



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Utoofili Aso Maga, MBA, MPH  
Director of American Samoa  
Department of Health  
Government of American Samoa  
Pago Pago, American Samoa 96799

OCT 27 2005

Dear Director Aso Maga:

The purpose of this letter is to respond to American Samoa's March 31, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part C used during the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments made by the Territory during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and Territories and result in high-quality information. The APR is a significant data source for OSEP utilized in the Continuous Improvement and Focused Monitoring System (CIFMS).

American Samoa's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to American Samoa's FFY 2003 APR and, where appropriate, findings from OSEP's data collection activities during the February 2005 visit to American Samoa. OSEP has set out its comments, analysis and determinations by cluster area.

### ***Background***

The conclusion of OSEP's June 8, 2004 FFY 2001 and 2002 APRs and May 2003 Self-Assessment response letter required American Samoa to provide, within 60 days of the date of the letter, information regarding the following areas:

- General Supervision: (1) monitoring; (2) prior written notice and procedural safeguards documents; (3) personnel; and (4) data.
- Early Intervention Services in Natural Environments: (1) evaluation and assessment; (2) individualized family service plan (IFSP) content and other requirements; (3) provision of early intervention services; and (4) natural environments.
- Early Childhood Transition: (1) transition steps on IFSPs; (2) notification of local educational agency (LEA); and (3) convening the transition planning conference at least 90 days before a child's third birthday for children potentially eligible for Part B (90-day conference).

In addition, OSEP's June 2004 letter required American Samoa to report the following data and/or information in its FFY 2003 APR:

- Child Find: (1) trend data and child find timelines; and (2) timelines for completion of all child find activities needed for improvement.
- Family Centered Services: (1) IFSP review or other data demonstrating that families were offered assessments; with consent, family assessments were conducted; and family resources, priorities and concerns were reflected on the IFSP as required by 34 CFR §303.344(b).
- Early Intervention Services in Natural Environments: early childhood outcome data or plan.

OSEP's January 5, 2005 letter stated that the Territory had demonstrated initial progress in developing a system for early intervention. However, OSEP remained concerned with the ability of the Part C program to provide early intervention services to eligible infants and toddlers with disabilities and their families and required additional data and analysis in the FFY 2003 APR, including: (1) a description of its efforts to recruit and retain a long-term speech therapist; (2) copies of evaluations conducted, services provided and other activities conducted by the contracted speech therapist during the scheduled October 2004 visit; (3) the number of children identified during the December 1, 2004 child count under §618 as having communication and/or speech or language delays, the IFSP communication goals and outcomes for these children, the IFSP services listed and how they were being provided as of December 1, 2004; (4) a schedule and content description of training for all Part C staff on the provision of early intervention services in natural environments; (5) targets, timelines and strategies regarding child find and public awareness activities; (6) an assurance that it adopted a prior written notice and the date by which that notice would be translated into Samoan and available for distribution; (7) an updated inventory list; and (8) a written confirmation that procedures for managing equipment, adequate maintenance procedures and security measures for equipment and other property (especially for the new and existing vehicles and computer equipment), were adopted and implemented according to 34 CFR §80.32(d).

OSEP's June 2004 letter also required American Samoa to provide an update of its progress in ensuring compliance with data collection and reporting requirements in the FFY 2003 APR, and American Samoa was required to submit, 30 days following one year from the date of the letter, a final report that included: (1) policies and procedures indicating that data entered were reliable and accurate; (2) a list of data elements that were collected in its newly developed computerized data tracking system; and (3) two data reports for the period preceding the reporting deadline.

OSEP's January 2005 letter required American Samoa to provide an assurance, in the FFY 2003 APR, that it revised and adopted its prior written notice and provide the date by which that notice would be translated into Samoan and available for distribution. In Attachment VII to its FFY 2003 APR, American Samoa included the prior written notice for parents in both English and Samoan. In addition, the Territory developed a procedural safeguards document for families. OSEP will respond to these prior written notice and procedural safeguards documents under separate cover.

