



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

JUL - 5 2005

Honorable Lui Tuitele
Director of Education
American Samoa Department of Education
P.O. Box 186
Pago Pago, American Samoa 96799

Dear Director Tuitele:

This is to inform you that we have conditionally approved American Samoa's Eligibility Documents, including assurances and certifications, for Federal Fiscal Year (FFY) 2005 under Part B of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for conditional approval is based on our receipt of American Samoa's application submitted by the American Samoa Department of Education to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 5, 2005, and amended on June 20, 2005 (Assurances) and June 21, 2005 (Use of Funds), in which it assures that it will:

1. Operate consistent with all requirements of PL 108-446 and applicable regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B of the IDEA, as amended, as soon as possible, and not later than July 1, 2006. Section II of American Samoa's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which American Samoa needs to amend policies and procedures and the timelines by which American Samoa will amend its policies and procedures in order to comply with Part B of the IDEA. Within Section II, American Samoa has included the date by which it expects to complete necessary changes associated with any policies and procedures that are not yet in compliance with the requirements of Part B of the IDEA, as amended.

Please note that as part of your Eligibility Documents for FFY 2005, American Samoa has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by American Samoa, after OSEP approval, to policies and procedures needed to comply with Part B of the IDEA, must meet the applicable public participation requirements, including those in 20 U.S.C. 1232d(b)(7).

American Samoa's FFY 2005 IDEA Part B grant award is being released subject to special conditions identified in the U.S. Department of Education's June 23, 2005 letter to American Samoa regarding the Single Audit Act (copy enclosed) that are being imposed pursuant to the Department's authority in 34 CFR §80.12. The special conditions associated with the high-risk designation that remain in effect while American Samoa continues to address the Department's remaining fiscal and programmatic concerns include the following: (1) the timely completion of single audits, relying upon the expertise of an Oversight Agency (the Territorial Audit Office); (2) submission of detailed quarterly reports; and (3) monthly posting of budget and expenditure information on an Internet website available to the public.

In addition, American Samoa's FFY 2005 IDEA Part B grant award is being released subject to FFY 2005 Special Conditions as set forth in Enclosure C that are being imposed pursuant to the Department's authority under 34 CFR §80.12. Specifically, OSEP determined, based on American Samoa's FFY 2003 Part B Annual Performance Report, that American Samoa is not collecting and reporting accurate data on the participation and performance of children with disabilities on statewide assessments.

American Samoa must administer this award both in keeping with the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by American Samoa of this grant award constitutes an agreement by American Samoa to comply with these Special Conditions.

Enclosed is a grant award for funds currently available under the Department of Education FFY 2005 Appropriations Act for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2005-2006 and are available for obligation by States from July 1, 2005 through September 30, 2007.

Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations. Table II in Enclosure B shows State-specific information for within-State distribution of 611 funds based on a State's application. If you disagree with the information in Enclosure B Table II, notify your State contact immediately.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

cc: Mr. Moeolo Va'atausili, Director
Special Education Programs