



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

July 1, 2013

Darice Plaskett, R.N., M.S.A., FACHE  
Acting Commissioner, USVI Department of Health  
1303 Hospital Ground Suite #10  
Charlotte Amalie  
St. Thomas, Virgin Islands 00802-6722

Dear Acting Commissioner Plaskett:

We have conditionally approved the Virgin Islands' application for Federal fiscal Year (FFY) 2013 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the application, submitted by the Virgin Islands Department of Health (VIDH) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 22, 2013; June 4, 2013; and June 17, 2013.

Our conditional approval of VIDH's FFY 2013 IDEA Part C grant is also based on VIDH's policies, procedures, methods, descriptions, assurances, and certifications identified in Section II.A, II.B, and II.C, which is incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on VIDH's certification in Section II.D of its FFY 2013 IDEA Part C application, in which section VIDH certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2013 grant award consistently with the requirements of the IDEA as found in 20 U.S.C. §§1431 through 1443 and the final regulations in 34 CFR Part 303 (as published on September 28, 2011); and
2. Make such changes to existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than the earlier of the date indicated by VIDH in Section II.A or II.B of its application or June 30, 2014.

The Virgin Islands' FFY 2013 IDEA Part C grant award is also being released subject to two sets of Special Conditions (which are Enclosures B and C to this letter and incorporated in this grant letter by this reference) that are being imposed by OSEP pursuant to the Department's authority in IDEA sections 616(g) and 642 and 34 CFR §80.12. Enclosure B imposes Special Conditions on the Virgin Islands' Government for all Department FFY 2013 grants to the Virgin Islands (including the IDEA Part C FFY 2013 grant) to ensure fiscal accountability of grant funds. Enclosure C identifies the fiscal Special Conditions imposed under Part C to ensure the timely payment to vendors who provide early intervention services to infants and toddlers with disabilities and their families in the Virgin Islands. By accepting this grant award, VIDH expressly agrees to comply with the Special Conditions identified in both Enclosures B and C.

As part of VIDH's application for FFY 2013, VIDH has provided an assurance, under Section II.C.2 of its FFY 2013 application and pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2013 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or under the final regulations in 34 CFR Part 303, VIDH must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and, for those policies and procedures specifically referenced in 34 CFR §303.101(c), receive OSEP approval prior to their implementation.

Enclosed is VIDH's FFY 2013 grant award for funds currently available under the Consolidated and Further Continuing Appropriations Act, 2013 -- P.L. 113-6 for the IDEA Part C program. These funds are available for obligation by IDEA Part C grant recipients from July 1, 2013 through September 30, 2015 in accordance with 34 CFR §76.709.

Section IV.B of the FFY 2013 application for Part C funds requested updated information about each State's restricted indirect cost rate. VIDH indicated in Section IV.B that VIDH has a provisional restricted indirect cost rate of 6.82%, and the agency is in the process of negotiating a new restricted indirect cost rate that will be in effect for the FFY 2013 grant period. In Section IV.B, VIDH indicated it will continue to bill the IDEA Part C FFY 2013 grant based on this provisional restricted indirect cost rate until a final restricted indirect cost rate agreement is approved for FFY 2013, which may result in an adjustment of the final audited expenditures allowed to the Part C FFY 2013 grant funds. When a final restricted indirect cost rate is approved for FFY 2013, please forward to our Indirect Cost Unit and to your OSEP State Contact: (1) a copy of the final restricted rate agreement; and (2) details of any adjustments made to GAPS/G-5 liquidations from the provisional or prior billing rate after approval of the final rate.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11<sup>th</sup> amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act].” Section 606 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, your State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2013 funds 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 may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C.

As a reminder, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's Fiscal Accountability Facilitators if you have further questions.

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 "Melody Musgrove". The signature is fluid and cursive, with a horizontal line extending to the right.

Melody Musgrove, Ed.D  
Director  
Office of Special Education Programs

Enclosures:

- Enclosure A
- Enclosure B
- Enclosure C

cc: Part C Coordinator