During the week of February 28, 2005, OSEP conducted a visit to American Samoa to verify the effectiveness of American Samoa's Part C program in the areas of general supervision and the collection of data under §618 of IDEA, and to collect data to assess compliance in the following areas: public awareness and child find; early intervention services in the natural environment; and early childhood transition. OSEP's letter regarding the verification visit is being issued under separate cover and its conclusions are addressed in the general supervision cluster area below. OSEP collected program-level data by reviewing seven individual child records; interviewing administrators, parents, and central-office staff; and observing child find activities in a day care setting. In addition, during the visit, OSEP learned that the Governor had not formally delegated the lead agency for Part C, the Lyndon B. Johnson (LBJ) Medical Center, as lead agency and that the Interagency Coordinating Council (ICC) was not functioning. OSEP issued a letter to the Governor on April 22, 2005, requesting the delegation of the lead agency and ICC by June 1, 2005. OSEP received a letter from the Governor on June 1, 2005 indicating that the Department of Health was the new lead agency. The letter also confirmed the Governor's appointment of the ICC and included a list of its members. The results of OSEP's verification activities are summarized in the verification letter.

OSEP's September 30, 2005 Part C FFY 2005 grant award letter to American Samoa attached programmatic Special Conditions regarding three areas of previously identified noncompliance: (1) comprehensive, timely evaluation and 45-day timeline; (2) IFSP content regarding present levels of developmental functioning; and (3) timely provision of early intervention services and required the Territory to submit Progress Reports by November 21, 2005 and April 14, 2006.

### ***General Supervision***

#### Identification and timely correction of noncompliance

During its February 2005 visit, OSEP learned that procedures were in place to develop a monitoring protocol. Prior to OSEP's visit, American Samoa completed the first phase of the chart review section of their internal monitoring/self-assessment plan, "Helping Hands On-going Self-Assessment,"<sup>1</sup> that included the review of child records for documentation of compliance with eligibility and evaluation requirements and evaluation and IFSP timelines. During OSEP's visit, American Samoa was simultaneously completing activities in the first phase and implementing activities in the second phase of the initial chart review that included explaining parents' rights to families, reviewing IFSPs with families to facilitate understanding and participation, scheduling overdue evaluations and IFSP reviews and verifying that they were completed. OSEP verified these activities in interviews with Helping Hands staff, parents and document reviews.

American Samoa indicated that it was developing an external monitoring process that would provide an objective, systemic evaluation of program compliance with Part C requirements. Based on documents reviewed and interviews with the Part C staff, OSEP learned that American Samoa had not established a list of corrective measures for ensuring compliance. The attached

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<sup>1</sup> The Helping Hands On-going Self-Assessment Plan is divided into three sections: (1) Self-Assessment Plan Beginning January 24<sup>th</sup>-April 30<sup>th</sup> 2005; (2) Permanent Self-Assessment Plan: Beginning May 1, 2005; and (3) Future Self-Assessment Ideas.

verification letter notes that OSEP is unable to conclude that American Samoa has a monitoring system that is reasonably designed to identify and correct all areas of Part C noncompliance. At the time of OSEP's verification visit, Helping Hands had implemented a child record review process that was able to identify child-specific issues but had yet to fully implement the data system and other tracking mechanisms that would identify systemic noncompliance. In addition, Helping Hands had yet to identify and develop appropriate corrective measures to ensure compliance once noncompliance was identified by the program.

OSEP accepts American Samoa's plan in its FFY 2003 APR and the information received during OSEP's February 2005 verification visit to ensure the identification of noncompliance under 34 CFR §303.501(b). American Samoa must submit two Progress Reports: (1) an interim Progress Report due in the State Performance Plan (SPP) due December 2, 2005; and (2) the final Report due thirty days following one year from the date of OSEP's FFY 2003 APR letter. On the issue of timely correction of identified noncompliance and appropriate corrective action measures under 34 CFR §303.501(b)(4), American Samoa must submit in the SPP, its plan (including strategies that may include an external review or other process, timelines, targets and evidence of change) to ensure correction within a year of OSEP's acceptance of the plan.

