

Virgin Islands Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>Status of Public Reporting on LEA Performance: While the State has publicly reported on the performance of each LEA located in the State on the targets in the State’s performance plan as required by section 616(b)(2)(C)(ii)(I) of IDEA, those reports do not contain the required information. Specifically, the State did not report on the participation of children with disabilities on assessments with and without accommodations, or on alternate assessments as required by Indicator 3.</p>		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]</p>	<p>The State revised the calculation and the improvement activities for this indicator and OSEP accepts those revisions. The State’s FFY 2007 reported data for this indicator are 8%. OSEP was unable to determine whether there was progress or slippage from the FFY 2006 data that were based on a different calculation. The State met its FFY 2007 target of 8%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State’s FFY 2007 reported data for this indicator are 5.81%. These data represent progress from the FFY 2006 data of 10.51%. The State met its FFY 2007 target of 6%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup. [Results Indicator]</p>	<p>The State revised the baseline, targets, and improvement activities for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are more rigorous than the previously-established targets. The State’s FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the FFY 2006 data of 0%. The State met its FFY 2007 targets of 0%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular</p>	<p>The State revised the baseline, targets, and improvement activities for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are more rigorous than the previously-established targets. The State’s FFY 2007 reported data for this indicator are 96.97%. OSEP was unable to determine progress or slippage because the State’s FFY 2006 data</p>	<p>OSEP appreciates the State’s efforts to improve performance. Under the FFY 2008 Special Conditions, the State was required to: (1) report publicly on the participation of children with disabilities on Territory-wide and</p>

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<p>assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>for this indicator were not valid and reliable.</p> <p>The State met its FFY 2007 targets of 97%.</p> <p>OSEP’s June 6, 2008 SPP/APR response table and September 24, 2008 verification letter required the State to include in the FFY 2007 APR, due February 2, 2009, valid and reliable data for this indicator. The State provided the required data.</p> <p><u>Special Conditions</u></p> <p>Under the FFY 2008 Special Conditions the State is required to report publicly and to the Secretary on the participation of children with disabilities on Territory-wide assessments (and district-wide assessments) with and without accommodations and on alternate assessments, as required by 20 U.S.C. §1412(a)(16)(D) and 34 CFR §300.160 by May 15, 2009. In its FFY 2007 APR the State reported that the data will be publicly reported by March 1, 2009. OSEP was unable to locate public reporting on Territory-wide assessments for FFY 2006 and FFY 2007 that disaggregated the number of students with disabilities who took the regular assessment with and without accommodations. The State appears to be publicly reporting on the participation of children with disabilities on alternate assessments for FFY 2007. In addition, the FFY 2008 Special Conditions required that by May 15, 2009, the State provide documentation and information that it is ensuring that districts comply with the relevant Part B requirements under 20 U.S.C §1412(a)(16) and 34 CFR §300.160, to the extent that school districts in the State administer district-wide assessments, or an assurance from the appropriate district officials attesting that the district does not administer any assessment on a district-wide basis other than the statewide assessment and alternate (VITAL-A and VITAL-S). The State submitted a letter from the St. Croix school district.</p>	<p>district-wide assessments with and without accommodations and on alternate assessments; and (2) provide documentation or information that districts are in compliance with the requirements in 34 CFR §300.160 to the extent that district-wide assessments are administered, or provide an assurance from an appropriate official attesting that the district does not administer assessments on a district-wide basis, with the exception of the VITAL-S and VITAL-A. OSEP will respond to the State’s submission of this information along with the State’s FFY 2009 IDEA Part B grant award.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement</p>	<p>The State revised the baseline, targets, and improvement activities for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are more rigorous than the previously-established targets.</p> <p>The State’s FFY 2007 reported data for this indicator are 13.32% for reading and 20.84% for math. OSEP was unable to determine whether there was progress or slippage because the State’s FFY 2006 data was not valid and</p>	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>

