

Virgin Islands Part B FFY 2008 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 FFY 2006 (July 1, 2006-June 30, 2007) 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 all of 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. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State did not revise the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator.</p> <p>The State’s FFY 2008 reported data for this indicator are 76.7%. OSEP was unable to determine whether there was progress or slippage because the State’s FFY 2007 data were based on a different calculation. OSEP was unable to determine if the State met its target because the State reported revised baseline data for FFY 2008, and reported revised targets for FFY 2009 and 2010.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR). In its APR submitted February 1, 2010, the State reported FFY 2008 data for this indicator.</p> <p>The State provided a narrative that describes the conditions youth must meet to graduate with a regular diploma.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR, due February 1, 2011.</p> <p>While the State’s actual target data reflect the correct measurement, the State did not revise the measurement language in its APR or revised SPP. The State must: (1) ensure that it revises the measurement language in its FFY 2009 APR; and (2) provide a revised SPP that reflects the revisions to the measurement language with its FFY 2009 APR.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State did not revise the measurement language for this indicator.</p> <p>The State’s FFY 2008 reported data for this indicator are 4.59%. OSEP was unable to determine whether there was progress or slippage because the State’s FFY 2007 data were based on a different calculation. OSEP was unable to determine if the State met its target because the State reported revised baseline data for FFY 2008, and reported revised targets for FFY 2009 and 2010.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p> <p>While the State’s actual target data reflect the correct measurement, the State did not revise the measurement language in its APR or revised SPP. The State must: (1) ensure that it revises the measurement language in its FFY 2009 APR; and (2) provide a revised SPP that reflects the</p>

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	<p>The State reported the required dropout rate calculation and timeline established by the ESEA. This means that the State submitted the most recent dropout data that the State reported to the Department as part of its CSPR. In its APR submitted February 1, 2010, the State reported FFY 2008 data for this indicator.</p> <p>The State provided a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs.</p>	<p>revisions to the measurement language with its FFY 2009 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.</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 FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met its FFY 2008 target of 0%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) baseline, targets and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 92.7% for reading and 92.7% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from FFY 2007 data. OSEP was unable to determine if the State met its target because the State reported revised baseline data for FFY 2008, and reported revised targets for FFY 2009 and 2010.</p> <p>The State provided web links to 2008 publicly-reported assessment results. http://www.doe.vi and http://www.usviosep.org/webpages/alternate.html</p> <p><u>Special Conditions</u></p> <p>Under the FFY 2009 Special Conditions, the State is required to report publicly and to the Secretary, with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the participation of children with disabilities on Territory-wide assessments with and without</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p> <p>OSEP will respond to the State’s submission of information under the FFY 2009 Special Conditions along with the State’s FFY 2010 IDEA Part B grant award.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>accommodations and on alternate assessments, as appropriate, based on grade level achievement standards and/or alternate academic achievement standards consistent with 20 U.S.C. §1412(a)(16) and 34 CFR §300.160(f) by May 15, 2010. In addition, the FFY 2009 Special Conditions required that by May 15, 2010 the State must submit documentation and information that it is ensuring that the St. Thomas/St. John school district is complying with the requirements of 20 U.S.C §1412 (a)(16) and 34 CFR §300.160(f) that apply to districtwide assessments, including clarification of whether the district reports on assessments for nondisabled students and, as appropriate, correction of any reporting errors. Finally, the FFY 2009 Special Conditions required that by February 1, 2010 the State submit a revised Test Administration Manual that fully addressed the requirements of 20 U.S.C §1412(a)(16) and 34 CFR §300.160, including but not limited to, appropriate guidelines and accommodations; for participation in alternate assessments; and for reporting. The State reported in its FFY 2008 APR that the Division of Curriculum and Instruction was responsible for the revision of the manual and the State Office of Special Education was a member of the task force for the development of the manual. The State Office of Special Education reported that as of the date of its APR submission it had not been provided with a revised manual. The State submitted: (1) draft language to be included in the revision of the Test Administration Manual that was submitted to the State’s Division of Curriculum and Instruction; and (2) a copy of its Virgin Islands Territorial Assessments of Learning – Alternate Assessment Resource Guide with its FFY 2008 APR submission.</p>	

