



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Darlene A. Carty  
Commissioner  
Department of Health  
Sugar Estate #48  
St. Thomas, USVI 00802

MAR 31 2006

Dear Commissioner Carty:

Thank you for your timely submission of the Virgin Islands' State Performance Plan (SPP) for review under Part C of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States and Territories to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the Territory's efforts to implement the requirements and purposes of IDEA and describes how the Virgin Islands will improve implementation. We appreciate the Virgin Islands' efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, the Virgin Islands was to include: (1) baseline data that reflect the Virgin Islands' efforts to implement Part C of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the Virgin Islands will undertake to improve implementation of Part C.

The Office of Special Education Programs (OSEP) is pleased to inform you that your Territory's SPP under Part C meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The Virgin Islands must make its SPP available through public means, including posting on the Department of Health's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

The Virgin Islands included in the SPP detailed activities with timelines and resources designed to improve performance and, where applicable, compliance, with each of the SPP priority indicators. The activities appeared to be designed to impact performance and compliance and assist the Virgin Islands in meeting the established targets.

Under section 616(b)(2)(C)(ii)(II) of the Act, the Virgin Islands must annually report to OSEP on its performance under the SPP. The Virgin Islands' first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of the Virgin Islands' performance and compliance based on data presented in the Territory's APR. As a result, the Virgin Islands needs to provide

additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of both VIDH's: (1) January 2006 Special Conditions Progress Report under its FFY 2004 and 2005 Part C grants; and (2) December 2005 submission related to previously-identified noncompliance or other issues included in our November 16, 2005 letter that responded to the Virgin Islands' Federal fiscal year (FFY) 2003 APR, that also may require additional reporting.

The Virgin Islands' longstanding noncompliance, reported under Indicators numbered 1, 7 and 9 in Table B, are the subject of Special Conditions on the Virgin Islands' FFY 2004 and 2005 Part C grant awards, and relate to the following requirements: (1) conducting evaluations and assessments and convening initial Individualized Family Service Plan (IFSP) meetings within 45 days of referral, as required by 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a); and, (2) providing payment for early intervention services to infants and toddlers with disabilities and their families in the Virgin Islands under Part C. The second set of Special Conditions were included to address the need for provision of timely early intervention services, recruitment and retention of personnel to provide services, and fiduciary responsibilities through a third party agent to ensure prompt payment for Part C services. The Virgin Islands must provide data demonstrating compliance with these requirements or the information requested in Table B by the date of its final Progress Report under the Special Conditions, that is due April 14, 2006. Failure to provide data demonstrating compliance at that time may result in the Virgin Islands' continuing designation as a "high risk" grantee or otherwise affect its FFY 2006 grant award.

In addition to reporting to OSEP, the Virgin Islands must report annually to the public on the performance of each early intervention service (EIS) program located in the Virgin Islands on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on EIS program performance is a critical provision related to ensuring accountability and focusing on improved results for infants and toddlers with disabilities. OSEP will be providing technical assistance regarding the reporting on EIS program performance at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that the Virgin Islands found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the [SPP Resources](#) website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of the Virgin Islands for guidance, we would be happy to hear from you as we work to develop further mechanisms to support the Virgin Islands' improvement activities.

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Sheryl Parkhurst at 202-245-7472.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosures

Table A

Table B

cc: Renee Joseph-Rhymer  
Part C Coordinator