



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 15 2007

Honorable Claire Poumele
Director of Education
American Samoa Department of Education
P.O. Box 656
Pago Pago, American Samoa 96799

Dear Director Poumele:

Thank you for the timely submission of American Samoa's Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also appreciate the revisions to American Samoa's SPP received on April 27, 2007.

As you know, under IDEA section 616, each State has an SPP that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA and describes how the State will improve its implementation of Part B. In the revised SPP due by February 1, 2007, States were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to your State last year. States were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's targets, improvement activities, timelines or resources in the SPP and a justification for the revisions. We appreciate the State's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in American Samoa's FFY 2005 APR and revised SPP, other State-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA section 616(d), American Samoa needs assistance in meeting the requirements of Part B of the IDEA. The State should review IDEA section 616(e) regarding the potential future impact of the Department's determination.

The Department's determination is based on the totality of the State's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State provided a plan to collect the missing or deficient data; and (2) for each compliance indicator (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area. We also considered whether the State had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and the State's progress in resolving those problems.

Specific factors affecting OSEP's determination of needs assistance for American Samoa included the following: (1) American Samoa did not provide valid and reliable FFY 2005 data

for Indicators 3B and 3C (American Samoa was not able to report data on alternate assessments); (2) American Samoa reported 82.5% compliance for Indicator 15 with no data on timely correction of prior noncompliance; and (3) American Samoa reported 67% compliance for Indicator 12 with no data on correction of previous noncompliance.

In addition, OSEP considered that American Samoa's FFY 2005 and FFY 2006 IDEA Part B grant awards have been subject to Special Conditions because, due to the lack of an alternate assessment, it has been unable to report publicly and to the Secretary on the participation and performance of children with disabilities in State and district-wide assessments, as required by Part B. OSEP required American Samoa to submit a final progress report on June 1, 2007 demonstrating compliance with this requirement. American Samoa's June 1, 2007 report noted that the plan requested was included in its FFY 2005 APR. In the FFY 2005 APR, American Samoa reported that it is developing an alternate assessment based on alternate achievement standards to be piloted in April 2007, which will permit reporting of results for all students on statewide assessments in the APR due February 1, 2008. Although the State is making progress with regard to the alternate assessment, OSEP has determined that American Samoa has not met the Part B requirements for reporting publicly and to the Secretary on the participation and performance of children with disabilities on assessments, and, as such, its FFY 2007 IDEA Part B grant award will be subject again to the Special Conditions regarding this requirement. OSEP also considered that American Samoa has been on Department-wide special conditions regarding the Single Audit Act since FFY 2004. American Samoa continues to work on the Department's remaining fiscal and programmatic concerns and its FFY 2007 grant award will be subject again to the Department-wide special conditions. OSEP did not consider American Samoa's June 1, 2007 submission in response to issues under Indicators 15 and 16, which OSEP raised in its March 15, 2006 SPP response letter (Table B) and directed the State to address in the FFY 2005 APR, because the submission was untimely.

For these reasons, OSEP was unable to determine that your State met requirements under section 616(d). We hope that American Samoa will be able to demonstrate that it meets requirements in its next APR.

The Table attached to this letter provides OSEP's analysis of American Samoa's FFY 2005 APR and revised SPP and identifies, by indicator, OSEP's review and acceptance of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its target, and whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information the State must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. The State must provide this required information.

We hope that the State found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist your State as it works to improve performance under

Part B. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

OSEP is committed to supporting American Samoa's efforts to improve results for children with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Ken Kienas, your OSEP State Contact, at 202-245-7621.

Sincerely,

A handwritten signature in dark ink, reading "Patricia J. Guard". The signature is written in a cursive style with a large initial "P".

Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosure

cc: State Director of Special Education