

Table A – American Samoa – Part C
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 13: Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance: The State reported that “Since American Samoa has not yet received a due process hearing request, it has never held mediation.” IDEA section 639(a)(8) (which incorporates revised section 615(e)), requires mediation be available at any time (regardless of whether a due process hearing is requested).</p>	<p>As part of its FFY 2006 Part C grant application, American Samoa must provide a written assurance that mediation is available to parties at any time (regardless of whether a due process hearing request or complaint is filed), consistent with IDEA sections 639(a)(8) and 615(e).</p>