

**Table B – American Samoa Part B
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 3 <u>Special Conditions Imposed on ASDOE's FFY 2005 Grant Award</u></p> <p>American Samoa must demonstrate that it is collecting accurate data and reporting publicly the participation and performance of children with disabilities in statewide assessments, as required at 20 U.S.C. 1412(a)(16)(C). By December 2, 2005 ASDOE was required to submit a plan and provide progress reports on February 28, 2006 and April 28 2006, and a final submission on June 1, 2006.</p>	<p>OSEP received the first required submission on January 18, 2006. (ASDOE had actually submitted a document to OSEP earlier that was not received, requiring ASDOE to resubmit.) ASDOE submitted its first required progress report on February 28, 2006.</p>	<p>The document that ASDOE submitted on January 18, 2006, provided a plan and a report on the status of its statewide assessment program. ASDOE is using the SAT10 for its statewide assessment. It was able to provide participation and performance results for children with disabilities, making a comparison to all students, for the April 2005 administration of the statewide assessment. ASDOE reported that the alternate assessment is being revised but will not be available for administration until April 2006.</p> <p>This information demonstrated that, while American Samoa has made progress, it has not yet satisfied the Special Condition attached to its FFY 2005 grant award.</p>	<p>Under the Special Conditions, progress reports were/are due on February 28, 2006 and April 28 2006, and a final submission is due on June 1, 2006. Failure to demonstrate compliance with 20 U.S.C. 1412(a)(16)(C) in the final progress report may result in the State being identified as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p>

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<p>Indicator 15- Identification and Correction of Noncompliance</p> <p>OSEP's November 23, 2005 APR letter required ASDOE to provide with the SPP, or by January 23, 2006, a description of actions that it could implement to ensure correction of identified noncompliance within one year of identification of noncompliance and a timeline for SEA verification activities.</p> <p>OSEP's November 23, 2005 Verification Visit letter required ASDOE to provide baseline monitoring data by January 23, 2006, along with copies of monitoring reports issued since the implementation of its new system, demonstrating that ASDOE has procedures for identification of all deficiencies with Part B requirements and the correction of all identified deficiencies as soon as possible, not to exceed one year of identification.</p>	<p>In its January 25, 2006 submission, ASDOE described its process for addressing noncompliance when it has identified noncompliance. On page 48-49 of the SPP, ASDOE provided a summary of findings it made through its monitoring system during 2004-2005 and data demonstrating correction of noncompliance. ASDOE reported that the correction of noncompliance within one year of identification for schools monitored during this time period, ranged from 66.67% to 97.37%.</p>	<p>Based on the data provided in the SPP it appears that ASDOE is able to track findings that have been made during monitoring. One strength in its procedures, based on the January 25, 2006 submission, is that ASDOE returns to make a site visit three months after identification of noncompliance. However, it is not clear what options ASDOE can or will exercise if compliance is not achieved within one year as required at 34 CFR §300.600. In addition, the baseline data indicates a high level of noncompliance that has continued past one year.</p>	<p>ASDOE must review and, if necessary revise, its improvement strategies to ensure that they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 – Participation of Parents and Outside Agencies in Transition Planning</p> <p>OSEP's November 23, 2005 APR letter required ASDOE to submit data and analysis with the SPP, or by January 23, 2006, documenting progress toward compliance in ensuring correction of noncompliance with the requirements at 34 CFR §§300.344(b)(3) and 300.345, and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than December 23, 2006.</p>	<p>In its January 25, 2006 submission, ASDOE provided an assurance that it is meeting the requirements of 34 CFR §§300.344(b)(3) and 300.345.</p>	<p>ASDOE did not provide data and analysis to demonstrate compliance with the requirements at 34 CFR §§300.344(b)(3) and 300.345.</p>	<p>ASDOE must ensure that it is implementing its improvement strategies to enable it to provide data and analysis in the APR, due February 1, 2007, that demonstrates full compliance with these requirements. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 15 – FAPE: Removal of Special Education Teachers From Special Education Assignments</p> <p>OSEP's November 23, 2005 APR letter required ASDOE to provide an assurance by January 23, 2006 that special education teachers will not be removed from their special education assignments and that services required by children's IEPs are being provided in accordance with those IEPs. (34 CFR §300.300)</p>	<p>ASDOE provided an assurance through a letter signed by the Director or Education that was distributed to all principals.</p>	<p>This assurance satisfies OSEPs requirement. OSEP appreciates American Samoa's efforts in ensuring compliance with this requirement.</p>	<p>No further action required.