



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

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

NOV 23 2005

Dear Director Tuitele:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) verification visit<sup>1</sup> to American Samoa during the week of February 28, 2005. As indicated in my letter to you of January 28, 2005, OSEP is conducting monitoring and verification visits to a number of States and territories as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education (IDEA).

The purpose of our verification reviews of States and territories is to determine how they use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance, and protect child and family rights. The purposes of the monitoring and verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to American Samoa Department of Education (ASDOE), OSEP staff met with Mr. Moeolo Va'atausili, Director of Special Education, and members of American Samoa's staff who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State-reported data; and (3) ensuring the participation in and reporting of student performance on State-wide assessments. OSEP staff also interviewed parents of children with disabilities, special educators, regular educators, related services personnel, and building administrators. Prior to and during the visit, OSEP staff reviewed a number of documents<sup>2</sup> including: (1) American Samoa's May 2003 Self-Assessment document; (2) American Samoa's FFY 2002 Annual Performance Report; (3) American Samoa's General Supervision Enhancement Grant; (4) American Samoa's *Assessment Participation Guidelines for*

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<sup>1</sup> OSEP also conducted comprehensive monitoring activities during its visit to American Samoa. The results of these activities will be included in OSEP's response to American Samoa's FFY 2003 Annual Performance Report (APR).

<sup>2</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of American Samoa's systems.

*Students with Disabilities*; (7) student files in conjunction with the child's special education teachers; and (8) other information from American Samoa's website.

The information that Mr. Moeolo Va'atausili and his staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of American Samoa's systems for general supervision, data collection and reporting, and statewide assessment. OSEP would like to thank Mr. Va'atausili and his staff for their assistance during the visit, their openness and willingness to share information with OSEP, the work that was done with the Part C program staff during our visit.

### ***General Supervision***

In looking at the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

### **Monitoring**

In the FFY 2002 APR, American Samoa did not provide monitoring data to demonstrate whether the general supervision requirements at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3) are fully effective in identifying and correcting noncompliance in a timely manner. American Samoa established targets for ensuring that 90% of: (1) referrals, pre-placement evaluations, and eligibility/IEP meetings are completed within 60 days of parent consent for evaluation; (2) IEPs are reviewed at least annually; (3) special education services and needed related services are provided for children with disabilities; and (4) parents are informed and aware of the IDEA requirements for suspensions, expulsions, mediation, and due process procedures. No baseline data was included to identify American Samoa's current status with regard to these four indicators. In its November 14, 2004 response to American Samoa's FFY 2002 APR, OSEP indicated that American Samoa may not establish compliance standards of less than 100% and was to provide, in the FFY 2003 APR, the specific methods it would use to monitor to ensure full compliance in the areas listed above.

During the verification visit, OSEP found that ASDOE has designed a new monitoring system to ensure compliance with all IDEA requirements. The monitoring system, implemented by ASDOE central-office staff, includes document reviews (including student records and building policies and procedures) as well as staff interviews to verify data collected during the document reviews. ASDOE provides ongoing technical assistance and support at the building level through its "Resource Teachers" who are fully certified in special education. The new monitoring system was to be implemented in April 2005. It was developed in response to

ASDOE's inability to ensure consistent and ongoing third party monitoring. Principals are responsible for ensuring the implementation of special education policies and procedures in American Samoa. Therefore, reports will be developed for the building level, and regular education central office supervisory staff will receive copies of the reports. Because the monitoring system had not been implemented at the time of OSEP's visit, OSEP is unable to determine whether it will be effective in ensuring compliance with IDEA requirements and ensuring that ASDOE has procedures for correcting identified noncompliance in a timely manner (i.e., within one year of identification of noncompliance); however, it appears reasonably designed to identify noncompliance and correct it in a timely manner.

