

**Table B – Virgin Islands – Part C**  
**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 1:</b> Special Conditions were imposed on Virgin Islands' Part C FFYs 2004 and 2005 Part C grants to ensure compliance with the timely provision of all early intervention services identified on the IFSP as required by 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Under these Special Conditions, a progress report was due December 2, 2005 (which was extended by OSEP until January 31, 2006) and a final progress report with data demonstrating compliance is due April 14, 2006.</p>	<p>In the SPP, the Virgin Islands reported its baseline data for this indicator at 80% (27 of 36 records). These data were collected between July 1, 2004 and June 30, 2005 in accordance with the SPP instructions.</p> <p>In its January 31, 2006 Special Conditions progress report, the Virgin Islands reported updated data from September 2005 through November 2005 indicating that its level of compliance was: (1) 94% in one Health District. Of 33 children served in this Health District from September 1, 2005 through November 15, 2005, two (of 33) children did not receive timely early intervention services due to program delays; and (2) 67% in its other Health District. Of 6 children served in this Health District from September 1, 2005 through November 15, 2005, three children did not receive timely early intervention services, of which one was due to documented family circumstances.</p>	<p>The Virgin Islands reported an 80% level of compliance in FFY 2004 for Indicator 1 in the SPP and an 89% level of compliance (32 of 36 children) for the period September 1, through November 15, 2005 in its January 31, 2006 Special Conditions progress report, specifically the requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1), that all eligible children with IFSPs receive the early intervention services on their IFSPs that are consented to by their parents in a timely manner.</p> <p>While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the Virgin Islands in working toward compliance with these requirements.</p>	<p>In its April 14, 2006 final progress report under the FFY 2004 and FFY 2005 Part C Grant Special Conditions, VIDH must include data that demonstrate compliance with this requirement. Failure to demonstrate compliance at that time may affect the Virgin Islands' FFY 2006 Part C grant award.</p>

**Table B – Virgin Islands – Part C**  
**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 7:</b> Special Conditions were imposed on Virgin Islands' FFYs 2004 and 2005 Part C grants to ensure compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a).</p> <p>Under these Special Conditions, a progress report was due December 2, 2005 (which was extended by OSEP until January 31, 2006) and a final progress report with data demonstrating compliance due April 14, 2006.</p>	<p>In the SPP, the Virgin Islands reported its baseline data for this indicator at 62% (or 21 of 34 records). These data were collected between July 1, 2004 and June 30, 2005 in accordance with the SPP instructions.</p> <p>In its January 31, 2006 Special Conditions progress report, the Virgin Islands reported updated data from September 1, 2005 through November 15, 2005 that: (1) Of 19 children for whom evaluations and assessments and initial IFSP meetings were held in one Health District, the 3 IFSP meetings that were held after the 45-day timeline were all due to exceptional family circumstances), thus indicating a 100% compliance rate in this district; and (2) Of 6 children for whom evaluations and assessments and initial IFSPs were held between September 1, 2005 and November 15, 2005 in its other Health District, 3 IFSPs were held after the 45-day timeline, one of which was due to exceptional family circumstances and thus indicating a 67% compliance rate in this district.</p>	<p>The Virgin Islands reported a 62% level of compliance for Indicator 7 in the SPP. In its January 31, 2006 Special Conditions progress report with updated data from September 2005 through November 2005, the Virgin Islands reported a 92% level of compliance (or 23 of 25 records) for the Territory with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a).</p> <p>While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, this is significant improvement and OSEP recognizes the significant effort made by the Virgin Islands in working toward compliance with these requirements. OSEP acknowledges that, as noted below under Indicator 9, the retention of two full-time personnel (including a Child Development Specialist who can conduct evaluations) has contributed to VIDH's ability to ensure compliance with this requirement.</p>	<p>OSEP looks forward to VIDH's April 14, 2006 final progress report under the FFY 2004 and FFY 2005 Part C Grant Special Conditions, which report must include data that demonstrate compliance with this requirement.</p>

