



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL 6 2008

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

Dear Director Poumele:

Thank you for the timely submission of American Samoa's FFY 2006 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 acknowledge the revisions to American Samoa's APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), American Samoa needs assistance in meeting the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

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); and (2) American Samoa reported 82.5% compliance for Indicator 15 with 5 findings of noncompliance from FFY 2005 uncorrected.

In addition, OSEP considered that, from FFY 2005 through FFY 2007, American Samoa's IDEA Part B grant award has been subject to Special Conditions. The Special Conditions have been imposed on the Part B grant because, due to the lack of an alternate assessment, American Samoa 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. In the FFY 2006 APR, American Samoa reported data on the alternate assessment against alternate achievement standards for Grades 3 and 10 and reported that the alternate assessment for Grades 4 and 8 has been completed, but will not be implemented until next school year. Although the State continues to make 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 2008 IDEA Part B grant award will be subject to the Special Conditions again regarding this requirement. Additionally, OSEP considered that American Samoa has been on Department-wide special conditions regarding the Single Audit Act since FFY 2004. Although American Samoa continues to work on the Department's remaining fiscal and programmatic concerns, its FFY 2008 grant award will be subject to the

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Department-wide special conditions again. For these reasons, we were unable to determine that your State met requirements under section 616(d). OSEP notes other areas that reflect a high level of performance, which included that American Samoa had 100% compliance for Indicators 11 and 13. We hope that American Samoa will be able to demonstrate that it meets requirements in its next APR. The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review 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 targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

The State's determination for the FFY 2005 APR also was needs assistance. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: 1) Advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; 2) Direct the use of State-level funds on the area or areas in which the State needs assistance; or 3) Identify the State as a high-risk grantee and impose special conditions on the State's Part B grant award. Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance related to Indicator 3 (assessment) and Indicator 15 (timely correction of noncompliance). A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator. For the indicators listed above, your State must report with its FFY 2007 APR submission (due February 1, 2009) on: 1) the technical assistance sources from which the State received assistance and 2) what actions the State took as a result of that technical assistance. The extent to which your State takes advantage of available technical assistance for these indicators may affect the actions we take under section 616 should your State not be identified as meets requirements next year. We encourage States to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by section 616(e)(7) and 34 CFR §300.606, the State must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the State and may include such mechanisms as posting on the agency's website, distribution through the media and distribution through public agencies.

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,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education