July 1, 2017

Honorable Sharon Ann McCollum  
Commissioner of Education  
Virgin Islands Department of Education  
1834 Kongens Gade  
St. Thomas, Virgin Islands 00802  

Dear Commissioner McCollum:

We have approved Virgin Islands' application for Federal fiscal year (FFY) 2017 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the IDEA Part B application submitted by the Virgin Islands Department of Education (VIDE) to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 15 and May 22, 2017, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

Virgin Islands' FFY 2017 IDEA Part B grant award is also being released subject to the Department-wide Special Conditions placed on all Departmental grants awarded to VIDE in order to ensure that the Virgin Islands is managing and administering Department funds in accordance with applicable Federal requirements and the appropriate fiscal accountability measures and management practices and controls. The specific reasons for doing so and the special conditions are detailed in Enclosure C. Because the services of a third-party fiduciary agent continue to be necessary to ensure that the Virgin Islands is managing and administering Department funds in accordance with applicable Federal requirements, the Department, through the FFY 2017 Special Conditions, is continuing to require the Virgin Islands to use a third-party fiduciary agent to perform the financial management duties required under 34 CFR parts 75 and 76, and the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR Part 200, for all Department grant awards.

Please note that as part of your application for FFY 2017, Virgin Islands has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that Virgin Islands will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by Virgin Islands, after OSEP approval, to information that is a part of Virgin Islands' Part B application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is Virgin Islands' FFY 2017 grant award for funds currently available under the Consolidated Appropriations Act, 2017, P.L. 115-31, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2017, through September 30, 2019, in accordance with 34 CFR §76.709.

The amount shown in your award for the Section 611 program is only part of the total funds that
will be awarded to you for FFY 2017. Of the $12,002,848,000 appropriated for Section 611 in
FFY 2017, $2,719,465,000 is available for awards on July 1, 2017, and $9,283,383,000 will be
available for awards on October 1, 2017. Under the Section 611 formula, the Secretary reserves
not more than one percent of the amount appropriated for FFY 2017 to provide each Freely
Associated State a grant in the amount that such Freely Associated State received in fiscal year
2003 under Part B of the IDEA.

Enclosure B provides a short description of how Section 611 funds were allocated and how those
funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of
Section 611 funds and the parameters for within-State allocations.

Under Section 608(a)(2) of the IDEA, each State that receives funds under IDEA Part B is
required to inform in writing local educational agencies located in the State of any State-imposed
rule, regulation, or policy that is not required by IDEA or Federal regulations. A State may use
the same list of State-imposed rules, regulations, and policies that it was required to submit to the
Department in Section IV of its IDEA Part B application for this purpose.

In Section V of its IDEA Part B application, pursuant to the authority in IDEA Section 618(a)(3),
the State was required to submit data on the total amount of the Virgin Islands financial support
made available for special education and related services for children with disabilities in Virgin
Islands' State fiscal year (SFY) 2015 and SFY 2016. If OSEP receives information through
audits, fiscal monitoring or other means that raises questions about the data Virgin Islands has
provided in Section V, OSEP will follow-up with Virgin Islands.

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 the 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, Virgin Islands 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 2017 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 B.

As a reminder, all prime recipients of IDEA Part B 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 Facilitator if you have further questions.

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

/S/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosures
Enclosure A
Enclosure B
Enclosure C

cc: State Director of Special Education