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 – Parents’ Rights Notice in Understandable Language</p> <p>OSEP’s November 23, 2005 APR letter required ASDOE to provide by January 23, 2006, a list of the native languages of the children with disabilities and their parents on American Samoa, along with an indication of whether the language is a written or spoken language; and for each written language, indicate a date by which translations of its parents’ rights document will be available in that language as required at 34 CFR §300.503(c)(2).</p>	<p>In its January 25, 2006 submission, ASDOE provided a list of four languages in which it has translated the parents’ rights notice. In its January 30, 2006 submission, ASDOE provided copies of its parents’ rights notice in English and Tagalog.</p>	<p>American Samoa reported data showing full correction of the previously identified noncompliance. OSEP appreciates the State’s efforts in ensuring compliance with this requirement.</p>	<p>No further action required.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 - Procedures for Evaluation and Determination of a Child's Eligibility for Part B Services</p> <p>OSEP's November 23, 2005 APR letter required ASDOE to provide by January 23, 2006, data and analysis, including a determination of compliance or noncompliance with 34 CFR §300.530.</p> <p>Specifically, American Samoa was required to provide: (1) the number and dates of referrals; (2) the corresponding dates when evaluations were completed; and (3) an analysis of the availability of personnel to conduct evaluations. If the data and information submitted demonstrates noncompliance, ASDOE must include a plan, with strategies, proposed evidence of change, targets and timelines, designed to ensure compliance as soon as possible, but in no case later than one year from when OSEP accepts the plan.</p>	<p>In its January 25, 2006 submission, ASDOE provided a summary of the process that is used, an inventory of deficiencies in the evaluation process, and a plan to ensure that evaluations are conducted in a timely manner. In addition, ASDOE provided a log of 309 students requiring evaluation from August 2005 through January 2006.</p>	<p>ASDOE did not submit an analysis of data it presented or a determination of compliance with procedures for evaluation and determination of a child's eligibility for Part B services. However, ASDOE provided a plan (see next item, below) to address compliance with evaluation procedures.</p>	<p>ASDOE must implement the plan it submitted and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 - Evaluations and Reevaluations are Conducted in Accordance with Part B Requirements</p> <p>In OSEP's November 23, 2005 APR letter, ASDOE was required to provide a plan by January 23, 2006 to ensure compliance with: (a) initial evaluations or reevaluations are completed in a timely manner; (b) initial evaluations and reevaluations are conducted in accordance with 34 CFR §§300.320, 300.321, 300.542, 300.532 and 300.533; and (c) evaluation information is solicited from parents in accordance with 34 CFR §300.533(a)(1)(i).</p>	<p>In its January 25, 2006 submission, ASDOE provided a summary of its evaluation/reevaluation process, an inventory of deficiencies in the evaluation process and a plan to ensure that evaluations are conducted in a timely manner. In addition, ASDOE provided a description of the procedures it uses to meet the Federal requirements, including initial evaluations and reevaluations conducted in accordance with 34 CFR §§300.320, 300.321, 300.542, 300.532 and 300.533; and (c) evaluation information is solicited from parents in accordance with 34 CFR §300.533(a)(1)(i)</p>	<p>ASDOE submitted a plan to meet the requirements for evaluations and reevaluations that is responsive to the issue identified in OSEP's November 23, 2005 APR letter.</p>	<p>ASDOE must implement the plan it submitted and, if necessary revise, its improvement strategies to ensure that they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 15 - IEPs Address Social-Emotional Needs of Children with Disabilities</p> <p>In OSEP's November 23, 2005 APR letter, ASDOE was required to provide a plan by January 23, 2006 to ensure compliance with 34 CFR §300.346(a)(2)(i).</p>	<p>In its January 25, 2006 submission, ASDOE provided a description of its process for determining whether a child with social/emotional needs requires a behavior plan and/or goals/objectives in his/her IEP in accordance with 34 CFR §300.346(a)(2)(i).</p>	<p>ASDOE submitted a plan to meet the requirements that IEPs include a behavior plan and/or goals/objectives to address social/emotional needs, when needed, responsive to the issue identified in OSEP's November 23, 2005 APR letter.</p>	<p>ASDOE must implement the plan it submitted and, if necessary revise, its improvement strategies to ensure that they will enable the State to submit data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of American Samoa's status under section 616(d) of the IDEA.</p>