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) baseline, targets and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 33.14%. However, OSEP recalculated the data for this indicator to be 11.6% for reading and 19.9% for math. The data source for this indicator has changed. Therefore, OSEP cannot determine progress or slippage from FFY 2007 data. OSEP was unable to determine if the State met its target because the State reported revised baseline data for FFY 2008, and reported revised targets for FFY 2009 and 2010.</p> <p>The State provided a web link to 2008 publicly-reported assessment results. http://www.doe.vi and http://www.usviosep.org/webpages/alternate.html</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</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 FFY 2008 reported data for this indicator are 50%. Because the State’s actual target data for this indicator are from the same year as the data reported for this indicator in the State’s FFY 2007 APR, OSEP cannot comment on whether there is progress or slippage. The State met its FFY 2007 target of 50%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that it reviewed 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.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps					
	<p>The State reported that it 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, pursuant to 34 CFR §300.170(b), for the LEAs identified with significant discrepancies for FFY 2007.</p>						
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator; New for FFY 2009]</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR.</p>	<p>Indicator 4B is new for FFY 2009. Baseline data from 2008-2009, targets (0%), and improvement activities must be submitted with the FFY 2009 APR.</p>					
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table), and 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 1300 1467 1446"> <tr> <td data-bbox="548 1300 1024 1446"></td> <td data-bbox="1024 1300 1136 1446">FFY 2007 Data</td> <td data-bbox="1136 1300 1247 1446">FFY 2008 Data</td> <td data-bbox="1247 1300 1358 1446">FFY 2008 Target</td> <td data-bbox="1358 1300 1467 1446">Progress</td> </tr> </table>		FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	<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 2009 APR.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress			

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[Results Indicator]	A. % Inside the regular class 80% or more of the day	34.88	41	36	6.12%	
	B. % Inside the regular class less than 40% of the day	26.12	23.91	21	2.21%	
	C. % In separate schools, residential facilities, or homebound/hospital placements	2.56	3.06	3	-0.50%	
	These data represent progress for 5A and 5B and slippage for 5C from the FFY 2007 data. The State met its FFY 2008 target for 5A, but did not meet its FFY 2008 targets for 5B and 5C.					
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	The State is not required to report on this indicator in the FFY 2008 APR.					The instruction package for the FFY 2009 APR/SPP will provide guidance regarding the information that States must report for this indicator in their FFY 2009 APRs.
<p>7. Percent of preschool children age 3 through 5 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</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State provided FFY 2008 baseline data, and improvement activities, but did not provide acceptable targets. Specifically, the State did not provide targets for both summary statements.</p> <p>The State's FFY 2008 reported baseline data for this indicator are:</p>					The State must report progress data and actual target data for FFY 2009, and targets for the two summary statements, with the FFY 2009 APR.

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<p>early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>08-09 Preschool Outcome Baseline Data</p>	<p align="center"><u>Summary Statement 1</u>¹</p>	<p align="center"><u>Summary Statement 2</u>²</p>	
	<p>Outcome A: Positive social-emotional skills (including social relationships) (%)</p>	<p align="center">9.9</p>	<p align="center">0</p>	
	<p>Outcome B: Acquisition and use of knowledge and skills (including early language/communication) (%)</p>	<p align="center">14.1</p>	<p align="center">0</p>	
	<p>Outcome C: Use of appropriate behaviors to meet their needs (%)</p>	<p align="center">11.3</p>	<p align="center">0</p>	
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 83.5%. These data remain unchanged from the FFY 2007 data of 83.5%. The State met its FFY 2008 target of 80%. In its description of its FFY 2008 data, the State addressed whether the response group was representative of the population.</p>			<p>OSEP appreciates the State's efforts to 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>The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met its FFY 2008 target of 0%. The State reported that two districts were identified with disproportionate</p>			<p>OSEP appreciates the State's efforts regarding this indicator. OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>

¹ Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program.

