



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

AUG 4 2008

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

Dear Director Poumele:

This is to inform you that we have conditionally approved American Samoa's application for Federal Fiscal Year (FFY) 2008 under Part B of the Individuals with Disabilities Education Act (IDEA). Our conditional approval is based on review of your application submitted by the American Samoa Department of Education to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 15, 2008, including assurances provided in Section II, and incorporated by reference to this letter as noted in Enclosure A. In addition, the State provided specific assurances that it will:

1. Operate consistent with the applicable Part B regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B of the IDEA, as amended, as soon as possible, and not later than June 30, 2009. Section II of the State's application identifies the IDEA statutory sections for which the State needs to amend policies and procedures and the timelines by which the State will amend its policies and procedures in order to comply with Part B of the IDEA. Within Section II, the State has included the date by which it expects to complete necessary changes associated with any policies and procedures that are not yet in compliance with the requirements of Part B of the IDEA, as amended.

Enclosed is the grant award for funds currently available under the Department of Education Appropriations Act, 2008 for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2008-2009 and are available for obligation by States from July 1, 2008 through September 30, 2010.

American Samoa's FFY 2008 IDEA Part B grant award is being released subject to special conditions identified in the U.S. Department of Education's July 21, 2008 letter to American Samoa regarding the Single Audit Act, included as Enclosure C, that are being imposed pursuant to the Department's authority in 34 CFR §80.12. The Special Conditions associated with the high-risk designation that remain in effect while American Samoa continues to address the Department's remaining fiscal and programmatic concerns include, but are not limited to, the following: (1) the timely completion of single audits, relying upon the expertise of an Oversight Agency (the Territorial Audit Office); (2) submission of detailed semiannual reports; and (3) monthly posting of budget and expenditure information on an Internet website available to the public.

In addition, American Samoa's FFY 2008 IDEA Part B grant award is being released subject to FFY 2008 Special Conditions as set forth in Enclosure D that are being imposed pursuant to the Department's authority under 34 CFR §80.12. Specifically, OSEP determined, based on American Samoa's FFY 2003 Part B Annual Performance Report, the State Performance Plan, and the FFY 2006 Part B Annual Performance Plan that American Samoa is not collecting and reporting accurate data on the participation and performance of children with disabilities on statewide assessments.

American Samoa must administer this award both in keeping with the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. Acceptance by American Samoa of this grant award constitutes an agreement by American Samoa to comply with these Special Conditions.

Please note that as part of your application for FFY 2008, your State has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by the State, after OSEP approval, to information that is a part of a State's application, must meet the public participation requirements in 34 CFR §300.165.

Under the Section 611 formula, subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

Section 611(e)(1)(C) of the IDEA provides that "[p]rior to expenditure of funds under this paragraph [section 611(e)(1) concerning funds for State administration], the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) are current." We read this provision to mean that if a State does not have interagency agreements or other arrangements in place to establish responsibility for the provision of services, the State may not expend funds available to the State under section 611(e)(1) [State administration funds] until the State has these agreements or arrangements in place.

The enclosed grant award for FFY 2008 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part B.

Section 605 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant a State is expressly agreeing as a condition of IDEA funding to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

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We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Knudsen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

Enclosure A
Enclosure B
Enclosure C
Enclosure D

cc: State Director of Special Education