#### Dispute resolution

On page 3 of the FFY 2003 APR, American Samoa included data and analysis regarding its efforts to ensure compliance in this area. American Samoa reported no complaints, mediation or hearings filed during the reporting period. OSEP's January 2005 letter required American Samoa to provide an assurance, in the FFY 2003 APR, that it revised and adopted its prior written notice and provide the date by which that notice would be translated into Samoan and available for distribution. In Attachment VII to its FFY 2003 APR, American Samoa included the prior written notice for parents in both English and Samoan. In addition, the Territory developed a procedural safeguards document for families. OSEP will respond to these documents under separate cover. OSEP looks forward to reviewing the Territory's data in this area in the SPP.

#### Personnel

OSEP's January 2005 letter required American Samoa to provide, in the FFY 2003 APR, information regarding: (1) its efforts to recruit and retain a long-term speech therapist; and (2) a schedule and content description of training of all Part C staff on the provision of early intervention services in natural environments.

In Attachments I and II of the FFY 2003 APR, American Samoa provided information on current staff and recruitment plans for an additional early intervention position. The information provided indicated that a significant amount of new staff was hired in the previous six months. In documents submitted during the verification visit, American Samoa included contractual agreements for a speech language pathologist, physical therapist, and occupational therapist from Washington State. The contracts were signed by the therapists during their October 1, 2004 visit, and included an agreement that the contractors would visit the island quarterly for a period of four days and complete assigned duties that included: (1) assessments/evaluations; (2) staff

training/development; and (3) consultation/administrative support. In addition, American Samoa reported that a contract would be finalized by April 15, 2005 and a full time speech language pathologist would begin work in July 2005; however, OSEP learned in September 2005 that the speech therapist took a position with American Samoa's Part B program.

OSEP's FFY 2005 Part C Grant Award letter to American Samoa included Special Conditions regarding its failure to provide needed early intervention services to eligible children in the area of speech therapy, as required by 34 CFR §§303.340(c) and 303.342(e). OSEP will respond separately to the Progress Reports due by November 21, 2005 and April 14, 2006 under those Special Conditions.

In Attachment V of the FFY 2003 APR, American Samoa provided a schedule and information on training and reported that it completed two trainings in December 2004 on natural environments, with the assistance of the Western Regional Resource Center. In addition, newly-hired service coordinators were scheduled to attend training in April 2005. Topics at the training included: "Adaptations for Children in their Natural Environments" and "Making Your Home Visit the Best Possible." OSEP appreciates the work of the Territory in this area.

#### Collection and timely reporting of accurate data

OSEP's January 2005 letter required American Samoa to provide, in the FFY 2003 APR, data regarding progress in ensuring compliance with data collection and reporting requirements. In addition, OSEP requested that American Samoa provide its data-based conclusions as to whether its procedures and practices ensured the collection and timely reporting of accurate data, and required the Territory to submit, by February 6, 2006, a final report that included: (1) policies and procedures that data entered were reliable and accurate; (2) a list of the data elements that were collected in its newly developed computerized data tracking system; and (3) two data reports for the period preceding the reporting deadline.

In documents submitted prior to OSEP's February 2005 visit, American Samoa indicated that it had an interim database system and it was in the implementation stage. The Territory indicated that it would provide its final plan for the data system in February 2006. OSEP looks forward to reviewing the Territory's data in this area in the SPP.

#### Other: Fiscal management

OSEP's January 2005 letter required American Samoa to provide information on its fiscal management by providing an updated inventory list and written confirmation that procedures for managing equipment, adequate maintenance procedures and security measures for equipment and other property (especially for the new and existing vehicles and computer equipment) were adopted and implemented according to 34 CFR §80.32(d)). In Attachment VIII of the FFY 2003 APR, American Samoa provided its inventory list and the written confirmation regarding its procedures for managing equipment, its maintenance plan and security measures. American Samoa indicated that these procedures were implemented as of May 2005. OSEP's September 30, 2005 FFY 2005 grant letter attached Special Conditions regarding fiscal accountability under the Single Audit Act and also requested American Samoa to update and submit property

inventory lists required to be maintained by 34 CFR §80.32 by November 21, 2005 and April 14, 2006. OSEP looks forward to receiving the documents required by the FFY 2005 grant letter.