**Table B – Virgin Islands – Part C**  
**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 8A:</b> OSEP’s November 16, 2005 letter responding to the Virgin Islands’ FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that IFSPs include steps to support the transition of all children in accordance with 34 CFR §§303.148(b)(2)(i) and 303.344(h). OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance with this requirement by December 16, 2006.</p>	<p>In the SPP, the Virgin Islands reported a 75% level of compliance (15 of 20 records) for this indicator. The Virgin attributed this area of noncompliance to failure to document transition steps and services in each child’s IFSP.</p>	<p>The Virgin Islands provided monitoring data indicating noncompliance for this indicator. VIDH reported a 75% level of compliance, specifically for the requirements at 34 CFR §§303.148(b)(2)(i) and 303.344(h).</p>	<p>The Virgin Islands may submit its final progress report with data demonstrating compliance with this requirement that was due by December 16, 2006 with its FFY 2005 APR due February 1, 2007.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p><b>Indicator 8B:</b> OSEP’s November 16, 2005 letter responding to the Virgin Islands’ FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that the LEA is notified that a child will shortly reach the age of eligibility for preschool services under Part B as required by 34 CFR§303.148(b)(1). OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance with this requirement by December 16, 2006.</p>	<p>In the SPP, the Virgin Islands reported a 45% level of compliance (9 of 20 records) with this indicator.</p> <p>The Virgin Islands attributed this area of noncompliance to failure to document in the IFSP that the LEAs had been notified.</p>	<p>The Virgin Islands provided data indicating noncompliance for this indicator. The Virgin Islands reported a 45% level of compliance, specifically for the requirement at 34 CFR §303.148(b)(1).</p>	<p>The Virgin Islands may submit its final progress report with data demonstrating compliance with this requirement that was due by December 16, 2006 with its FFY 2005 APR due February 1, 2007.</p> <p>The Virgin Islands should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable VIDH to include data in the FFY 2005 APR, that demonstrate full compliance with this requirement.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

**Table B – Virgin Islands – Part C**  
**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 8C:</b> OSEP’s November 16, 2005 letter responding to VIDH’s FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that transition conferences are held, for children potentially eligible under Part B, with the approval of the family, at least 90 days before the child’s third birthday in accordance with 34 CFR §303.148(b)(2)(i).</p> <p>OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance with this requirement by December 16, 2006.</p>	<p>In the SPP, the Virgin Islands reported a 15% level of compliance (3 of 20 records) with this indicator. The Virgin Islands reported that transition meetings were held, but only 3 were within the required 90-day timeline. The Virgin Islands plans to train providers and to develop corrective action plans to address this area of noncompliance.</p>	<p>The Virgin Islands provided monitoring data indicating noncompliance for this indicator. The Virgin Islands reported a 15% level of compliance, specifically for the requirement at 34 CFR §303.148(b)(2)(i).</p>	<p>The Virgin Islands may submit its final progress report with data demonstrating compliance with this requirement that was due by December 16, 2006 with its FFY 2005 APR due February 1, 2007.</p> <p>The Virgin Islands should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable VIDH to include data in the APR, that demonstrate full compliance with this requirement.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

**Table B – Virgin Islands – Part C**

**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9A:</b> OSEP’s November 16, 2005 letter responding to VIDH’s FFY 2003 APR letter requested that the Virgin Islands, in the SPP, either demonstrate its ability to correct the noncompliance identified in its FFY 2003 APR or include in the SPP its plan to ensure compliance with the timely correction requirements in 34 CFR §303.501(b).</p>	<p>In its SPP, the Virgin Islands provided its improvement activities, targets and timelines to address this area of noncompliance.</p> <p>The improvement activities include continuing to conduct record reviews, continuing to collect monitoring data, and providing training to Part C staff.</p>	<p>The Virgin Islands provided monitoring data indicating noncompliance for this indicator but OSEP could not calculate a specific baseline level of noncompliance for this indicator based on the information provided.</p> <p>Virgin Islands included in the SPP improvement activities, targets and timelines designed to ensure correction of its noncompliance in this indicator.</p>	<p>The Virgin Islands must ensure that this noncompliance is corrected and include data in Indicator 9 in the APR, due February 1, 2007, that demonstrate the timely correction of noncompliance as required by this indicator.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the Virgin Islands’ status under section 616(d) of the IDEA.</p>
<p><b>Indicator 9B:</b> 1. OSEP’s November 16, 2005 letter responding to the Virgin Islands’ FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that IFSPs include statements of present levels of functioning in accordance with 34 CFR §303.344(a).</p> <p>OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance by December 16, 2005.</p>	<p>The Virgin Islands reported that this area of noncompliance was due to the lack of documentation that children had received vision and hearing evaluations and assessments. In the SPP, the Virgin Islands provided its improvement activities to address this area of noncompliance.</p>	<p>The Virgin Islands submitted its improvement activities to ensure compliance for this previously-identified area of noncompliance but did not include data such that OSEP could determine a specific level of compliance with the IFSP content requirements of 34 CFR §303.344(a).</p>	<p>The Virgin Islands may submit its final progress report with data demonstrating compliance with the IFSP content requirements of 34 CFR §303.344(a), that was due by December 16, 2006, with its FFY 2005 APR due February 1, 2007.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

