

September 2, 2003

Honorable Noreen Michael
Commissioner of Education
Virgin Islands Department of Education
44-46 Kongens Gade
Charlotte Amalie
St. Thomas, U.S. Virgin Islands 00802

Dear Commissioner Michael:

This is to inform you that we have conditionally approved the Virgin Islands' Eligibility Document Submission for Federal Fiscal Year (FFY) 2003 under Part B 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 following documents submitted by the Virgin Islands to the Office of Special Education Programs (OSEP):

1. The Part B Eligibility Document Submission for FFY 2003 including the Eligibility Documents submitted November 10, 2000, and all subsequent revisions to those Eligibility Documents, and the Submission Statement and other eligibility documentation submitted to OSEP on April 6, 2002, July 2, 2002, September 15, 2002, and July 2, 2003;
2. VIDE's bi-monthly reports under the Special Conditions to the FFY 2002 Part B grant award; and
3. The July 8, 2003 letter from the Virgin Islands to OSEP, in which the Virgin Islands assures 1) that as soon as possible, but no later than June 30, 2004, the Virgin Islands will make all of the necessary revisions and changes to its statutes, regulations, policies and procedures, in order to make them consistent with the requirements of the IDEA and its implementing regulations in 34 CFR Part 300 as set out in the March 13, 2003 letter and chart from OSEP; 2) that all public agencies will operate consistent with the requirements of the regulations during the grant award period; and 3) that the Virgin Islands will notify public agencies regarding all changes made by the Virgin Islands and approved by OSEP pursuant to the March 13, 2003 letter and chart, that affect the public agencies' provision of special education and related services.

Conditional approval is also based, in part, upon the Office of Special Education Program's on-site visit in February 2003 and the VIDE's commitments as set out in the 2002 Department-wide Compliance Agreement.

In addition, pursuant to 34 C.F.R. §80.12, the Department is imposing Special Conditions on the FFY 2003 grant award with regard to items related to the 1999 Compliance Agreement and the Special Conditions attached to the FFY 2002 grant award. The terms of these Special Conditions and the reasons for imposing them are detailed in Enclosure B. Please note that all of the above documents must be made available for public inspection.

Page 2 - Honorable Noreen Michael

Please note that as part of your Eligibility Document Submission for FFY 2003, the Virgin Islands 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 periods for which it receives grant funding.

Enclosed is a grant award for funds currently available under the Department of Education FFY 2003 Appropriations Act for the Part B Section 611 (Grants to States). These funds are for use primarily in school year 2003-2004 and are available for obligation by States from July 1, 2003 through September 30, 2005. The amount appropriated for Section 611 in FFY 2003 for the Virgin Islands is \$8,197,048.00.

The funding formula for the Section 611 program is the same as was implemented for FFY 2000. 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 A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds.

Enclosure B sets out the Special Conditions being placed on the Virgin Islands to remedy the noncompliance with the IDEA. The provisions in the Special Conditions, are crucial to ensuring that children with disabilities are provided access to high-quality instruction in the general curriculum.

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

Sincerely,

/s/Patricia J. Guard for

Stephanie Smith Lee
Director
Office of Special Education Programs

Enclosures
cc: Mrs. Belinda West O'Neal