

Virgin Islands Part B FFY 2009 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: The State has not publicly reported on the FFY 2008 (July 1, 2008-June 30, 2009) performance of each local educational agency (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. The State must include in its FFY 2010 APR, due February 1, 2012, confirmation that it has completed public reporting for these indicators.</p>		
<p>Technical Assistance: The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, and was required to access technical assistance related to Virgin Islands’ Department-wide Special Conditions and status as a high risk grantee through the Department’s Risk Management Services (RMS). Specifically, the Virgin Islands Department of Education (VIDE) was required to report, with the FFY 2009 APR, on: (1) the technical assistance it received from RMS; and (2) the actions the State took as a result of that technical assistance. The State provided all of the required information.</p>		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010, and baseline for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 19%. OSEP was unable to determine whether there was progress or slippage, or whether the State met its target because the State established a new baseline.</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).</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 4.82%. These data represent slippage from the FFY 2008 data of 4.59%. The State did not meet its FFY 2009 target of 3%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<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>FFY 2012. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p>	<p>the FFY 2010 APR, due February 1, 2012.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 81% for reading and 81% for math. However, OSEP could not determine if the State reported valid and reliable data for this indicator. In calculating the participation rate, VIDE reported under this indicator that 645 children with IEPs were enrolled during the testing window. However, in calculating the proficiency rate under Indicator 3C, the State reported that 1,211 children with IEPs were enrolled for a full academic year. The State did not account for the large discrepancy in the FFY 2009 data between the denominator used to calculate the participation rate of children with IEPs, and the denominator used to calculate the proficiency rate of children with IEPs. Therefore, OSEP could not determine whether there was progress or slippage or whether the State met its target.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results. However, the data posted at the Web link provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), for the following reason: the data do not provide the number of children with disabilities in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and/or school levels.</p> <p><u>Special Conditions</u></p> <p>Under the FFY 2010 Special Conditions, the State is required to report publicly and to the Secretary, consistent with the standards in 20 U.S.C. §1412(a)(16) and 34 CFR §300.160(f), with the same frequency and in the same detail as it reports on the assessment of nondisabled children, including the number of children with disabilities participating on Territory-wide assessments with accommodations; the number of children participating without accommodations; and the number of children</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State did not provide an explanation to account for the large discrepancy between the number of children with IEPs enrolled during the testing window, and the number of children with IEPs enrolled for a full academic year. The State must provide the required explanation of its FFY 2009 data in the FFY 2010 APR.</p> <p>The State did not report publicly on the participation of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f). Specifically, the State has not reported the number of children with disabilities in regular assessments who were provided</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>participating in the alternate assessments, by May 1, 2011. Because OSEP has imposed similar Special Conditions on Virgin Islands' Part B IDEA grant award since FFY 2005, this is an area of longstanding noncompliance. In addition, the FFY 2010 Special Conditions required that by May 1, 2011, the State must submit documentation and information that St. Thomas/St. John school district is complying with the requirements of 20 U.S.C. §1412(a)(16) to the extent that the school district is administering a standardized assessment on a districtwide basis. Finally, the FFY 2010 Special Conditions required that by February 1, 2011, the State must submit appropriate policies and procedures, that may include the revised Test Administration Manual that fully address the requirements of 20 U.S.C §1412(a)(16) and 34 CFR §300.160. The State submitted: (1) a revised Test Administration Manual; and (2) a letter assuring that the assessment administered in the St. Thomas/St. John district is only for diagnostic, internal purposes. As noted above, the public reporting requirements of 20 U.S.C. §1412(a)(16) and 34 CFR §300.160(f) have not been met for children with disabilities participating on Territory-wide assessments with accommodations and this constitutes longstanding noncompliance.</p>	<p>accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>OSEP reminds the State that in the FFY 2010 APR, due February 1, 2012, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p> <p>OSEP will respond to the State's FFY 2010 Special Conditions along with the State's FFY 2011 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, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 14.9% for reading and 7.9% for math.</p> <p>As noted above, the State provided a Web link to the 2009 assessment performance reports.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>OSEP will respond to the State's FFY 2010 Special Conditions along with the State's FFY 2011 Part B grant award.</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>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. The State met its FFY 2009 target of 50%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]	<p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that grades K-6 did not meet the State-established minimum “n” size requirement of ten and were excluded from the calculation.</p> <p>The State reported that it reviewed the LEAs’ 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. The State did not identify any LEAs with significant discrepancies based on FFY 2008 data.</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]</p>	<p>The State provided targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.</p> <p>The State’s FFY 2009 baseline data for this indicator are 50%. However, the State did not provide valid and reliable data for this indicator. These data are not valid and reliable because the State did not conduct its review pursuant to 34 CFR §300.170(b) for LEAs identified with significant discrepancies based on FFY 2008 data as required by the measurement. On pages 35-36 of the APR, the State reported that it conducted its review for LEAs identified with significant discrepancies for 2007 and hypothesized that the LEA identified with a significant discrepancy based on FFY 2008 data may have problems with the implementation of the policies and procedures.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that grades K-6 did not meet the State-established minimum “n” size requirement of ten and were excluded from the calculation.</p>	<p>The State did not conduct the review of 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 that these policies, procedures, and practices comply with IDEA, as required in 34 CFR §300.170(b). In the FFY 2010 APR, due February 1, 2012, the State must report correction of this noncompliance by describing the review, and if appropriate, revision of 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 that these policies, procedures, and practices comply with the IDEA, for districts identified with significant discrepancies based on</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>FFY 2008 data, as required in 34 CFR §300.170(b).</p> <p>If the review identifies noncompliance, the State must demonstrate, in the FFY 2010 APR, that the districts identified with noncompliance based on FFY 2008 data have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (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 district, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
		OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.																				
<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>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the target for 5B for FFY 2010, and improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised target. The revised target is less rigorous than the previously-established targets.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="550 799 1583 1274"> <thead> <tr> <th></th> <th><u>FFY 2008</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">41</td> <td align="center">46.7</td> <td align="center">41</td> <td align="center">5.70%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">23.91</td> <td align="center">24.9</td> <td align="center">16</td> <td align="center">7.91%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">3.06</td> <td align="center">3.59</td> <td align="center">3</td> <td align="center">-0.53%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and 5B and slippage for 5C from the FFY 2008 data. The State met its FFY 2009 target for 5A, but did not meet its FFY 2009 targets for 5B and 5C.</p>		<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	41	46.7	41	5.70%	B. % Inside the regular class less than 40% of the day	23.91	24.9	16	7.91%	C. % In separate schools, residential facilities, or homebound/hospital placements	3.06	3.59	3	-0.53%	<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 2010 APR, due February 1, 2012.</p>
	<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	41	46.7	41	5.70%																		
B. % Inside the regular class less than 40% of the day	23.91	24.9	16	7.91%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	3.06	3.59	3	-0.53%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010</p>																				

