



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

June 28, 2016

Honorable Michelle S. Davis, Ph.D.
Commissioner Designee
USVI Department of Health
1303 Hospital Ground, Suite 10
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Dear Commissioner Davis:

I am writing to advise you of the U. S. Department of Education's (Department) 2016 determination under sections 616 and 642 of the *Individuals with Disabilities Education Act (IDEA)*. The Department has determined that the Virgin Islands needs assistance in meeting the requirements of Part C of the *IDEA*. This determination is based on the totality of the Virgin Islands' data and information, including the Federal fiscal year (FFY) 2014 State Performance Plan/Annual Performance Report (SPP/APR), other Virgin Islands-reported data, and other publicly available information.

The Virgin Island's 2016 determination is based on the data reflected in the Virgin Island's "2016 Part C Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) Results Components and Appendices that include scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) the State's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2016: Part C" (HTDMD).

OSEP is continuing to use both results data and compliance data in making determinations in 2016, as it did for Part C determinations in 2015. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for the Virgin Islands.) For 2016, the Department's *IDEA* Part C determinations continue to include consideration of each State's Child Outcomes data, which measures how children who receive *IDEA* Part C services are improving functioning in three outcome areas that are critical to school readiness:

- Positive social-emotional skills;

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- acquisition and use of knowledge and skills (including early language/communication); and
- use of appropriate behaviors to meet their needs.

Specifically, the Department considered the data quality and the child performance levels in each State's Child Outcomes FFY 2014 data.

You may access the results of OSEP's review of the Virgin Islands' SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access the Virgin Islands' SPP/APR on the site, you will find, in Indicators 1 through 10, the OSEP Response to the indicator and any actions that the Virgin Islands is required to take. The actions that the Virgin Islands is required to take are in two places:

- (1) any actions related to the correction of findings of noncompliance are in the "OSEP Response" section of the indicator; and
- (2) any other actions that the Virgin Islands is required to take are in the "Required Actions" section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include an OSEP response and/or Required Actions.

You will also find all of the following important documents saved as attachments to the Progress Page:

- (1) the Virgin Islands' RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled "2016 Data Rubric Part C," which shows how OSEP calculated the Virgin Islands' "Timely and Accurate State-Reported Data" score in the Compliance Matrix;
- (4) a document entitled "Dispute Resolution 2014-15," which includes the *IDEA* section 618 data that OSEP used to calculate the Virgin Islands' "Timely State Complaint Decisions" and "Timely Due Process Hearing Decisions" scores in the Compliance Matrix; and
- (5) a Data Display, which presents certain Virgin Islands-reported data in a transparent, user-friendly manner and is helpful for the public in getting a broader picture of the Virgin Islands' performance in key areas.

As noted above, the Virgin Islands' 2016 determination is Needs Assistance. A State's 2016 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above, but the Department has imposed Special Conditions on the State's last three (FFYs 2013, 2014, and 2015) IDEA Part C grant awards, and those Special Conditions are in effect at the time of the 2016 determination.

The Virgin Islands' determination for 2015 was also Needs Assistance. In accordance with section 616(e)(1) of the IDEA and 34 C.F.R. §303.704(a), if a State is determined to 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 and require the State to work with appropriate entities;
- (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 IDEA Part C grant award.

Pursuant to these requirements, the Secretary is advising the Virgin Islands of available sources of technical assistance, including OSEP-funded technical assistance centers and resources at the following Web site: <https://osep.grads360.org/#program/highlighted-resources>, and requiring the Virgin Islands to work with appropriate entities. In addition, the Virgin Islands should consider accessing technical assistance from other Department-funded centers such as the Comprehensive Centers with resources at the following link: <http://www2.ed.gov/programs/newccp/index.html>. The Secretary directs the Virgin Islands to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. We strongly encourage the Virgin Islands to access technical assistance related to those results elements and compliance indicators for which the Virgin Islands received a score of zero. The Virgin Islands must report with its FFY 2015 SPP/APR submission, due February 1, 2017, 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.

States were required to submit Phase II of the State Systemic Improvement Plan (SSIP) by April 1, 2016. OSEP appreciates the Virgin Islands' ongoing work on its SSIP and its efforts to improve results for infants and toddlers with disabilities and their families. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with the Virgin Islands as it develops Phase III of the SSIP, due April 3, 2017.

As a reminder, the Virgin Islands must report annually to the public, by posting on its lead agency's web-site, on the performance of each early intervention service (EIS) program located in the Virgin Islands on the targets in the SPP as soon as practicable, but no later than 120 days after the Virgin Islands' submission of its FFY 2014 SPP/APR. In addition, the Virgin Islands must:

- (1) review EIS program performance against targets in the State's SPP/APR;
- (2) determine if each EIS program "meets the requirements" of Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the *IDEA*;
- (3) take appropriate enforcement action; and
- (4) inform each EIS program of its determination.

Further, the Virgin Islands must make its SPP/APR available to the public by posting it on its lead agency's Web site. Within the next several days, OSEP will be finalizing a Profile for the Virgin Islands that:

- (1) will be accessible to the public;
- (2) includes links to a PDF of the Virgin Islands' SPP/APR, including all of the Virgin Islands' and OSEP's attachments; and
- (3) the Virgin Islands may use to make its SPP/APR accessible to the public.

We will provide you with the link to that profile when it is live.

OSEP appreciates the Virgin Island's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with the Virgin Islands over the next year as we continue our important work of improving the lives of children with disabilities and their families. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Jennifer Miley, your OSEP State lead, at 202-245-6049.

Sincerely,

/s/ Ruth E. Ryder

Ruth E. Ryder
Acting Director
Office of Special Education Programs

cc: State Part C Coordinator