### ***Comprehensive Public Awareness and Child Find System***

OSEP's June 2004 letter required American Samoa to provide, in the FFY 2003 APR, data and analysis on: (1) trends and child find timelines; and (2) timelines for completion of all child find activities identified as needed for improvement. In addition, OSEP's January 2005 letter expressed its remaining concerns regarding the ability of the Part C program to provide early intervention services to eligible infants and toddlers with disabilities and their families, and required American Samoa to report its targets, timelines and strategies regarding child find and public awareness activities in the FFY 2003 APR.

On page 7 of the FFY 2003 APR, American Samoa indicated a December 1, 2004 child count of 63 children, an increase from the December 1, 2003 child count of 31. In addition, data provided prior to OSEP's February 2005 visit indicated that the child count increased to over 80 children. Future activities for the child find system included: (1) the establishment of a new program name and logo; and (2) the recruitment of a qualified Child Find Coordinator to serve as the primary child find and public awareness person. In Attachment I of the FFY 2003 APR, American Samoa provided an updated staff list (March 2005) of the early intervention program indicating that the Child Find Coordinator position had been filled. Further, the program had been named "Helping Hands."

In Attachment VI of the FFY 2003 APR, American Samoa described the development of a comprehensive child find system and projected child find goals to be completed by December 2005. In the plan, the Territory would: (1) visit the island of Manu'a and establish contracts to provide regular visits for child find and outreach; (2) visit hospitals, day care centers, well baby clinics, Women Infant Child Programs (WIC), Parent Organization, Churches, Woman and Youth Organizations and Village Organizations/Councils; (3) provide advertisement for the Helping Hands program in local newspapers, television programs and radio; and (4) develop program brochures in English and Samoan. During its February 2005 visit to American Samoa, OSEP reviewed schedules for public awareness activities throughout the Territory including Aunu'u and the Manu'a Islands and observed the Part C program conducting those activities in a day care center on Aunu'u. OSEP looks forward to reviewing the Territory's data in this area in the SPP.

### ***Family Centered Services***

OSEP's June 2004 letter required American Samoa to provide, in the FFY 2003 APR, data and analysis on: (1) IFSP reviews or other data demonstrating that families were offered assessments; (2) with consent, family assessments were conducted; and (3) family resources, priorities and concerns were reflected on the IFSP as required by 34 CFR §303.344(b).

Prior to its February 2005 visit, OSEP reviewed seven child records and found noncompliance with the program providing family assessments and documenting families' resources, priorities and concerns on the IFSP. The noncompliance included: no family assessments in child records

and limited or no family goals (seven of seven records). During the visit, OSEP reviewed the records with service providers who confirmed these findings and the need for training in this area of IFSP development.

On page 12 of the FFY 2003 APR, American Samoa reported that weekly attendance records were maintained to document child and family attendance; however, data regarding the percent of family participation was not developed. In addition, comprehensive charts were developed to document support services and resources that were utilized by families. Future activities included: (1) hiring a family counselor to conduct family assessments, identify family needs and assist in the provision of family counseling and support by December 2004; and (2) developing a family assessment to be part of the intake process by June 2005. In Attachment I of the FFY 2003 APR, American Samoa provided an updated staff list (March 2005) of the Helping Hands program indicating that the Family Council Coordinator position was filled.

The SPP instructions establish a new indicator in this area, for which States and Territories must provide baseline data in the FFY 2005 APR, due February 1, 2007. The Territory should carefully review the instructions to the SPP in developing its plans to collect data on the percent of families participating in Part C who report that early intervention services have helped the family: know their rights; effectively communicate their children's needs; and help their child develop and learn. OSEP looks forward to reviewing the Territory's plan for collecting this data, in the SPP.