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]</p>		<p>APR, due February 1, 2012.</p>																				
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the targets for FFY 2010, and baseline 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 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 915 1583 1521"> <thead> <tr> <th data-bbox="548 915 957 1016"><u>Summary Statement 1</u></th> <th data-bbox="957 915 1163 1016"><u>FFY 2008 Data</u></th> <th data-bbox="1163 915 1373 1016"><u>FFY 2009 Data</u></th> <th data-bbox="1373 915 1583 1016"><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1016 957 1151">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="957 1016 1163 1151">9.9</td> <td align="center" data-bbox="1163 1016 1373 1151">44.9</td> <td align="center" data-bbox="1373 1016 1583 1151">44.9</td> </tr> <tr> <td data-bbox="548 1151 957 1320">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="957 1151 1163 1320">14.1</td> <td align="center" data-bbox="1163 1151 1373 1320">46.43</td> <td align="center" data-bbox="1373 1151 1583 1320">46.43</td> </tr> <tr> <td data-bbox="548 1320 957 1424">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="957 1320 1163 1424">11.3</td> <td align="center" data-bbox="1163 1320 1373 1424">57.14</td> <td align="center" data-bbox="1373 1320 1583 1424">57.14</td> </tr> <tr> <th data-bbox="548 1424 957 1521"><u>Summary Statement 2</u></th> <th data-bbox="957 1424 1163 1521"><u>FFY 2008 Data</u></th> <th data-bbox="1163 1424 1373 1521"><u>FFY 2009 Data</u></th> <th data-bbox="1373 1424 1583 1521"><u>FFY 2009 Target</u></th> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	9.9	44.9	44.9	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	14.1	46.43	46.43	Outcome C: Use of appropriate behaviors to meet their needs (%)	11.3	57.14	57.14	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																			
Outcome A: Positive social-emotional skills (including social relationships) (%)	9.9	44.9	44.9																			
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	14.1	46.43	46.43																			
Outcome C: Use of appropriate behaviors to meet their needs (%)	11.3	57.14	57.14																			
<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																			

