



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

September 11, 2014

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

Dear Commissioner Plaskett:

We have conditionally approved the Virgin Islands' application for Federal fiscal year (FFY) 2014 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). Our conditional approval is based on our review of the IDEA Part C 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 21, 2014, April 23, 2014, May 23, 2014, and June 9, 2014. We issued Virgin Islands' IDEA Part C FFY 2014 grant award originally on July 1, 2014, which is the effective date of this grant award. We are reissuing this revised grant letter for the sole purpose of correcting Enclosure A to accurately reflect VIDH's June 9, 2014 application.

Our conditional approval of VIDH's FFY 2014 IDEA Part C grant is based on VIDH's policies, procedures, methods, descriptions, assurances, and certifications identified in Sections II.A, II.B, and II.C, which are incorporated by reference to this grant award letter as Enclosure A. OSEP's conditional approval of VIDH's FFY 2014 IDEA Part C grant is also based on OSEP's approval of the policies, procedures, and descriptions submitted by VIDH on April 21, 2014, April 23, 2014, May 23, 2014, and June 9, 2014 under Sections II.A. 2 (Early intervention services), 4 (Developmental delay, evaluation, and assessment), 7 (CAPTA and specific at-risk children), 9 (Public participation), 11 (Head start description), and 12 (GEPA) of the FFY 2014 IDEA Part C application.

Our approval is further based on the VIDH's certification in Section II.D of its FFY 2014 IDEA Part C application, in which section the VIDH certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2014 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 either the date indicated by VIDH in Section II.A or B of its application or June 30, 2015, whichever is earlier.

The Virgin Islands' FFY 2014 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 is the Department's June 23, 2014 letter that imposes Special Conditions on the Virgin Islands' Government for all Department grants to the Virgin Islands (including the IDEA Part C FFY 2014 grant) to ensure fiscal accountability of grant funds.

Enclosure C identifies the IDEA Part C FFY 2014 Special Conditions imposed under Part C to ensure the timely payment to early intervention service providers/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 for throughout the period VIDH uses its IDEA Part C FFY 2014 funds.

As part of the VIDH's application for FFY 2014, VIDH has made an assurance, under Section II.C.2 of its FFY 2014 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 2014 grant period.

Enclosed is VIDH's FFY 2014 grant award for funds currently available under the Consolidated Appropriations Act, 2014 – P.L. 113-76 for the IDEA Part C program. These funds are available for obligation by VIDH from July 1, 2014 through September 30, 2016 in accordance with 34 CFR §76.709.

Section IV.B of the IDEA Part C FFY 2014 application requested updated information about each how your lead agency implements the restricted indirect cost rate requirements in 34 CFR §303.225(c). VIDH indicated in Section IV.B that VIDH has a provisional restricted indirect cost rate of 7.77% for the period October 1, 2010 through April 30, 2014, and the agency is in the process of negotiating a new restricted indirect cost rate that will be in effect for the FFY 2014 grant period. In Section IV.B, your lead agency also indicated it will continue to bill IDEA Part C FFY 2014 grant funds based on this provisional restricted indirect cost rate until a final restricted indirect cost rate agreement is approved for FFY 2014, which may result in an adjustment of the final audited expenditures allowed to the Part C FFY 2014 grant funds. When a final restricted indirect cost rate is approved by VIDH's cognizant Federal agency for FFY 2014, please forward a copy of it to our Indirect Cost Unit and to your OSEP State Contact.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11th 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, VIDH 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 2014 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. If VIDH adopts 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, it 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.

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 Fiscal Accountability Facilitator 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 large loop at the end.

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

Enclosures

- Enclosure A: Section II of VIDH's FFY 2014 IDEA Part C grant application
 - Enclosure B: Department-wide Special Conditions
 - Enclosure C: IDEA Part C Special Conditions
- cc: State Part C Coordinator