

**Virgin Islands Part B FFY 2005 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
<b>Monitoring Priority: FAPE in the LRE</b>		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The VIDE's FFY 2005 reported data are 5.08%. This represents progress from the VIDE's FFY 2004 reported data of 2%. However, the VIDE did not calculate the data consistent with the approved target for this indicator. OSEP recalculated the data to be 5.33%. This represents progress over the OSEP-recalculated baseline of 2.45%. The VIDE did not meet its target of 5.45%.</p>	<p>OSEP's May 25, 2006 FFY 2004 SPP response letter stated that the VIDE should review improvement activities to determine if additional activities are needed, or if activities need to be revised or modified, to coordinate with and reference the VIDE Consolidated State Application Accountability Workbook (Workbook) activities under the NCLB Act. In the FFY 2005 APR, the VIDE also raised concerns that the data did not reflect systemic improvement because the reported number of students with IEPs graduating with a regular diploma was attributable to only one of four high schools in the Territory. The VIDE stated that it would improve monitoring of requirements related to graduation. The VIDE revised the improvement activities for this indicator in its APR and OSEP accepts these revisions.</p> <p>OSEP's May 25, 2006 FFY 2004 SPP response letter also required that the VIDE, in the FFY 2005 APR, due February 1, 2007, provide revised baseline data for FFY 2004 (July 1, 2004 through June 30, 2005) and progress data for FFY 2005 (July 1, 2005 through June 30, 2006). VIDE did not appear to revise the baseline or the FFY 2005 data to match the approved target. To address this indicator, it appears that the VIDE calculated the percentage by dividing the number of students with disabilities graduating with a regular diploma by the total number of students graduating. The approved target for this indicator compares the number of youth with IEPs graduating from high school with a regular diploma to the total number of youth (students with and without IEPs) graduating with a regular diploma. Based upon the VIDE's description and reported data, OSEP recalculated the FFY 2004 data consistent with the target and determined it to be 2.45% (21 divided by (836 plus 21)) and the FFY 2005 data to be 5.33% (47 divided by (834 plus 47)). Under this recalculation, the VIDE demonstrated progress and almost met its FFY target of 5.45%. In the FFY 2006 APR, due February 1, 2008, the VIDE must calculate the data consistent with the approved target for this indicator, i.e., dividing the number of youth with IEPs graduating from</p>

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		high school with a regular diploma by the total number of youth (with and without IEPs) graduating with a regular diploma. OSEP looks forward to the VIDE's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The VIDE's FFY 2005 reported data for this indicator are 10.91%. This represents progress from the VIDE's FFY 2004 reported data of 13.43%. The VIDE met its FFY 2005 target of 11%.</p>	<p>The VIDE met its target and OSEP appreciates the VIDE's efforts to improve performance. The VIDE revised the improvement activities for this indicator in its APR and OSEP accepts these revisions.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The VIDE's FFY 2005 reported data are 0%. The VIDE's reported baseline data for FFY 2004 are 0%. The VIDE met its target for Indicator 3A of maintaining baseline.</p>	<p>The VIDE met its target. The VIDE revised the improvement activities for this indicator in its APR and OSEP accepts these revisions.</p> <p>OSEP's May 2006 FFY 2004 SPP response letter required the VIDE to include in the February 1, 2007 APR data and as appropriate, revised targets based upon that data. The VIDE was also required to review the activities in the SPP and revise the SPP, at a minimum, to include a cross-reference to the activities in the Workbook. The VIDE included the references to the Workbook. The VIDE reported in the APR that for 2004-2005 neither school district made AYP (0%). The VIDE also reported that for 2005-2006 neither school district made AYP (0%).</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The VIDE's FFY 2005 reported data ranged from 60%-93.6% for grades assessed in math and reading. This represents slippage from the VIDE's FFY 2004 reported data of 95% or greater for grades assessed. The VIDE did not meet its FFY 2005 target of 95% for grades assessed.</p> <p>The VIDE did not include participation on the alternate</p>	<p>The VIDE referenced its public reporting for the 2004-2005 administration of the VITAL. That report indicated that the subgroup of students with disabilities met its participation target of 95% for all grades tested.</p> <p>With regard to the alternate assessment, the VIDE reported that 98 students participated but that the scores were not reported consistently by the two LEAs and were not incorporated into the various assessment report cards distributed to the public. The VIDE added an improvement activity to publicly report alternate assessments starting with the 2005-2006 administration and to standardize the way the two districts report proficiency on the alternate. As noted above, OSEP accepts these revisions.</p>