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standards. [Results Indicator]	reliable. The State met part of its FFY 2007 targets. OSEP's June 6, 2008 SPP/APR response table and September 24, 2008 verification letter required the State to include in the FFY 2007 APR, due February 2, 2009, valid and reliable data for this indicator. The State provided the required data.	
4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 50%. These data represent slippage from the FFY 2006 data of 0%. The State met its FFY 2007 target of 50%. The State described how the State reviewed, and if appropriate, revised (or required the affected LEAs to revise), the LEA's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2007.	OSEP appreciates the State's efforts to improve performance. As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must again describe the results of the State's examination of data from FFY 2007 (2007-2008). In addition, the State must describe the review, and if appropriate, revision, of policies, procedures and practices relating to the development and implementation of IEP's the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the LEAs identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b).
4. Rates of suspension and expulsion: B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race	States were not required to report on this indicator for FFY 2007.	The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.

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and ethnicity. [Results Indicator]																						
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 480 1467 959"> <thead> <tr> <th></th> <th>FFY 2006 Data</th> <th>FFY 2007 Data</th> <th>FFY 2007 Target</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>A. % Removed from regular class less than 21% of the day.</td> <td align="center">34.87</td> <td align="center">34.88</td> <td align="center">36</td> <td align="center">0.01%</td> </tr> <tr> <td>B. % Removed from regular class greater than 60% of the day.</td> <td align="center">26.12</td> <td align="center">26.12</td> <td align="center">21</td> <td align="center">0.00%</td> </tr> <tr> <td>C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.</td> <td align="center">3</td> <td align="center">2.56</td> <td align="center">3</td> <td align="center">0.44%</td> </tr> </tbody> </table> <p>The State's FFY 2007 reported data for 5C are 2.56%. Based on the actual numbers the State provided in its FFY 2007 APR under this indicator for 5C, OSEP recalculated the State's data for 5C to be 3.13%. However, the State's FFY 2007 data under IDEA section 618 for 5C are 2.56%.</p> <p>The State's data under IDEA section 618 represent progress for 5A and 5C, and remain unchanged from the FFY 2006 data for 5B.</p> <p>The State met its target for 5C and did not meet its FFY 2007 targets for 5A and 5B.</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. % Removed from regular class less than 21% of the day.	34.87	34.88	36	0.01%	B. % Removed from regular class greater than 60% of the day.	26.12	26.12	21	0.00%	C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	3	2.56	3	0.44%	<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress																		
A. % Removed from regular class less than 21% of the day.	34.87	34.88	36	0.01%																		
B. % Removed from regular class greater than 60% of the day.	26.12	26.12	21	0.00%																		
C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	3	2.56	3	0.44%																		
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings,</p>	<p>States were not required to report on this indicator for FFY 2007.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>																				