### ***Early Intervention Services in Natural Environments***

#### **Service coordination**

On page 15 of the FFY 2003 APR, American Samoa indicated there were only two service coordinators available for eligible infants, toddlers and their families in the Part C program. In addition, the Territory stated that there were inconsistencies in implementing services due to shortages in early intervention staff. American Samoa reported that, by the end of the reporting period (June 2005), all families would be assigned a service coordinator. In Attachment I of the FFY 2003 APR, American Samoa provided an updated staff list (March 2005) of the Helping Hands program indicating that a total of five service coordinator positions were filled and a sixth position was to be filled by May 31, 2005. OSEP appreciates the work of the Territory in this area.

#### **Evaluation and identification of needs**

OSEP's June 2004 letter required American Samoa to provide, in the FFY 2003 APR, data and analysis regarding evaluation and assessment in all five developmental areas as required by 34 CFR §303.322(c)(3)(ii). In addition, OSEP's January 2005 letter required American Samoa to provide: (1) copies of evaluations conducted, services provided and other activities conducted by the speech therapist during the October 2004 visit; and (2) the number of children identified during the December 1, 2004 child count under §618 as having communication and/or speech or language delays, the IFSP communication goals and outcomes for these children, the IFSP services listed and how they were being provided as of December 1, 2004.

Prior to its February 2005 visit, OSEP reviewed seven child records and found noncompliance with the timely completion of evaluations in all five developmental areas. Noncompliance found included: (1) vision and hearing screenings were not conducted (seven of seven records); and (2) initial IFSP meetings were not held within 45 days of referral (two of seven records). During the visit, OSEP reviewed the records with service providers who confirmed these findings and the need for training in IFSP development.

In Attachment III of the FFY 2003 APR, American Samoa included all screenings completed by the contracted speech language pathologist (SLP) that visited the island in October 2004. Based on the information provided, the therapist completed six screenings and found concerns with two children. The screening reports, all dated February 2005, recommended follow-up speech evaluations for the two children during the next visit by the SLP in April 2005. OSEP received documents indicating that: evaluations for the two children with speech and language concerns were conducted in April 2005; the children were found eligible for speech services; and IFSP goals were developed to address their speech needs.

In documents submitted during OSEP's February 2005 visit, American Samoa reported that no agreement existed between the LBJ Tropical Medical Center (LBJ) and the Part C program regarding vision and hearing screenings and evaluations; therefore, the Territory stated it would develop an agreement within the next quarter and finalize it by June 30, 2005. With the SPP, American Samoa must provide a copy of the agreement between Helping Hands and the Department of Health, the new lead agency, regarding vision and hearing screenings and evaluations.

OSEP's FFY 2005 Part C Grant Award included Special Conditions regarding the correction of comprehensive timely evaluations as required by 34 CFR §§303.321 and 303.342(a), and ensuring that early intervention services are being provided as required by 34 CFR §§303.340(c) and 303.342(e). OSEP will respond separately to the Progress Reports due by November 21, 2005 and April 14, 2006 under those Special Conditions.

#### Individualized family service plans (IFSPs)

OSEP's June 2004 letter required American Samoa to provide, in the FFY 2003 APR, data and analysis regarding IFSP content and the provision of early intervention services as required by 34 CFR §303.344(a). OSEP's January 2005 letter required American Samoa to provide the number of children identified during the December 1, 2004 child count under §618 as having communication and/or speech or language delays, the IFSP communication goals and outcomes for these children, the IFSP services listed and how they were provided as of December 1, 2004.

Prior to its February 2005 visit, OSEP reviewed seven child records and found noncompliance with the required content on the IFSP. Noncompliance found in all seven records reviewed, included: (1) no indication of present levels of development on IFSPs; and (2) IFSP goals were not individualized. During the visit, OSEP reviewed the records with service providers who confirmed these findings and the need for training in this area of IFSP development.