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	assessment as part of its data and reporting.	OSEP looks forward to the VIDE's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008. OSEP will respond on the status of the Special Conditions under separate cover.																																																																
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The VIDE reported FFY 2005 data on proficiency rates for grades assessed (3-8, 11) by school district. The VIDE submitted an assessment report under the Special Conditions for 2004-2005. OSEP used this data as FFY 2004 baseline data because the VIDE did not submit other data.</p> <p>Based upon this analysis, it appears that the VIDE met its target of increasing 5% over baseline for the following: Grade 5-Reading in both school districts, and Grade 5-Math in the St. Thomas/St. Croix district.</p>	<p>Although the VIDE did not report FFY 2004 baseline data in its APR or revised SPP, in August 2006 it submitted reports under the Special Conditions related to the 2004-2005 assessments. Those reports contained the proficiency rates for students with disabilities for reading and math for grades assessed (5, 7, 11) by school district. The APR contained reading and math proficiency rates for students with disabilities for grades assessed (3-8, 11) by school district. The data are as follows:</p> <table border="1" data-bbox="1117 586 1955 1214"> <thead> <tr> <th></th> <th colspan="2">St. Croix</th> <th colspan="2">St. Thomas/St. John</th> </tr> <tr> <th>Topic - Grade</th> <th>2004/05</th> <th>2005/06</th> <th>2004/05</th> <th>2005/06</th> </tr> </thead> <tbody> <tr> <td>Reading -3</td> <td>-</td> <td>13.7%</td> <td>-</td> <td>19.4%</td> </tr> <tr> <td>Reading -4</td> <td>-</td> <td>14.3%</td> <td>-</td> <td>25%</td> </tr> <tr> <td>Reading -5</td> <td>5.4%</td> <td>13.7%</td> <td>7.5%</td> <td>12.9%</td> </tr> <tr> <td>Reading -6</td> <td>-</td> <td>1.8%</td> <td>-</td> <td>13%</td> </tr> <tr> <td>Reading -7</td> <td>3.7%</td> <td>0%</td> <td>2.7%</td> <td>1.3%</td> </tr> <tr> <td>Reading -8</td> <td>-</td> <td>0%</td> <td>-</td> <td>8.6%</td> </tr> <tr> <td>Reading -11</td> <td>2.6%</td> <td>0%</td> <td>0%</td> <td>0%</td> </tr> </tbody> </table> <table border="1" data-bbox="1117 1336 1955 1464"> <thead> <tr> <th></th> <th colspan="2">St. Croix</th> <th colspan="2">St. Thomas/St. John</th> </tr> <tr> <th>Topic - Grade</th> <th>2004</th> <th>2005</th> <th>2004</th> <th>2005</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						St. Croix		St. Thomas/St. John		Topic - Grade	2004/05	2005/06	2004/05	2005/06	Reading -3	-	13.7%	-	19.4%	Reading -4	-	14.3%	-	25%	Reading -5	5.4%	13.7%	7.5%	12.9%	Reading -6	-	1.8%	-	13%	Reading -7	3.7%	0%	2.7%	1.3%	Reading -8	-	0%	-	8.6%	Reading -11	2.6%	0%	0%	0%		St. Croix		St. Thomas/St. John		Topic - Grade	2004	2005	2004	2005					
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		Math –3	-	25%	-	22.6%
		Math –4	-	14.3%	-	25%
		Math –5	14.7%	8.3%	2.5%	25.8%
		Math –6	-	7.0%	-	21.7%
		Math –7	12.3%	14.9%	8.0%	9.0%
		Math –8	-	25%	-	5.2%
		Math –11	10.6%	0%	17.2%	10.5%
		<p>As noted above regarding the alternate assessment, the VIDE reported that 98 students participated but that the scores were not reported consistently by the two LEAs and were not incorporated into the various assessment report cards distributed to the public.</p> <p>OSEP looks forward to the VIDE’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008. OSEP will respond on the status of the Special Conditions under separate cover.</p>				
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The VIDE’s FFY 2005 reported data for this indicator are 83%. This represents slippage from the VIDE’s FFY 2004 reported data of 43%. The VIDE did not meet its FFY 2005 target of 50%. However, the measurement used by the VIDE is not fully consistent with Part B of the IDEA and must be revised.</p>	<p>OSEP recognizes that the VIDE is in a unique statistical situation in that it only has two LEAs. Therefore its review and comparison of the suspension and expulsion rates must be carefully crafted. Under 34 CFR §300.170(b) (previously at §300.146) the VIDE must determine whether there is a significant discrepancy in the rates of long-term suspensions and expulsions of students with disabilities between the two LEAs or a significant discrepancy when comparing the rates of long-term suspensions and expulsions of children with disabilities to the rates of long-term suspensions and expulsions of children without disabilities in each of the two LEAs.</p> <p>Due to the VIDE’s statistical uniqueness, OSEP strongly recommends that the VIDE consider establishing an appropriate “n” size as part of its definition of significant discrepancy so that very low rates of suspensions and expulsions will not result in the identification of significant</p>				