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
	Outcome A: Positive social-emotional skills (including social relationships) (%)	0	32.20	32.20	
	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	0	27.12	27.12	
	Outcome C: Use of appropriate behaviors to meet their needs (%)	0	40.68	40.68	
	The State provided revised baseline data using FFY 2009 data. Therefore OSEP is not comparing FFY 2009 data to FFY 2008 data. The State met its FFY 2009 targets.				
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]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions. The State's FFY 2009 data for this indicator are 81.8%. However, OSEP recalculated the data for this indicator to be 1.2%. These data represent slippage from the FFY 2008 data of 83.5%. The State did not meet its FFY 2009 target of 80%. In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.				OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.
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. [Compliance Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions. The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%. The State reported that two districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also				OSEP appreciates the State's efforts regarding this indicator.

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>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 provided its definition of “disproportionate representation.”</p> <p>The State reported that three racial and ethnic groups did not meet the State-established minimum “n” size requirement of ten and were excluded from the calculation.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that one district was 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 provided its definition of “disproportionate representation.”</p> <p>The State reported that three racial and ethnic groups did not meet the State-established minimum “n” size requirement of ten and were excluded from the calculation.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 99.23%. These data represent progress from the FFY 2008 data of 97%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all six of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2009, the State must report on the status of correction of noncompliance reflected in the data the State</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 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 Memo 09-02. In the FFY 2010 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 2010 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</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the early childhood transition requirements in 34 CFR §300.124(b).</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>birthdays. [Compliance Indicator]</p>	<p>unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%. OSEP’s FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011 clarification regarding which FFY 2007 reported data are correct. The State provided the required information.</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. [Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State’s FFY 2009 reported baseline data for this indicator are 100%.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b).</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2010, FFY 2011 and FFY 2012.</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>school; B. Enrolled in higher education or competitively employed within one year of leaving high school. 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's reported FFY 2009 baseline data for this indicator are: A. 19% enrolled in higher education within one year of leaving high school; B. 59% enrolled in higher education or competitively employed within one year of leaving high school; and C. 80% 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>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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 76.47%. These data represent slippage from the FFY 2008 data of 96.1%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 78 of 102 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that four findings were subsequently corrected by December 1, 2010. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>OSEP's FFY 2008 SPP/APR response table, dated June 3, 2010, required the State to clarify in the FFY 2009 APR, due February 1, 2011 which FFY 2007 data regarding noncompliance identified under Indicator 12 are correct. The State provided the required information.</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 2010 APR, due February 1, 2012, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, due February 1, 2012, the State must report that it verified that each LEA with noncompliance identified in FFY 2009 and FFY 2008, if applicable: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance)</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>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 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In responding to Indicator 11 in the FFY 2010 APR, due February 1, 2012, the State must report on correction of the noncompliance described in this table under that indicator.</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, 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>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on seven complaints. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]		
<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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on six due process hearings. The State met its FFY 2009 target of 100%.</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>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 all seven resolution sessions resulted in settlement agreements.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2009. 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 looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State provided improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions.</p> <p>The State reported that all five mediations resulted in mediation agreements. However, the State's FFY 2009 data under IDEA section 618 for this indicator are one of five mediations resulted in mediation agreements. The State reported under this indicator that the data reported in its APR submission are the correct data and that the data reported on Table 7 are incorrect. The State met its FFY 2009 target of 95%.</p> <p>The State reported fewer than ten mediations held in FFY 2009. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten mediations were held.</p>	<p>The State must correct the 618 data reported on Table 7 and resubmit an electronic version to OSEP's data contractor at IDEAData_PartB@westat.com by June 30, 2011. The State must notify the OSEP State Contact when this action has been completed.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 95.56%. These data represent slippage from</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide</p>

Virgin Islands Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Compliance Indicator]	the FFY 2008 data of 97.31%. The State did not meet its FFY 2009 target of 100%.	data in the FFY 2010 APR, due February 1, 2012, 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). In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Data Rubric.