



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

JUN 27 2012

Honorable LaVerne Terry
Commissioner of Education
Virgin Islands Department of Education
1834 Kongens Gade
St. Thomas, Virgin Islands 00802-6746

Dear Dr. Terry:

Thank you for the timely submission of Virgin Islands' Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(ii), Virgin Islands needs assistance in meeting the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2010 APR and revised SPP, other State-reported data, the State's submissions under the Special Conditions on Virgin Islands' FFY 2011 Part B grants, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2012: Part B" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for the Virgin Islands were that: (1) Virgin Islands' data for Indicator 20, which measures the timeliness and accuracy of the Virgin Islands' data reports, reflect 92.07%; and (2) the Department continues to designate Virgin Islands as a "high-risk" grantee and imposed Department-wide special conditions on June 21, 2012 due to Virgin Island's continuing failure to successfully address significant problems in fiscal accountability for Department grant funds. For these reasons, we are unable to determine that Virgin Island met requirements for FFY 2010 under IDEA section 616(d).

OSEP notes other areas that reflect a high level of performance, including that the Virgin Islands reported valid and reliable data for all other indicators and a high level of compliance for Indicators 4B (0%), 9 (0%), 10 (0%), 11 (100%), 12 (100%), 13 (97.7%), and 15 (100%). We hope that Virgin Islands will be able to demonstrate that it meets requirements in its FFY 2011.

The enclosed table provides OSEP's analysis of the Virgin Island's FFY 2010 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the Virgin Islands to its targets, improvement activities (timelines and resources) and baseline data in the Virgin Island's SPP. The table also identifies, by indicator: (1) the Virgin Island's reported FFY 2010 data; (2) whether such data met the Virgin Island's FFY 2010 targets and reflect progress or slippage from the prior year's data; (3) if applicable, that the Virgin Island's data are not valid and reliable; and (4) whether the Virgin Islands corrected findings of noncompliance.

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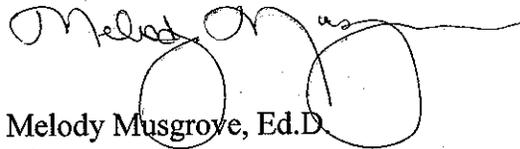
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Virgin Islands may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the “Technical Assistance Related to Determinations” box on the opening page of “The Right IDEA” Web site at: <http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, Web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), the Virgin Islands must report annually to the public on the performance of each local educational agency (LEA) located in the Virgin Islands on the targets in the SPP as soon as practicable, but no later than June 1, 2012. In addition, the Virgin Islands must: (1) review LEA performance against targets in the Virgin Island’s SPP; (2) determine if each LEA “meets requirements of Part B,” or “needs assistance,” “needs intervention,” or “needs substantial intervention” in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see “The Right IDEA” Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the Virgin Islands educational agency’s Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

OSEP is committed to supporting Virgin Islands’ efforts to improve results for children and youth with disabilities and looks forward to working with the Virgin Islands over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Christine Pilgrim, your OSEP State Contact, at 202-245-7351.

Sincerely,



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

Enclosures

cc: State Director of Special Education