On page 17 of the FFY 2003 APR, American Samoa reported, “by June 30, 2005, all IFSPs developed after March 1, 2005 will be individualized according to family and child’s needs and will include family services, as necessary.” The Territory also reported that IFSP content would be reviewed as part of monitoring and that, by June 30, 2005, a new IFSP form would be developed to include family concerns, priorities and needs.

OSEP’s FFY 2005 Part C Grant Award included Special Conditions regarding the correction of the IFSP content requirement under 34 CFR §303.344(a). OSEP will respond separately to the Progress Reports due by November 21, 2005 and April 14, 2006 under those Special Conditions.

#### Natural environments

OSEP’s June 2004 letter required American Samoa to provide, in the FFY 2003 APR, data and analysis regarding whether services are provided in natural environments as required under 34 CFR §§303.12(b), 303.18 and 303.344(d)(1)(ii).

Prior to its February 2005 visit, OSEP reviewed seven child records and found noncompliance with early intervention services provided in natural environments. Noncompliance found included: (1) no justification for services not provided in natural environments (four of seven records); and (2) location of all services not clear on IFSPs (seven of seven records). During the visit, OSEP reviewed the records with service providers who confirmed these findings and the need for training in this area of IFSP development.

On pages 11-13 of the FFY 2003 APR, American Samoa reported that, during the FFY 2003 reporting period, the majority of services were moved from a center-based program to the home or other natural environment. On page 17, American Samoa reported, “by June 30, 2005 all children will be receiving services in their natural environment, unless a justifiable reason is given for an alternate setting.” No data were provided in the FFY 2003 APR on the number of children receiving early intervention services in natural environments.

With the SPP, due on December 2, 2005, American Samoa must provide, in addition to the data required under Indicator #2, updated data on the percentage of children whose IFSPs reflect the provision of early intervention services in natural environments and the percentage for whom appropriate justifications were included on the IFSP when an early intervention service was identified as not being provided in a natural environment (if these two percentages do not equal 100%, provide an explanation). In addition, if the data indicate noncompliance, American Samoa must include its plan (including strategies, timelines, evidence of change, and targets) to ensure compliance within a year from when OSEP accepts the plan.

#### Early childhood outcomes

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA Part C program is measured based on the extent to which children receiving Part C services demonstrate improved and sustained functional abilities in the cognitive, physical, communication, social or emotional and adaptive developmental areas. The Part C FFY 2001, 2002 and 2003 APRs requested data on the percentage of children participating in the Part C

program that demonstrate improved and sustained functional abilities in the developmental areas listed in 34 CFR §303.322(c)(3)(ii). On page 16 of the FFY 2003 APR, the Territory provided its procedures for collecting and documenting information on child and family outcomes. For example, procedures state, “through six month reviews and annual evaluations, children’s functional abilities will be tracked and assessed. Service coordinators will be responsible for ongoing discussions with families [that] will be documented in child charts in the form of progress notes. Child and family outcomes will be recorded on IFSPs and will be reviewed on a continuous basis.” The SPP instructions establish a new indicator in this area, for which States and Territories must provide entry data in the FFY 2005 APR, due February 1, 2007. Absence of this information at that time will be considered in OSEP’s annual determination on the status of the Territory’s performance and compliance required under §616(d) of the IDEA. The Territory should carefully review the instructions to the SPP in submitting in the SPP its plans for this collection.

### ***Early Childhood Transition***

OSEP’s June 2004 letter required American Samoa to provide, in the FFY 2003 APR, data and analysis regarding: (1) transition steps on the IFSP; (2) notification of the LEA; and (3) convening the 90-day conference for children potentially eligible for Part B as required by 34 CFR §303.148.