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		<p>discrepancies. In addition, the VIDE may elect to compare rates of long-term suspensions and expulsions of children with disabilities to the rates of long-term suspensions and expulsions of children without disabilities in each of the two LEAs instead of its current comparison. Again, this would require a comparison of rates, not total numbers. For example, one State has established a definition of significant discrepancy with an “n” size of ten (10) and a threshold two-to-one when comparing the rates of long-term suspension and expulsion for students with disabilities to the rate of nondisabled students. Therefore, where the number of long-term suspensions and expulsions for students with disabilities is greater than ten (10) and the rate (number of students with disabilities suspended over the total number of students with disabilities) is equal to or more than two (2) times the rate for nondisabled students (the number of nondisabled students suspended over the total number of nondisabled students), then the State considers this difference to be a significant discrepancy. The State reports annually on the percentage of districts that meet this definition and on how it reviews and, if appropriate revises, (or requires the affected LEA to revise) policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral supports, and procedural safeguards to ensure compliance with the IDEA.</p> <p>OSEP’s May 25, 2006 FFY 2004 SPP response letter, Table B, required the VIDE in the February 1, 2007 APR to describe how it reviews, and if appropriate revises (or required the affected LEAs to revise) 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. The VIDE did not do so. To correct this noncompliance, the VIDE must, in the FFY 2006 APR due February 1, 2008, provide the definition of significant discrepancy, and report on its review, and if appropriate revision (or the affected LEA’s revision) to 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, consistent with 34 CFR §300.170(b).</p>
<p>4. Rates of suspension and expulsion: B. Percent of districts identified by the State</p>		<p>Based upon our preliminary review of all VIDE submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently</p>

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<p>as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that the VIDE immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The new measurements and targets for Indicator 4B will be required in the FFY 2006 APR due February 1, 2008.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>A. The VIDE's FFY 2005 reported data for this indicator are 40.6%. The VIDE met its FFY 2005 target of 33%.</p> <p>B. The VIDE's FFY 2005 reported data for this indicator are 32%. This represents slippage from the VIDE's FFY 2004 reported data of 29%. The VIDE did not meet its FFY 2005 target of 27%.</p> <p>C. The VIDE's FFY 2005 reported data for this</p>	<p>The VIDE met its target for 5A and 5C. OSEP appreciates the VIDE's efforts to improve performance for this indicator. OSEP recalculated the State's FFY 2004 data for 5C based on the reported raw data and the VIDE must adopt the revised data and revise its targets based on the revised baseline data (i.e., multiply the current targets by 100 to establish percentages). OSEP looks forward to the VIDE's data demonstrating improvement in performance for Indicator 5B in the FFY 2006 APR, due February 1, 2008.</p>

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	<p>indicator are 2.73%. The VIDE also incorrectly reported this data as .027% to align with the FFY 2004 calculation error. OSEP recalculated VIDE's FFY 2004 baseline data to be 2.56% (not .03%). The VIDE met the FFY 2005 target as recalculated by OSEP (3% not .03%). The VIDE must revise its targets for 5C to correspond with the revised baseline.</p>	
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The VIDE's FFY 2005 reported data for this indicator are 100%. The VIDE met its FFY 2005 target of 95%.</p>	<p>The VIDE met its target and OSEP appreciates the VIDE's efforts to improve performance.</p> <p>Please note that, due to changes in the 618 VIDE-reported data collection, the measurement for this indicator will change for the FFY 2006 APR, due February 1, 2008.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p>	<p>Entry data were not provided. The VIDE provided a plan for collecting data, but only for those students served by Head Start.</p>	<p>The VIDE did not report the required entry data and activities. The VIDE submitted "targets" that are actually a plan to collect and analyze the data. The VIDE must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP's May 25, 2006 FFY 2004 SPP response letter raised concerns that the VIDE's plan does not adequately address those preschool students not served by the Head Start program, such as those receiving services in the home. OSEP required that in the February 1, 2007 APR, the VIDE review, clarify, and revise its plan to ensure that the method the VIDE uses for data collection will provide valid and reliable data on which to</p>