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<p>home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>																														
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported progress data for this indicator are:</p> <table border="1" data-bbox="548 464 1419 1183"> <thead> <tr> <th data-bbox="548 464 1062 639">07-08 Preschool Outcome Progress Data</th> <th data-bbox="1062 464 1182 639">Social Emotional</th> <th data-bbox="1182 464 1302 639">Knowledge & Skills</th> <th data-bbox="1302 464 1419 639">Appropriate Behavior</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 639 1062 708">a. % of preschoolers who did not improve functioning.</td> <td align="center" data-bbox="1062 639 1182 708">52</td> <td align="center" data-bbox="1182 639 1302 708">56.1</td> <td align="center" data-bbox="1302 639 1419 708">50.6</td> </tr> <tr> <td data-bbox="548 708 1062 842">b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td> <td align="center" data-bbox="1062 708 1182 842">35.6</td> <td align="center" data-bbox="1182 708 1302 842">35.6</td> <td align="center" data-bbox="1302 708 1419 842">39.7</td> </tr> <tr> <td data-bbox="548 842 1062 943">c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.</td> <td align="center" data-bbox="1062 842 1182 943">12.3</td> <td align="center" data-bbox="1182 842 1302 943">6.8</td> <td align="center" data-bbox="1302 842 1419 943">9.5</td> </tr> <tr> <td data-bbox="548 943 1062 1044">d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.</td> <td align="center" data-bbox="1062 943 1182 1044">0</td> <td align="center" data-bbox="1182 943 1302 1044">1.36</td> <td align="center" data-bbox="1302 943 1419 1044">0</td> </tr> <tr> <td data-bbox="548 1044 1062 1144">e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.</td> <td align="center" data-bbox="1062 1044 1182 1144">0</td> <td align="center" data-bbox="1182 1044 1302 1144">0</td> <td align="center" data-bbox="1302 1044 1419 1144">0</td> </tr> <tr> <td data-bbox="548 1144 1062 1183">Total (approx. 100%)</td> <td align="center" data-bbox="1062 1144 1182 1183">99.90%</td> <td align="center" data-bbox="1182 1144 1302 1183">99.86%</td> <td align="center" data-bbox="1302 1144 1419 1183">99.80%</td> </tr> </tbody> </table> <p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, clarification that it adequately addressed those preschool students not served by the Head Start program. The State provided the clarification.</p>	07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of preschoolers who did not improve functioning.	52	56.1	50.6	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	35.6	35.6	39.7	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	12.3	6.8	9.5	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	0	1.36	0	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	0	0	0	Total (approx. 100%)	99.90%	99.86%	99.80%	<p>The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.</p> <p>It is unclear to OSEP whether the State’s plan to collect and report data for this indicator will result in the State’s ability to provide valid and reliable baseline data in the FFY 2008 APR, due February 1, 2010. OSEP is available to provide technical assistance.</p>
07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior																											
a. % of preschoolers who did not improve functioning.	52	56.1	50.6																											
b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	35.6	35.6	39.7																											
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e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	0	0	0																											
Total (approx. 100%)	99.90%	99.86%	99.80%																											
<p>8. Percent of parents with a child</p>	<p>The State revised the improvement activities for this indicator and OSEP</p>	<p>OSEP appreciates the State’s efforts to</p>																												

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<p>receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator]</p>	<p>accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 83.5%. These data represent progress from the FFY 2006 data of 76%.</p> <p>The State met its FFY 2007 target of 78%.</p>	<p>improve performance.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the FFY 2006 data of 0%.</p> <p>The State met its FFY 2007 target of 0%.</p> <p>The State reported that no districts were identified as having disproportionate representation of racial or ethnic groups in special education and related services based on the State’s calculation of the data.</p> <p>OSEP noted that on pages 50 and 52 the State’s reporting year is listed as “2006-2007” in the header for the Child Count, Total Student Enrollment and Disproportionate Representation data tables. The data in these tables differs from the data the State provided in its FFY 2006 APR when reporting under this indicator. OSEP is not clear whether the listing of “2006-2007” in the header of the data tables is a result of typographical errors.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, data for FFY 2005 and 2006 that identified which groups had disproportionate representation and whether it was the result of inappropriate identification, and describe how the State made that determination. The State provided the required information for FFY 2006. The State reported that it did not report on disproportionate representation in the FFY 2005 APR consistent with the measurement for this indicator.</p> <p>The State was also required to describe its determinations of whether LEAs identified as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification based on FFY 2005 data and those based on FFY 2006 data are in compliance with the requirements of 34 CFR §300.111, 300.201 and</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p> <p>OSEP reminds the State it must ensure that the APR as posted on its website is revised to reflect the accurate reporting years.</p>

