably designed to ensure the appropriate use of IDEA Part C funds (see Enclosure).

OSEP appreciates the cooperation and assistance provided by your State staff and others, including staff from the American Samoa Parent Network and parents of infants and toddlers with disabilities in providing feedback and input on American Samoa's systems for special education. We look forward to collaborating with all stakeholders and actively working with American Samoa to improve results for infants and toddlers with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Brenda Wilkins, at (202) 245-6920.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove". The signature is fluid and cursive, with a large loop at the end.

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosure

cc: Ruth Te'o

Part C Coordinator