² Summary Statement 2: The percentage of preschool children who were functioning within age expectations in each Outcome by the time they turned six years of age or exited the program.

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	<p>representation of racial and ethnic groups in special education and related services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State reported the definition of disproportionate representation.</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.</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 2008 reported data for this indicator are 0%. These data remain unchanged from the FFY 2007 data of 0%. The State met its FFY 2008 target of 0%.</p> <p>The State reported that two districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State reported the definition of disproportionate representation.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p> <p>OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are questions or concerns.</p>
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 97%. These data represent progress from the FFY 2007 data of 35%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 97 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p> <p>The State reported that all 279 findings of noncompliance identified in FFY 2006 and 238 findings in FFY 2005 for this indicator were corrected.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</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 measurement language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 100%. The State's FFY 2007 data reported under this indicator in the FFY 2007 APR are not consistent with the data reported under Indicator 15 in this APR. Specifically, the State reported on its Indicator 15 worksheet that one finding of noncompliance was identified in FFY 2007 related to the early childhood transition requirements in 34 CFR §300.124(b). However, the State reported under Indicator 12 that there were no findings of noncompliance identified in FFY 2007. In addition, in its FFY 2007 APR submission, the State's reported data were 100% under this indicator. OSEP could not determine which FFY 2007 data are correct and therefore, cannot determine whether there was progress or slippage. The State met its FFY 2008 target of 100%.</p> <p><u>Special Conditions</u></p> <p>Under the FFY 2009 Special Conditions, the State is required to submit, by</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the early childhood transition requirements in 34 CFR §300.124(b).</p> <p>The State must clarify in the FFY 2009 APR, which FFY 2007 reported data are correct. In addition, if noncompliance was identified in FFY 2007 related to the early childhood transition requirements the State must report in its FFY 2009 APR on the status of correction of the noncompliance.</p> <p>When reporting the correction of noncompliance, the State must report that it has verified that each LEA with noncompliance reflected in the FFY 2007 data, if any: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100%</p>

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	<p>May 15, 2010, accurate and complete data and information 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 April 1, 2009 to March 30, 2010 (i.e., for children participating in Part C who were born between April 1, 2006 and March 30, 2007, inclusive. With its FFY 2008 APR the State submitted information on children with disabilities who transitioned from Part C to Part B during FFY 2008.</p>	<p>compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>OSEP will respond to the State's submission under the FFY 2009 Special Conditions along with the State's FFY 2010 Part B grant award.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p>	<p>The State is not required to provide actual target data for FFY 2008 for this indicator.</p> <p>The State reported that all 17 of its findings of noncompliance identified in FFY 2007 for this indicator were corrected in a timely manner.</p>	<p>In the FFY 2009 APR, the State must provide a revised baseline using data from 2009-2010. Targets must remain 100%.</p>

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[Compliance Indicator]		
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school.</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State is not required to provide actual target data, targets or improvement activities for FFY 2008 for this indicator.</p>	<p>In the FFY 2009 APR, the State must report a new baseline, targets, and, as needed, improvement activities.</p>
<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 revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 96.1%. These data represent progress from the FFY 2007 data of 86.6%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 149 of 155 findings of noncompliance identified in FFY 2007 were corrected in a timely manner and that 6 of 6 remaining findings subsequently were corrected. The State did not provide the date of subsequent correction.</p> <p>The State reported on its Indicator 15 worksheet that one finding of noncompliance had been identified in FFY 2007 related to the early childhood transition requirements in 34 CFR §300.124(b). However, the State reported under Indicator 12 that there were no findings of noncompliance for FFY 2007. In addition, in its FFY 2007 APR submission, the State's reported data were 100% for Indicator 12. OSEP could not determine which data are</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that the State timely corrected noncompliance, identified in FFY 2008, 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>The State must clarify in the FFY 2009 APR, which FFY 2007 data regarding noncompliance identified under Indicator 12 are correct. In addition, if noncompliance was identified in FFY 2007 related to the early childhood transition requirements the State must report in its FFY 2009 APR on the status of correction</p>