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[Results Indicator; New]		<p>base targets and improvement activities. It is not clear that this was done. OSEP remains available to provide technical assistance on this indicator.</p> <p>The VIDE did not submit the required definition of comparable to same aged peers as required by the instructions for the SPP/APR. The VIDE must submit this information in the FFY 2006 APR, due February 1, 2008.</p>
<p>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.</p> <p>[Results Indicator; New]</p>	<p>The VIDE provided baseline data that does not appear to be an appropriate measure and is a different measure than will be used in 2008 and subsequent years.</p> <p>The VIDE provided a plan for collecting data annually from only two-thirds of parents beginning May 2008.</p>	<p>OSEP's May 2006 FFY 2004 SPP response letter required the VIDE to include in the February 1, 2007 APR valid and reliable data. The VIDE submitted baseline data for this indicator based on the number of parents that participated in various parent workshops. The VIDE did not clarify why it believes that participation in a workshop is the same as reporting that schools facilitated parent involvement. In the revised SPP, the VIDE stated that it will annually survey two-thirds of parents beginning May 2008. It appears that the VIDE is proposing to sample parents in its survey. If so, it must submit a sampling plan for approval. It also appears that the parent survey will not be conducted until May 2008. The VIDE must have a method of collecting and reporting appropriate data for this indicator for the FFY 2006 APR, due February 1, 2008. The VIDE provided targets and improvement activities. OSEP accepts the targets and improvement activities, with the exception of the VIDE's May 2008 timeframe and proposal to sample two-thirds of parents. The VIDE must submit appropriate data in the FFY 2006 APR, due February 1, 2008, and a sampling plan, as appropriate.</p>
<b>Monitoring Priority: Disproportionality</b>		
<p>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.</p> <p>[Compliance Indicator; New]</p>	<p>The VIDE's FFY 2005 reported baseline data are 0%.</p>	<p>The VIDE provided baseline data, targets and improvement activities and OSEP accepts the targets and improvement activities for this indicator.</p> <p>The VIDE identified 0% of districts with disproportionate representation that was the result of inappropriate identification. In the revised SPP submission for this indicator, the VIDE stated that it examines the district's referral practices, evaluation system and policies and procedures to determine the causes for the disproportionate representation. It also stated that if there is disproportionate representation in a district, the VIDE ensures compliance with the IDEA. The VIDE stated that disproportionate representation "is defined as the percentage of a group in</p>



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		<p>a population is larger or smaller than the percentage of that group in the educational system as a whole.” However, OSEP could not determine how the VIDE used this definition in its analysis of weighted risk ratios to determine whether there is disproportionate representation. That is, the VIDE reported risk ratios but did not identify which groups had disproportionate representation and did not report on its review for compliance with the IDEA to determine whether the disproportionate representation was the result of inappropriate identification.</p> <p>In the FFY 2006 APR, due February 1, 2008, the VIDE must, for both the FFY 2005 and the FFY 2006 data, identify which groups, if any, had disproportionate representation and whether it was the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</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; New]</p>	<p>The VIDE’s FFY 2005 reported baseline data are 0%.</p>	<p>The VIDE provided baseline data, targets and improvement activities and OSEP accepts the targets and improvement activities for this indicator.</p> <p>The VIDE identified 0% of districts with disproportionate representation in specific disability categories that was the result of inappropriate identification. In the revised SPP submission for this indicator, the VIDE stated that it “compared the percent of children with disabilities who had an initial evaluation completed between September 2005 - June 2006 who were Black or Hispanic with the percent of total enrollment of all racial/ethnic groups in special education for each school district in the 2005 Child Count” and “applied a weighted risk ratio.” It appears that the VIDE reported that it reviewed data for some but not all race ethnicity categories present in the Territory. Under 34 CFR §300.600(d)(3), a State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all racial and ethnic groups, but it must review data for all race ethnicity categories in the State and must do the analysis at the LEA level for all race and ethnic groups meeting that “n” size that are present in any of its LEAs. Therefore, we conclude that the VIDE is not complying with 34 CFR §300.600(d)(3).</p> <p>In its FFY 2005 APR submission, the VIDE stated that disproportionate representation “is defined as the percentage of a group in a population is larger or smaller than the percentage of that group in the educational</p>