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	<p>300.301 through 300.111. The State reported that the disproportionate representation for FFY 2006 was determined not to be a result of inappropriate identification. As noted above, the State reported that it did not report on the disproportionate representation in the FFY 2005 APR consistent with the measurement for this indicator.</p> <p>OSEP’s September 24, 2008 verification letter required the State to include in the FFY 2007 APR, due February 2, 2009, valid and reliable data for this indicator. The State provided the required data.</p>	
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the FFY 2006 data of 0%. The State met its FFY 2007 target of 0%.</p> <p>The State reported that no districts were identified as having disproportionate representation of racial or ethnic groups in specific disability categories based on the State’s calculation of the data.</p> <p>OSEP noted that on pages 57, 63, and 64 that the State did not consistently use the correct years for the reporting period. OSEP assumes that this is a result of typographical errors and not intended as data from multiple years.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, data for FFY 2005 and 2006 that identified which groups had disproportionate representation and whether it was the result of inappropriate identification, and describe how the State made that determination. The State provided the information for FFY 2006. The State reported that they did not report on disproportionate representation in the FFY 2005 APR consistent with the measurement for this indicator.</p> <p>The State was also required to describe its determinations of whether LEAs identified as having disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification based on FFY 2005 data and those based on FFY 2006 data are in compliance with the requirements of 34 CFR §300.111, 300.201 and 300.301 through 300.111. The State reported that the disproportionate</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p> <p>OSEP reminds the State it must ensure that the APR as posted on its website is revised to reflect the accurate reporting years.</p>

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	<p>representation of racial groups within specific disability categories for FFY 2006 was not determined to be the result of inappropriate identification. As noted above, the State reported that it did not report on the disproportionate representation in the FFY 2005 APR consistent with the measurement for this indicator.</p> <p>OSEP’s September 24, 2008 verification letter required the State to include in the FFY 2007 APR, due February 2, 2009, valid and reliable data for this indicator. The State provided the required data.</p>	
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 35%. These data represent progress from the FFY 2006 data of 21%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, data on the correction of noncompliance identified in the FFY 2005 APR. The State did not provide this information.</p> <p>OSEP could not determine the extent to which the State timely corrected prior findings of noncompliance identified in FFY 2006 related to this indicator because the State reported that districts were not providing information regarding the correction of previously identified noncompliance. The State reported that it will impose sanctions on districts by re-directing sub-grant allotments and assuming management responsibility for diagnostic centers.</p>	<p>The State did not report that the noncompliance identified in FFY 2005 and FFY 2006 with the timely evaluation requirement in 34 CFR §300.301(c)(1) was corrected. The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected the noncompliance identified in FFY 2005 and FFY 2006.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the timely evaluation requirement in 34 CFR §300.301(c)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-</p>

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		<p>02).</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 100%. These data represent progress from the FFY 2006 data of 81.4%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the VIDE to demonstrate in the FFY 2007 APR, due February 2, 2009, that noncompliance identified in FFY 2005 was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected. The VIDE provided this information.</p> <p>The VIDE reported that all five of its findings of noncompliance identified in FFY 2006 were corrected in a timely manner.</p> <p><u>Special Conditions</u></p> <p>The FFY 2008 Special Conditions required the State to submit with the FFY 2007 APR, due February 2, 2009, accurate and complete data disaggregated by LEA demonstrating compliance with the transition requirements (20 U.S.C §1412(a)(9) and 34 CFR §300.124) for children with disabilities transitioning from Part C to Part B for the period from February 2, 2008 to December 1, 2008 (i.e., for children participating under Part C who were born between February 2, 2005 and December 1, 2005, inclusive). The State provided the required information, but OSEP sought clarification on the documentation for two students that the State reported as falling under the exception in 34 CFR §300.301(d).</p> <p>The FFY 2008 Special Conditions required that by May 15, 2009, the State provide accurate and complete data disaggregated by LEA demonstrating compliance with the transition requirements (20 U.S.C §1412(a)(9) and 34</p>	<p>The State reported that noncompliance identified in FFY 2005 and FFY 2006 with the early childhood transition requirements in 34 CFR §300.124(b) was corrected in a timely manner.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>Under the FFY 2008 Special Conditions, the State was required to provide data, disaggregated by LEA, demonstrating compliance with the transition requirements (20 U.S.C §1412(a)(9) and 34</p>