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<p>Indicator 15 – LEA Representative Attends IEP Meeting</p> <p>OSEP's November 23, 2005 letter required ASDOE to provide a plan by January 23, 2006 to ensure compliance with 34 CFR §300.344(a)(4).</p>	<p>ASDOE indicated in Item #6 of its January 25, 2006 submission that a Resource Specialist has been assigned to each school to supervise services of IEP students. It is the responsibility of the Resource Specialist of each school to facilitate the IEP meeting and to act as the LEA representative in each IEP meeting.</p>	<p>ASDOE's plan is responsive to the issue identified in OSEP's November 23, 2005 APR letter.</p>	<p>ASDOE must submit data (e.g. monitoring data) and information demonstrating that it is in compliance with the requirement 34 CFR §300.344(a)(4) that an LEA representative attend IEP meetings in the APR, due February 2007. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 15 – IEPs Accessible to Personnel</p> <p>OSEP's November 23, 2005 APR letter required ASDOE to provide a plan by January 23, 2006 to ensure compliance with 34 CFR §300.342.</p>	<p>ASDOE indicated in Item #7 of its January 25, 2006 submission that IEP copies are kept at each school and that they are available to individuals who attended IEP meetings.</p>	<p>OSEP is unclear whether teachers and service providers who may not have attended the IEP meeting but who are responsible for implementing the IEP, have access to it.</p>	<p>In the APR, due February 2007, ASDOE must submit data and information demonstrating that it is in compliance with the requirement at 34 CFR §300.342(b)(2) regarding the access of appropriate personnel to IEPs Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 – Student Participation in Transition Service Planning</p> <p>OSEP’s November 23, 2005 APR letter required ASDOE to provide data by January 23, 2006 demonstrating the results of implementation of the plan OSEP accepted in March 2005 to ensure compliance with 34 CFR §300.344(b).</p>	<p>In its January 25, 2006 submission, ASDOE provided data showing that 56%, 31%, and 13% of IEP students in the three regions in American Samoa attended their transition planning meetings for 2004-2005. During 2005-2006, the data showed 19%, 62%, and 19% of IEP students in the three regions attending their transition planning meetings.</p>	<p>ASDOE provided data that demonstrated the attendance of students in the IEP meetings if the purpose of the meeting was consideration of transition service needs. However, the data presented by ASDOE does not demonstrate compliance with the requirement. It appears that ASDOE was measuring the actual attendance of students at IEP meetings where transition services were discussed. Although it would be ideal for all students to attend their transition planning meetings, 34 CFR §300.344(b) only requires that the public agency invite the student to attend his or her transition planning meetings and take other steps to ensure the student’s preferences and interests are considered if the student doesn’t attend the meeting. OSEP is unable to determine compliance with this requirement based upon the data presented by ASDOE.</p>	<p>In the APR, due February 2007, ASDOE must submit data and information demonstrating that it is in compliance with the requirement at 34 CFR §300.344(b) regarding a public agency’s requirement to invite students to attend their IEP meetings if the purpose of the meeting will be the consideration of transition service needs or needed transition services. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 – Content of Notice for Transition IEP Meeting</p> <p>OSEP's November 23, 2005 APR letter required ASDOE to provide a plan by January 23, 2006 to ensure compliance with this requirements, specifically, that: (1) parents are informed that transition services will be discussed; and (2) parents are informed that the student will be invited.</p>	<p>ASDOE provided a description of the procedures it uses for transition planning under Item #9 of its January 25, 2006 submission. Specifically, that it notifies in writing the parents of students identified as needing transition services of the availability of transition services; sets up preliminary meetings with the parents, students, local education agency and participating agencies to discuss transition services; provides parents with the opportunity to express their willingness to approve their child's participation in the services; and sets up an IEP meeting. ASDOE also submitted a copy of the written invitation to parents to attend eligibility/IEP meetings for students 14 and older, which includes a statement that the student has been invited and that one of the purposes of the meeting is to discuss transition service needs for the student.</p>	<p>ASDOE reported data and information showing full correction of the previously-identified noncompliance with the content requirements at 34 CFR §300.345(b). OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>No further action required.</p>
<p>Indicator 16</p> <p>OSEP's November 23, 2005 Verification Visit letter required ASDOE to provide by January 23, 2006 copies of all formal written complaints, along with copies of the signed decision letters.</p>	<p>ASDOE provided a copy of one complaint it received and supporting documentation in its January 25, 2005 submission.</p>	<p>Although it appears that parental concerns were addressed based on the letters included with the complaint, ASDOE did not issue a written decision within 60 days from receipt of the complaint addressing each allegation in the complaint pursuant to 34 CFR §300.661.</p>	<p>With the APR due February 2007, ASDOE should submit copies of all formal written complaints that it received after the receipt of this letter, along with copies of ASDOE's signed decision letters.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 20</p> <p>OSEP's November 23, 2005 APR and Verification Visit letters, required ASDOE to 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.</p>	<p>ASDOE reported on page 64 of its SPP that it has submitted all of its section 618 data reports and its SPP on time and that it has a system in place to improve data accuracy.</p>	<p>The State reported data showing full correction of the previously identified noncompliance with section 618 of Part B. OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p>	<p>No further action required. OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p>