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		<p>system as a whole.” However, OSEP could not determine how the VIDE used this definition in its analysis of weighted risk ratios to determine whether there is disproportionate representation. That is, the VIDE reported risk ratios but did not identify which groups had disproportionate representation and did not report on its review for compliance with the IDEA to determine if this was the result of inappropriate identification.</p> <p>To correct this noncompliance, the VIDE, in its FFY 2006 APR, must describe and report on, its review of data and information for all race ethnicity categories in the State to determine if there is disproportionate representation that is the result of inappropriate identification for both FFY 2005 and FFY 2006, identify any groups where disproportionate representation exists and describe how the State determined that it was not the result of inappropriate identification, even if the determination for FFY 2006 occurs in the fall of 2007.</p>
<b>Monitoring Priority: Effective General Supervision</b>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline).</p> <p>[Compliance Indicator; New]</p>	<p>The VIDE’s FFY 2005 reported baseline data for this indicator are 1.2%.</p>	<p>The VIDE provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The VIDE reported data based on a State-established timeline within which the evaluation must be conducted.</p> <p>The VIDE must review its improvement activities and revise, if appropriate, to ensure they will enable the VIDE to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with this requirement, including data demonstrating correction of noncompliance identified in FFY 2005.</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 birthdays.</p> <p>[Compliance Indicator]</p>	<p>The VIDE’s FFY 2005 reported data for this indicator are 60%. This represents slippage from the VIDE’s FFY 2004 reported data of 82%. The VIDE did not meet its FFY 2005 target of 100%.</p> <p>The VIDE reported that prior noncompliance was not</p>	<p>The VIDE reported that monitoring activities will continue to ensure 100% placement within the transition timelines for children exiting Part C to Part B services.</p> <p>In its June 1, 2007 report under the FFY 2006 Special Conditions for the period between July 1, 2006 and April 30, 2007, the VIDE reported that 71.05% (27 of 38) of the children referred by Part C prior to age 3, who were found eligible for Part B, had an Individualized Educational Program (IEP) in place by their third birthdays. The VIDE also reported that 55.26% (21 of 38) of the children referred by Part C prior to age 3,</p>

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	corrected in a timely manner.	<p>who were found eligible for Part B, were receiving services or the parent had refused services by their third birthdays.</p> <p>The VIDE must review its improvement activities and revise, if appropriate, to ensure they will enable the VIDE to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements of 34 CFR §300.124, including correction of noncompliance identified in FFY 2004 and FFY 2005.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The VIDE's FFY 2005 reported baseline data are 20%.</p>	<p>The VIDE provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The VIDE must review its improvement activities and revise, if appropriate, to ensure they will enable the VIDE to include data in the FFY 2006 APR, due February 1, 2008 that demonstrate full compliance with the requirements of 34 CFR §300.320(b), including correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The VIDE provided a plan that describes how data will be collected for submission with the APR, due February 1, 2008.</p>	<p>While the VIDE provided a plan for collecting the data, it did not provide the required definitions for competitive employment and post-secondary school. The VIDE must provide baseline data, targets, required definitions, and improvement activities with the FFY 2006 APR, due February 1, 2008.</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 VIDE's FFY 2005 reported data are 64%. The VIDE did not meet the FFY 2005 target of 100%.</p> <p>VIDE did not report on the correction of previously identified noncompliance.</p>	<p>The VIDE did not recalculate FFY 2004 data in the revised SPP or the APR. The VIDE included some raw data that it identified as reported in the 2005-2011 SPP, but in reviewing both the APR and SPP, OSEP was unable to determine whether this data was for FFY 2004 or included another timeframe. The VIDE did not specifically report on the status of FFY 2003 findings that were not timely corrected in FFY 2004. The VIDE reported that for FFY 2005, 63 of 98 findings (64%) were timely corrected. However, the data on Tables A and B of the APR did not appear to match the compliance data reported for FFY 2005.</p> <p>The VIDE must provide in the FFY 2006 APR, due in February 2008, data demonstrating correction of all previous noncompliance identified during 2003-2004 and 2004-2005, and timely correction of noncompliance identified in 2005-2006, as required by 20 U.S.C.</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		<p>1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. In addition, the VIDE must, in reporting on Indicators 4A, 11, 12, 13, 16, and 17 in the FFY 2006 APR, report on the correction of the noncompliance identified for those indicators in FFY 2005.</p> <p>Under the programmatic Special Conditions attached to VIDE’s FFY 2006 IDEA Part B grant award, to the extent that school districts in the Virgin Islands continue to administer districtwide assessments, VIDE must demonstrate that it is ensuring that those school districts comply with the relevant Part B requirements (20 U.S.C. 1412(a)(16) and 34 CFR §300.160). In response, VIDE submitted a letter dated June 4, 2007 in which it described the districtwide assessments that districts administer and their uses. The letter argues that because these tests are used for school and classroom planning, student identification for the gifted program and after-school programs, and to assist teachers in grouping and lesson planning, these assessments are not subject to the Part B requirements. VIDE did not indicate that the scores are publicly reported, but VIDE’s website did contain references to distribution of the scores to parents.</p> <p>Under 20 U.S.C. 1412(a)(16), States must ensure that “[a]ll children with disabilities are included in all general State and districtwide assessment programs... with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs.” Although the term “districtwide assessment program” is not defined, the program described by VIDE would generally be considered a districtwide assessment program. VIDE’s letter described a standardized assessment that is administered across the school district and that is used to screen and place students into programs, classes and instructional levels. These standardized scores are also used to inform parents of their child’s achievement level as compared to some standard. Therefore, OSEP concludes that these are districtwide assessment programs and are subject to the relevant requirements of Part B (20 U.S.C. 1412(a)(16) and 34 CFR §300.160).</p> <p>It is important to note that under Part B, public reporting on participation and performance must be done with the same frequency and in the same detail as public reporting on the assessment of nondisabled children, therefore the reporting requirements of 20 U.S.C. 1412(a)(16)(D) would</p>

