



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

Honorable Julia Sheen-Aaron
Commissioner
Virgin Islands Department of Health
Sugar EV #48
St. Thomas, Virgin Islands 00802-6746

Dear Commissioner Sheen-Aaron:

Thank you for the timely submission of Virgin Islands' Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(ii) and 642, Virgin Islands needs assistance in implementing the requirements of Part C of IDEA. The Department's determination is based on the totality of the Virgin Islands' data and information including the Virgin Islands' FFY 2008 APR and revised SPP, other Territory reported data, the Virgin Islands' submissions under the Special Conditions on the Virgin Islands' FFY 2009 IDEA grant, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factor affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for the Virgin Islands is that its FFY 2009 IDEA Part C grant is subject to Special Conditions to ensure fiscal accountability and prompt payment of early intervention service providers. For this reason, we are unable to determine that the Virgin Island met requirements for FFY 2008 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, which include that the Virgin Islands reported valid and reliable data for all indicators and its FFY 2008 data reflect a high level of compliance for Indicators 1 (99.2%), 7 (97.3%), 8A (100%), 8B (100%), 8C (99%), and 14 (100%). We hope that the Virgin Islands will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the Virgin Islands' FFY 2008 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 Islands' SPP. The table also identifies, by indicator: (1) the Virgin Islands' reported FFY 2008 data; (2) whether such data met the Virgin Islands' FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the Virgin Islands' data are not valid and reliable; and (4) whether the Virgin Islands corrected findings of noncompliance.

The Virgin Islands determination for the FFYs 2005, 2006, and 2007 APRs was also needs assistance. In accordance with sections 616(e) and 642 of the IDEA, if a State is determined to

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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.

need assistance for two consecutive years, the Secretary must take one or more of the following actions: (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or (3) identify the State as a high-risk grantee and impose special conditions on the State's Part C grant award.

Pursuant to these requirements, the Secretary is advising the Virgin Islands of available sources of technical assistance on fiscal issues. A list of sources of technical assistance, including technical assistance on fiscal issues and the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/techassistance.html>. You will be directed to a list of resources that are relevant for specific issues or indicators and the list includes centers, documents, web seminars and other sources of relevant technical assistance for a specific issue or indicator. You must report with the FFY 2009 APR submission, due February 1, 2011, on: (1) the technical assistance sources from which the Virgin Islands received assistance; and (2) the actions the Virgin Islands took as a result of that technical assistance. The extent to which the Virgin Islands takes advantage of available technical assistance may affect the actions OSEP takes under section 616 should the Virgin Islands not be determined to meet requirements next year. We encourage the Virgin Islands to take advantage of available sources of technical assistance in other areas as well, particularly if the Virgin Islands is reporting low compliance data for an indicator.

As required by IDEA sections 616(e)(7) and 642, the Virgin Islands must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the Virgin Islands and may include such mechanisms as posting on the agency's website, distribution through the media and distribution through public agencies.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, the Virgin Islands lead agency must report annually to the public on the performance of each early intervention services program (EIS program) located in the jurisdiction on the targets in the SPP. Because your jurisdiction is a unitary entity (i.e., the Virgin Islands lead agency is the only EIS program), you may meet this public reporting requirement by posting your FFY 2008 APR on the Virgin Islands' website and making it available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642. If your SPP includes revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the Virgin Islands' website and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642. Finally, if the Virgin Islands included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the Virgin Islands' website and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting Virgin Islands' efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with the Virgin Islands

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over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Sheryl Parkhurst, your OSEP State Contact, at 202-245-7472.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive style with a large, looped initial "A".

Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator