



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

JUL 3 2006

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

Dear Director Aso Maga:

This is to inform you that we have conditionally approved American Samoa's Application, including policies, procedures, methods, descriptions, and assurances, for Federal Fiscal Year (FFY) 2006 under Part C of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for a conditional approval is based on our receipt of the Part C Application for FFY 2006, including the policies, procedures, methods, descriptions, assurances, certifications, and submission statement submitted by the American Samoa Department of Health to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 12, 2006 in which it assures that it will:

1. Operate consistent with the Part C requirements of PL 108-446 and its applicable regulations in 34 CFR Part 303;
2. Ensure that the Statewide system of early intervention services required by Part C and its implementing regulations is in effect throughout the FFY 2006 grant period; and
3. Make such changes to, and submit for OSEP's approval, existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of Part C of the IDEA, as amended, as soon as possible, and not later than the earlier of the date indicated by American Samoa in Section II of its application or June 30, 2007. Section II of American Samoa's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which American Samoa needs to amend policies, procedures, methods and descriptions and the timelines by which American Samoa will amend any policies, procedures, methods and descriptions in order to comply with Part C of the IDEA. Within Section II, American Samoa has included the date by which it expects to complete necessary changes associated with any policies, procedures, methods and descriptions that are not yet in compliance with the requirements of Part C of the IDEA, as amended.

Enclosed is American Samoa's grant award for funds currently available under the Department of Education FFY 2006 Appropriations Act for the Part C program. These funds are for use primarily in the fiscal year 2006-2007 and are available for obligation by Part C grant recipients from July 1, 2006 through September 30, 2008.

American Samoa's FFY 2005 IDEA Part C grant award is also being released subject to fiscal special conditions regarding the Single Audit Act that are identified in the enclosed U.S.

Department of Education's May 30, 2006 letter to American Samoa (which is Enclosure A and incorporated in this grant letter by this reference), and that are being imposed pursuant to the Department's authority in 34 CFR §80.12. By accepting this grant award, American Samoa agrees to accept the special conditions identified in the Department's enclosed May 30, 2006 letter.

OSEP imposed special conditions on American Samoa's FFY 2005 Part C grant due to American Samoa's noncompliance with the following three requirements: (1) Part C 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) (45-day timeline); (2) the content requirements in individualized family service plans (IFSPs) in 34 CFR §303.344 (IFSP content); and (3) timely provision of early intervention (EI) services to infants and toddlers with disabilities and their families in 34 CFR §§303.340(c), 303.342(e) and 303.344(f)(1) (EI service provision). OSEP also requested in its FFY 2005 Part C grant letter that American Samoa provide updated property inventory lists. American Samoa's April 13, 2006 final Progress Report provided detailed data and analysis demonstrating that American Samoa has ensured compliance with the IFSP content requirements and made substantial progress with the other two requirements, 45-day timeline and EI service provision. OSEP appreciates American Samoa's efforts to ensure compliance with IFSP content requirements and provided the requested property inventory lists. However, although American Samoa has demonstrated improvement in ensuring compliance with: (1) the 45-day timeline; and (2) EI service provision, it has not achieved compliance.

Therefore, the American Samoa FFY 2006 IDEA Part C grant award is being released subject to FFY 2006 Special Conditions, as set forth in Enclosure B, that are being imposed pursuant to the Department's authority in 34 CFR §80.12. These special conditions are imposed to ensure the timely identification and evaluation of, and provision of early intervention services to, infants and toddlers with disabilities and their families in American Samoa. The reasons for doing so and the specific conditions are detailed in the enclosure. American Samoa must administer these awards both in keeping with the applicable provisions of Federal law and regulations and the Special Conditions attached to the grant award document. American Samoa's acceptance of this FFY 2006 Part C grant award constitutes an agreement to meet the programmatic Part C Special Conditions in Enclosure B, which require a progress report by February 1, 2007 and a final progress report by June 1, 2007.

American Samoa's February 2006 prior written notice submission resolved the application issue OSEP requested by June 1, 2006 under Indicator number 13 in OSEP's response to American Samoa's December 2005 State Performance Plan (SPP). OSEP appreciates American Samoa's resolution of this SPP issue related to the availability of mediation to resolve potential disputes regarding the Part C early intervention program in American Samoa.

The enclosed grant award for FFY 2006 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 C.

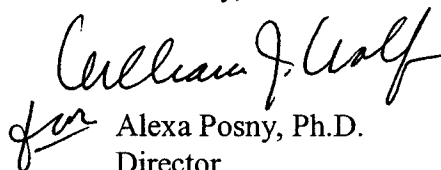
Please note that as part of American Samoa's Application for FFY 2006, American Samoa has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the FFY 2006 grant period. Any changes made by American Samoa to its FFY 2006 Application or its Part C policies, after OSEP's approval, must meet the applicable public participation requirements in Part C of the IDEA and may also need to be submitted to OSEP for approval prior to implementation.

Section IV.B of the FFY 2006 application for Part C funds requested updated information about American Samoa's restricted indirect cost rate. Our records indicate that your agency, the American Samoa Department of Health, is not charging indirect costs to the Part C program. By accepting Part C grant funds, your agency (as the lead agency designated under Part C) is agreeing not to charge indirect costs to the Part C FFY 2006 grant funds.

IDEA Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities. Therefore, by accepting this grant, American Samoa 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.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny". The signature is written in a cursive style and is positioned above the typed name.

Alexa Posny, Ph.D.  
Director

Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: Jean Asuega  
Part C Coordinator