ASDOE identified barriers to ensuring compliance with IDEA requirements, including: (1) insufficient numbers of qualified staff (most classroom teachers have associate degrees); (2) lack of third-party sources to conduct ongoing monitoring and provide technical assistance as a result of monitoring; and (3) a small number of central office staff to conduct the monitoring activities. ASDOE believes, in spite of these barriers, that conducting systematic, ongoing, building-level monitoring with resource staff support to provide follow-up technical assistance will result in a higher level of compliance. OSEP looks forward to reviewing ASDOE's baseline monitoring data in the State Performance Plan (SPP), due December 2, 2005. ASDOE must provide to OSEP, within 60 days of the date of this letter, copies of monitoring reports issued since the implementation of its new system that ensure identification of all deficiencies with Part B requirements and ensure the timely correction of identified deficiencies.

#### Complaints

As set forth on page 22 of the Self-Assessment, American Samoa stated that there were no formal written Part B complaints. On page 17, ASDOE stated that it had begun to keep a regular log of parent complaints. During the verification visit, ASDOE reported that it had received two formal written complaints and that both were resolved within 60 days of the date that the complaint was filed with written decisions that included findings of fact and conclusions addressing each allegation in the complaint. Within 60 days, ASDOE must submit to OSEP, copies of all formal written complaints along with copies of the signed decision letters. OSEP looks forward to reviewing further baseline complaint data in the SPP.

#### Due Process Procedures

On page 2 of Cluster Area I in the FFY 2002 APR, American Samoa stated that there were no requests for due process hearings or mediation. During OSEP's verification visit, staff reported that there had still not been any requests for due process hearings. ASDOE planned to ensure that hearing officers were trained and available should the need arise.

In its November 16, 2004 letter, OSEP identified noncompliance regarding translations of the Parents' Rights Notice in the native language of parents (34 CFR §300.503(c)(1)(ii)). In its January 18, 2005 letter to OSEP, American Samoa stated that it had determined which translations were needed and was making arrangements to translate the Parents' Rights Notice into Tongan and Tagalog. ASDOE identified the following barriers to translation: (1) Tongan is primarily an oral language and does not contain many of the terms used in the Parents' Rights Notice; and (2) while Tagalog is more common, there are insufficient qualified translators in

American Samoa, and obtaining a translated version does not ensure that it will comport with ASDOE's Parents' Rights Notice. Most of the teachers are bilingual and orally translating the Parents' Rights Notice is the most logical solution for ASDOE; however, ASDOE must ensure that parents are informed of their rights, as required by IDEA, and that students' records contain documentation of the methods used to provide those rights and that the parents understood them. ASDOE should report documenting its progress with the Parents' Rights Notice translations with the SPP.

### ***Collection of Data Under Section 618 of the IDEA***

In reviewing the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impeded the State's ability to accurately, reliably and validly collect and report data under section 618.

Data from schools are submitted directly to ASDOE's central office. In order to obtain information in a timely manner, American Samoa has a monthly reporting schedule for schools. In the FFY 2002 APR, American Samoa reported that it is continuing to provide training to ensure the accuracy of data from schools.

Data reports are completed manually at the school level and compiled at the central office. One of the goals in American Samoa's General Supervision Enhancement Grant (GSEG) was to enhance the web-based data system, and by the end of the grant period, American Samoa had made only limited progress in meeting this goal. ASDOE is adopting a new system-wide database and assured OSEP, during the verification visit, that special education data fields could be included and would be protected with appropriate security measures.

OSEP believes that American Samoa is improving its system for collecting and reporting accurate data to OSEP under section 618 through its ongoing effort to train staff, monitor and compare submitted data to previous data, and ensure the accuracy of the monthly reports. However, until it receives evidence of ASDOE's improvements, OSEP cannot determine if the data system will result in the collection of more accurate, valid and reliable data that can be reported in a timely manner. With the SPP, or within 60 days from the date of this letter, ASDOE must provide information regarding its progress in establishing a single, transparent and comprehensive data system that will ensure the timely reporting of accurate data under section 618 of IDEA (see OSEP's letter in response to American Samoa's Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR)).