Prior to its February 2005 visit, OSEP reviewed seven child records and found noncompliance with the timely transition planning requirements. Noncompliance found in all seven records reviewed, included: (1) transition planning, steps, and goals were not always present in the IFSP; (2) transition planning was not individualized on the IFSP; and (3) limited documentation of transition conferences and notification of LEA. During its February 2005 visit, OSEP participated in a transition planning meeting with Part C and Part B officials. The meeting was held to finalize the Interagency Early Childhood Transition Plan between Part C and Part B. In Attachment V of the FFY 2003 APR, American Samoa provided updated information on its Initial Interagency Early Childhood Transition Plan between Part C/Helping Hands, Part B and Head Start that was finalized on March 8, 2005. The Plan included: (1) monthly meetings regarding all two years olds; (2) family and child participation and discussion of transition options; and (3) timely transition conferences for those children aging out of Part C.

On page 18 of the FFY 2003 APR, American Samoa reported that a specific section was added to the IFSP form to record transition planning information. In addition, the Territory reported “Due to the extreme shortage of staff, transition meetings were not held within the 90 day timeline for all children transitioning.” Future activities included the development of a transition agreement with Part B and Head Start and a new IFSP form that would include transition activities, timelines and responsibilities. In addition, American Samoa indicated that by June 30, 2005, 90-day transition meetings would be conducted consistent with 34 CFR §303.148. With its SPP, American Samoa must include data on meeting the 90-day transition conference as required by 34 CFR §303.148.

OSEP accepts the plan in American Samoa’s FFY 2003 APR to address these three areas of transition noncompliance and requires American Samoa to submit two Progress Reports: (1) an

interim Progress Report in the SPP due December 2, 2005; and (2) the final Report due thirty days following one year from the date of this letter.

***Conclusion***

American Samoa must submit:

By November 21, 2005, its Progress Report under the FFY 2005 Special Conditions regarding its progress in ensuring (and by April 14, 2006 a final Progress Report demonstrating) compliance with:

- (1) comprehensive, timely evaluation and 45-day timeline under 34 CFR §§303.321(e)(2)(i) and 303.322(e)(1);
- (2) IFSP content regarding present levels of developmental functioning under 34 CFR §303.344(a);
- (3) timely provision of early intervention services under 34 CFR §§303.340(c) and 303.342(e); and
- (4) an updated property inventory list.

With the SPP, due December 2, 2005:

- (1) A Progress Report on its efforts to ensure identification of noncompliance (including in response to indicator #9 B all findings of noncompliance identified by the program and the status of correction);
- (2) Its plan (including strategies, timelines, targets and evidence of change) to ensure correction within a year of OSEP's acceptance of the plan on the issue of timely correction of identified noncompliance and appropriate corrective action measures under 34 CFR §303.501(b)(4);
- (3) A copy of the finalized agreement between Helping Hands and the Department of Health regarding vision and hearing screenings and evaluations;
- (4) Updated compliance data on the provision of services in the natural environment and a plan (including strategies, timelines, targets and evidence of change) if the data indicate noncompliance; and
- (5) A Progress Report on ensuring compliance with the three transition requirements (LEA notification, transition conferences and transition planning) under 34 CFR §§303.148(b)(1), (b)(2), and (b)(4) and 303.344(h).

By February 6, 2006, American Samoa must submit a final Progress Report on ensuring data accuracy under section 618 and 34 CFR §303.176.

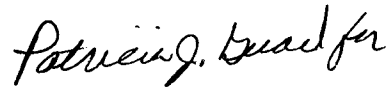
Thirty days following one year from the date of this letter, American Samoa must submit a final Progress Report demonstrating compliance with the Part C requirements to ensure:

- (1) Identification of noncompliance under 34 CFR §303.501(b); and
- (2) Transition requirements (LEA notification, transition conferences and transition planning) under 34 CFR §§303.148(b)(1), (b)(2), and (b)(4) and 303.344(h).

IDEA 2004, §616, requires each State and Territory to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the Territory to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP staff is ready to provide technical assistance should you request it. We look forward to working with American Samoa on these matters to ensure the success of the program and appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families. If you have questions, please contact Julia Martin at (202) 245-7431.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy R. Justesen".

Troy R. Justesen  
Acting Director  
Office of Special Education Programs

cc: Jean Asuega  
Part C Coordinator