



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL 3 2006

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) 2006 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 the State's application submitted by the American Samoa Department of Education to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 21, 2006, and amended on April 28, 2006, in which it assures that it will:

1. Operate consistent with the Part B 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, 2007. Section II of the State's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the State needs to amend policies and procedures and the timelines by which the State will amend its policies and procedures in order to comply with Part B of the IDEA. Within Section II, the State 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.

Enclosed are grant awards for funds currently available under the Department of Education FFY 2006 Appropriations Act for the Part B Section 611 (Grants to States). These funds are for use primarily in school year 2006-2007 and are available for obligation by States from July 1, 2006 through September 30, 2008.

Please note that as part of your Eligibility Documents for FFY 2006, your State 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 the State, 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 May 30, 2006 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 2006 IDEA Part B grant award is being released subject to FFY 2006 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 and the State Performance Plan, 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.

The amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2006. Of the \$10,582,960,540 appropriated for Section 611 in FFY 2006, \$5,158,760,540 is available for awards on July 1, 2006, and \$5,424,200,000 will be available on October 1, 2006.

Under the Section 611 formula, subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

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.

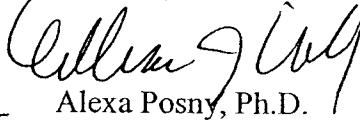
Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities. Therefore, by accepting this grant American Samoa is expressly agreeing as a condition of IDEA funding to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities.

The enclosed grant award for FFY 2006 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part B.

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

Sincerely,


for

Alexa Posny, Ph.D.

Director

Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

Enclosure C

cc: Mr. Moeolo Va'atausili