### ***State-wide Assessment***

In its review of ASDOE's system for statewide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for statewide assessment that meet the participation, alternate assessment, and reporting requirements of Part B that include ensuring the participation of all children, including children with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand ASDOE's system for statewide assessment, OSEP also discussed with ASDOE staff how the alternate assessment is aligned with grade-appropriate content standards.

ASDOE is not bound by the No Child Left Behind Act (NCLB); however, ASDOE is making efforts to implement its principles. At the verification visit, OSEP learned that ASDOE is in the process of developing a criterion-referenced test (CRT) and when it is completed, the current statewide assessment, the Stanford Achievement Test, 10<sup>th</sup> Edition (SAT10), will no longer be used. The portfolio alternate assessment will be aligned with the curriculum standards assessed by the CRT. Special education staff is represented on the CRT-development committee.

Page 76 of American Samoa's Self-Assessment, and Attachment 3 of the FFY 2002 APR, stated that approximately 50% of children with disabilities participated in statewide assessments. During the verification visit, ASDOE staff reported to OSEP that the number of children with disabilities participating in the statewide assessment is now between 95-99% because increasing participation was made a priority when the decision was reached to implement the principles of NCLB. Children are tested in levels 3-8, level 10 and level 12 in math, language, spelling, science, social science, listening and thinking skills. There is no public reporting of the results of the assessments for children with or without disabilities. Information is provided to the building principals, disaggregated by school and by sub-populations, including children with disabilities.

Alternate assessments, based on portfolio reviews, were implemented last year and data collection was to be terminated on April 29, the date of the SAT10. The individual who assisted ASDOE in the development of the alternate assessment will assist them with the scoring.

In the FFY 2002 APR, ASDOE provided information about performance on the statewide reading assessment, but no information was provided about performance in the other areas assessed. In the FFY 2003 APR, ASDOE stated that data collected regarding the participation and performance of students with disabilities on statewide assessments was not accurate, and ASDOE provided the following strategies for collecting accurate data: (1) enhancing the data system to establish a better reporting system for identifying students with IEPs who take the statewide assessment and the alternate assessment; (2) training for interpreting the SAT 10 data for special education use; and (3) training for alternate assessment comparison against alternate achievement standards. In the SPP, ASDOE must report on the participation and performance of children with and without disabilities for both regular and alternate assessments, aggregated and disaggregated, in all grades/areas assessed. In addition, ASDOE must fulfill the Special

Conditions attached to its FFY 2005 Grant Award regarding statewide assessment, which require ASDOE, by July 1, 2006, to demonstrate that it is collecting accurate data and reporting publicly and to the Secretary on the participation and performance of children with disabilities in statewide assessments, as required at 20 U.S.C. 1412(a)(16)(C) (see OSEP's letter in response to American Samoa's FFY 2003 APR).

***Conclusion***

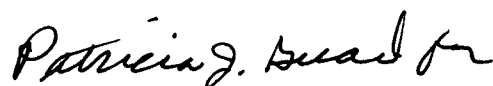
With the SPP due to OSEP by December 2, 2005, or within 60 days from the date of this letter, ASDOE must provide the following information:

1. Baseline monitoring data, along with copies of monitoring reports issued since the implementation of its new system indicating that ASDOE has procedures for ensuring identification of all deficiencies identified through monitoring and the effectiveness of its procedures for ensuring correction of all identified deficiencies as soon as possible, not to exceed one year of identification;
2. Copies of all formal written complaints, along with copies of the signed decision letters;
3. Information regarding its progress in establishing a single, transparent and comprehensive data system that will ensure the timely reporting of accurate data under section 618 of IDEA.

In addition, ASDOE should include documentation of progress with the Parents' Rights Notice translations.

We appreciate the cooperation and assistance provided by your staff during our visit. We look forward to our continued collaboration with American Samoa to support your work to improve results for children with disabilities and their families.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Moeolo Va'atausili  
Director of Special Education