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	<p>correct.</p> <p>The State reported that 279 of 279 remaining findings of noncompliance identified in FFY 2006, and 238 of 238 remaining findings of noncompliance identified in FFY 2005 were corrected. 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: (1) 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; (2) every student with a disability who receives transportation services can participate in a full school day; and (3) assistive technology needed to implement the IEPs of students with disabilities is consistently available. On February 1, 2010, the State submitted with its FFY 2008 APR: (1) memoranda to the local superintendents and directors stating that it is the responsibility of Local Educational Agencies (LEAs) to assume all financial obligations for related services needed by special education students; (2) memoranda to district superintendents and directors stating that districts must ensure that all children, including those who receive transportation services, meet the requirements of a six hour school day; and (3) memoranda to district directors requesting information on the availability of assistive technology devices and a list of qualified personnel responsible for evaluating and training children with disabilities and their families in the use of assistive technology devices.</p>	<p>of noncompliance.</p> <p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In responding to Indicator 11 in the FFY 2009 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2009 APR, the State must use the Indicator 15 Worksheet</p> <p>OSEP is currently reviewing the State’s late submission of materials, with the FFY 2008 APR, that relate to OSEP’s September 24, 2008 verification letter and will respond under separate cover.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for</p>	<p>The State revised the indicator language (consistent with revisions in the Indicator Measurement Table) and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2008 reported data for this indicator are 100%. These data</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>remain unchanged from the FFY 2007 data of 100%. The State met its FFY 2008 target of 100%.</p>	
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State revised improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State indicated in its FFY 2008 APR that it revised its indicator language for this indicator, but did not submit a revised SPP or direct OSEP to a revised SPP that reflected those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 100%. These data are based on three due process hearings. The State met its FFY 2008 target of 100%.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, due February 1, 2010, documentation demonstrating compliance with 34 CFR §300.515(c), including, but not limited to: all relevant documentation on hearing timeline extensions, if any, granted between November 2, 2008 and January 1, 2010. The State provided extension letters for three due process hearings.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p> <p>The State must provide a revised SPP that reflects the revisions to the indicator language with its FFY 2009 APR.</p> <p>OSEP is currently reviewing the State's February 1, 2010 submission of materials in response to OSEP's September 24, 2008 verification letter and OSEP's June 1, 2009 FFY 2007 SPP/APR response table. The results of OSEP's review will be issued 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 two of two resolution sessions resulted in settlement agreements.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2008. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p> <p>OSEP's June 1, 2009 FFY 2007 SPP/APR response table required the State to include in the FFY 2008 APR, due February 1, 2010, 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</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p> <p>OSEP is currently reviewing the State's February 1, 2010 submission of materials in response to OSEP's September 24, 2008 verification letter and OSEP's June 1, 2009 FFY 2007 SPP/APR response table. The results of OSEP's review will be issued under separate cover.</p>

Virgin Islands Part B FFY 2008 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>2, 2008 and January 1, 2010; documentation that those parents were offered a resolution meeting; the dates 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. The State provided documentation regarding 21 due process hearings requested by parents during the specified timeframe.</p>	
<p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State reported that nine of nine mediations resulted in mediation agreements.</p> <p>The State reported fewer than ten mediations were held in FFY 2008. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</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's FFY 2008 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 97.31%. These data represent slippage from the FFY 2007 data of 100%. The State did not meet its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, 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). If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>In reporting on Indicator 20 in the FFY 2009 APR, the State must use the Indicator 20 Data Rubric.</p>