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
		only apply if the district is reporting publicly on the assessment of nondisabled children. VIDE did not indicate that there was public reporting of participation and performance of nondisabled students for these assessments. If this is the case, then the reporting requirements do not apply. However, school districts still would be required to meet the accommodation and alternate assessment requirements of 20 U.S.C. 1412(a)(16)(B) and (C), in order for children with disabilities to fully participate in the districtwide assessment program as indicated by their IEPs. Because VIDE has not submitted documentation that this is occurring and has taken a position that none of the Part B requirements apply, VIDE remains out of compliance with these requirements.
<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.</p> <p>[Compliance Indicator]</p>	<p>The VIDE's FFY 2005 reported data for this indicator are 28.57%. This represents slippage from the VIDE's FFY 2004 reported data of 83.33%. The VIDE did not meet its FFY 2005 target of 100%.</p>	<p>The VIDE revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The VIDE must review its improvement activities and revise, if appropriate, to ensure they will enable the VIDE to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements in 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The VIDE's FFY 2005 reported data for this indicator are 66.67%. This represents progress from the VIDE's FFY 2004 reported data of 16.67%. The VIDE did not meet its FFY 2005 target of 100%.</p>	<p>The VIDE revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The VIDE must review its improvement activities and revise, if appropriate, to ensure they will enable the VIDE to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate full compliance with the requirements of 34 CFR §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>No resolution meetings held.</p>	<p>The VIDE is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held.</p>
<p>19. Percent of mediations held that resulted in</p>	<p>The VIDE's FFY 2005</p>	<p>The VIDE revised the baseline, targets, and improvement activities for</p>

<b>Monitoring Priorities and Indicators</b>	<b>Status</b>	<b>OSEP Analysis/Next Steps</b>
<p>mediation agreements. [Results Indicator]</p>	<p>reported data for this indicator are 85.71%. This represents progress from the VIDE's FFY 2004 reported data of 81.82%. The VIDE met its FFY 2005 target of 75%.</p>	<p>this indicator in its SPP and OSEP accepts those revisions. OSEP looks forward to the VIDE's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The VIDE's FFY 2005 reported data for this indicator are 100% for timeliness and accuracy. The VIDE met its FFY 2005 target of 100%.</p>	<p>Although the VIDE noted that the APR data are timely and accurate, data issues were cited for the following indicators: 3, 4A, 7, 8, 9, and 10. The VIDE must provide data in the FFY 2006 APR, due February 1, 2008, that demonstrates compliance with the requirements in IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>