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	CFR §300.124) for children with disabilities transitioning from Part C to Part B for the period from April 1, 2008 to March 30, 2009 (i.e., for children participating in Part C who were born between April 1, 2005 and March 30, 2006, inclusive). The State did not submit the required information.	CFR §300.124). OSEP will respond to the State's submission under the Special Conditions along with the State's FFY 2009 IDEA Part B grant award.
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 96.1%. These data represent progress from the FFY 2006 data of 45.97%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, data indicating that noncompliance identified in FFY 2005 was corrected in a timely manner, or if not corrected in a timely manner, when the noncompliance was corrected. The State provided this information.</p> <p>The State reported that 157 of 235 noncompliant IEPs identified in FFY 2006 related to this indicator were corrected in a timely manner, and that the remaining 78 IEPs represented IEPs of children who were no longer in the jurisdiction of the LEA.</p>	<p>The State reported that noncompliance identified in FFY 2005 and FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was corrected in a timely manner.</p> <p>Although the State is not required to report data for this indicator in the FFY 2008 APR, the State must report on the timely correction of noncompliance reported by the State under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 74.67%. These data represent progress from the FFY 2006 data of 72%.</p> <p>The State met its FFY 2007 target of 75%.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>

Virgin Islands Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]		
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 85.71%. However, OSEP recalculated the data for this indicator to be 86.6%. These data represent progress from the FFY 2006 data of 78.38%.</p> <p>OSEP’s September 24, 2008 verification letter required the State to submit with the FFY 2007 APR, due February 2, 2009, documentation that the State is ensuring that: (i) students receive the needed related services and that parents are not required to prepay and request reimbursement in order for a child to receive services; (ii) every student with a disability who receives transportation services can participate in a full school day; and (iii) assistive technology needed to implement the IEPs of students with disabilities is consistently available. The State did not provide the information.</p> <p>In addition, OSEP’s September 24, 2008 verification letter required the State to submit no later than December 1, 2008:</p> <p style="padding-left: 40px;">Evidence that it had implemented revised monitoring procedures including, but not limited to: the monitoring report(s) from its Cycle 1 monitoring activities; notice of identified noncompliance, if any; corrective action plans, as appropriate; documentation of corrected noncompliance, and documentation of enforcement action for any outstanding noncompliance, if any.</p> <p>The State submitted: (i) a Monitoring Manual; (ii) a Facilitated Self-Monitoring Corrective Action Plan for St. Croix dated November 28, 2008; (iii) a copy of the State’s Facilitated Self-assessment document; (iv) a Report of Findings and Executive Summary for St. Croix with no citations to federal or State requirements or regulations; and (v) a copy of the cover letter sent to districts with notice of timelines for reviews and corrective actions.</p>	<p>The State has not demonstrated that it is in compliance with the requirements, set out in OSEP’s September 24, 2008 verification letter related to: (i) students receiving the needed related services and that parents are not required to prepay; (ii) participation in a full school day; (iii) availability of assistive technology; and (iv) documentation of corrected noncompliance.</p> <p>OSEP is currently reviewing the State’s submission of monitoring materials in response to OSEP’s September 24, 2008 verification letter and will respond under separate cover.</p> <p>The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State has corrected the remaining findings of noncompliance identified in FFY 2005 and FFY 2006 that were not reported as corrected in the FFY 2007 APR. The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2008 APR, due February 1, 2010, that it has corrected this noncompliance.</p> <p>In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State’s monitoring system, through the State’s data system and</p>

Virgin Islands Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02.</p> <p>In addition, in responding to Indicators 11, 12 and 13, in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 100%. These data are based on five complaints. These data represent progress from the FFY 2006 data of 87.5%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p>

Virgin Islands Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	The State met its FFY 2007 target of 100%.	
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 100%. These data are based on one due process hearing. These data represent progress from the FFY 2006 data of 66.6%.</p> <p>The State met its FFY 2007 target of 100%.</p> <p>OSEP's September 24, 2008 verification letter required the State to submit no later than December 1, 2008:</p> <p style="padding-left: 40px;">Evidence that hearing officers and not staff grant extensions of time for due process hearings, including but not limited to, policy guidance or training to VIDE staff on the requirements of 34 CFR §300.515(c) and all relevant documentation on all due process hearing timeline extensions granted between September 24, 2008 and November 15, 2008, if any.</p> <p>The State submitted: (i) a presentation and sign-in sheets from a training session provided to district Directors and Supervisors; (ii) a copy of the Dispute Resolution Manual; and (iii) a statement that no requests for hearing timeline extensions were made between September 24, 2008 and November 15, 2008.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p> <p>Given that there were no requests for timeline extensions made between September 24, 2008 and November 15, 2008, OSEP cannot conclude that the State is in compliance with the requirements of 34 CFR §300.515(c) regarding hearing timeline extensions. With the FFY 2008 APR, due February 1, 2010, the State must submit documentation demonstrating compliance with 34 CFR §300.515(c), including but not limited to: all relevant documentation on all due process hearing timeline extensions, if any, granted between November 2, 2008 and January 1, 2010.</p> <p>OSEP is currently reviewing the State's other documentation provided in response to OSEP's September 24, 2008 verification letter and will respond under separate cover.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that less than 10 resolution sessions were conducted during the reporting period.</p> <p>OSEP's September 24, 2008 verification letter required the State to submit no later than December 1, 2008:</p> <p style="padding-left: 40px;">Evidence that the State is properly implementing the requirements of 34 CFR §300.510 related to resolution meetings, including but not limited to: policy guidance and training for relevant staff on resolution meetings; a list of all due process hearings requested by parents between September 24, 2008 and November 1, 2008; documentation that those</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p> <p>Given that there were no due process hearings requested between September 24, 2008 and November 1, 2008, OSEP cannot conclude that the State is in compliance with the requirements of 34 CFR §300.510 related to resolution meetings. With the FFY 2008 APR, due February 1, 2010, the</p>

Virgin Islands Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>parents were offered a resolution meeting; the dates that each resolution meeting was held; a copy of each signed written waiver of the resolution meeting; or documentation that the parties agreed to use mediation in lieu of the meeting.</p> <p>The State submitted: (i) a presentation and sign-in sheets for training provided to district Directors and Supervisors; (ii) a copy of the Dispute Resolution Manual; and (iii) a statement that no due process hearings were requested between September 24, 2008 and November 1, 2008.</p>	<p>State must submit documentation demonstrating compliance with 34 CFR §300.510, including but not limited to: a list of all due process hearings requested by parents between November 2, 2008 and January 1, 2010; documentation that those parents were offered a resolution meeting; the dates that each resolution meeting was held; a copy of each signed written waiver of the resolution meeting; or documentation that the parties agreed to use mediation in lieu of the meeting.</p> <p>OSEP is currently reviewing the State's other documentation provided in response to OSEP's September 24, 2008 verification letter and will respond under separate cover.</p>
<p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State's FFY 2007 reported data for this indicator are 100%. These data remain unchanged from the FFY 2006 data of 100%.</p> <p>The State reported that four of four mediations resulted in settlement agreements.</p> <p>The State reported fewer than ten mediations held in FFY 2007. The State is not required to meet its targets or provide improvement activities until any FFY in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2008 APR, due February 1, 2010.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 100%. These data represent progress from the FFY 2006 of 82.9%.</p> <p>OSEP's September 24, 2008 verification letter required the State to submit in the FFY 2007 APR, due February 2, 2009, valid and reliable data for all indicators, and documentation that it has addressed incomplete, incorrect and untimely data at the LEA level, including but not limited to: VIDE's standards for data validity and reliability; evidence of training and technical assistance</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY</p>

Virgin Islands Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>for relevant LEA data personnel; and/or an analysis of the effectiveness of VIDE’s efforts on the accuracy, completeness and timeliness of data reporting by the districts. The State reported valid and reliable data for all indicators. The State reported, in its FFY 2007 APR, that it continues to have long-standing issues regarding the consistent failure of districts in providing information to the State demonstrating the correction of previously identified noncompliance for Indicator 11. The State reported that it will impose sanctions on districts by re-directing sub-grant allotments and assuming management responsibility for diagnostic centers.</p>	<p>2008 APR, the State must use the Indicator 20 Data Rubric.</p>