**Table B – Virgin Islands – Part C**

**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9B:</b> 2. OSEP’s November 16, 2005 letter responding to the Virgin Islands’ FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that a periodic IFSP review is conducted every six months in accordance with 34 CFR §303.342(b).</p> <p>OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance by December 16, 2006.</p>	<p>The Virgin Islands reported in its SPP that this area of noncompliance was identified because providers were conducting IFSP reviews but not in accordance with the six-month timeline. In the SPP, the Virgin Islands provided its improvement activities to address this area of noncompliance.</p>	<p>The Virgin Islands submitted its improvement activities to ensure compliance for this previously identified area of noncompliance, but did not include data such that OSEP could determine a specific level of compliance with the IFSP periodic review requirements in 34 CFR §303.342(b).</p>	<p>The Virgin Islands may submit its final progress report with data demonstration compliance with the IFSP periodic review requirements in 34 CFR §303.342(b), that was due by December 16, 2006, with its FFY 2005 APR due February 1, 2007.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>
<p><b>Indicator 9B:</b> 3. OSEP’s November 16, 2005 letter responding to the Virgin Islands’ FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that IFSP meetings are held annually to review the IFSP in accordance with 34 CFR §303.342(c).</p> <p>OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance by December 16, 2006.</p>	<p>In its SPP, the Virgin Islands reported that this area of noncompliance was identified because providers were conducting IFSP reviews but not in accordance with the one-year timeline.</p> <p>The Virgin Islands provided its improvement activities to address this area of noncompliance.</p>	<p>The Virgin Islands submitted its improvement activities to ensure compliance for this previously-identified area of noncompliance but did not include data such that OSEP could determine a specific level of compliance with the IFSP annual review requirements in 34 CFR §303.342(c).</p>	<p>The Virgin Islands may submit its final progress report with data demonstrating compliance with the annual IFSP review requirements in 34 CFR §303.342(c), that was due by December 16, 2006, with its FFY 2005 APR due February 1, 2007.</p> <p>Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

**Table B – Virgin Islands – Part C**

**Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9B:</b> 4. OSEP’s November 16, 2005 letter responding to the Virgin Islands’ FFY 2003 APR accepted the Virgin Islands’ plan to ensure compliance with the Part C requirement that IFSPs include an appropriate justification when an early intervention service is not provided in the natural environment in accordance with 34 CFR §303.344(d)(1)(ii).</p> <p>OSEP required the Virgin Islands to submit to OSEP an interim progress report in the SPP and a final progress report with data demonstrating compliance by December 16, 2006.</p>	<p>In the SPP, the Virgin Islands reported noncompliance for this indicator in one of two health districts. The level of compliance for this indicator is 94.5%</p>	<p>The Virgin Islands provided monitoring data indicating noncompliance with this requirement in one health district. The Virgin Islands reported a 94.5% level of compliance for this indicator, specifically the requirement at 34 CFR §303.344(d)(1)(ii).</p> <p>While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the Virgin Islands in working toward compliance with this requirement.</p>	<p>The Virgin Islands may submit its final progress report with data demonstrating compliance with the annual IFSP review requirements in 34 CFR §303.342(c), that was due by December 16, 2006, with its FFY 2005 APR due February 1, 2007.</p> <p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement in 34 CFR §303.344(d)(1)(ii).</p>
<p><b>Indicator 9:</b> OSEP’s November 16, 2005 letter (that reported the results of OSEP’s Verification Visit to the Virgin Islands) required the Virgin Islands to submit its revised prior written notice under 34 CFR §303.403 to OSEP by December 2, 2005.</p>	<p>The Virgin Islands submitted its prior written notice on December 2, 2005 and, in response to OSEP’s March 2006 comments, resubmitted the document on March 10, 2006.</p>	<p>OSEP appreciates the Virgin Islands submitting its revised prior written notice document in response to OSEP’s March 2006 feedback to the December 2, 2005 submission. OSEP will respond to the Virgin Islands’ prior written notice document submitted on March 10, 2006 under separate cover.</p>	<p>No action required in the SPP.</p> <p>OSEP will respond separately to the VIDH’s March 10, 2006 notice.</p>

Table B – Virgin Islands – Part C

Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9:</b> Special Conditions were imposed on Virgin Islands' FFYs 2004 and 2005 Part C grants to ensure compliance with the requirement regarding adequate qualified personnel to ensure the timely provision of early intervention services as required by 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1).</p> <p>Under these Special Conditions, a progress report was due December 2, 2005 (which was extended by OSEP until January 31, 2006) and a final progress report with data demonstrating compliance is due April 14, 2006.</p>	<p>In its January 31, 2006 Special Conditions progress report, the Virgin Islands reported that: (1) it had recruited and employed one service coordinator and one child developmental specialist and had deployed these personnel within one month of receiving approval from the Virgin Islands' personnel system to hire these individuals; (2) it was actively pursuing authority to directly hire Part C staff. Draft legislation was submitted for review to the Virgin Islands' Attorney General's office; and, (3) it needs an additional 9 full time personnel to provide needed early intervention services.</p>	<p>OSEP is pleased that the Virgin Islands reported progress in hiring two personnel to provide early intervention services and is actively seeking authority to hire personnel for its Part C program directly. In addition, the improvement in the timely provision of Part C services in Indicator 1 and the 45-day timeline in Indicator 7 appear directly related to the hiring of these personnel.</p> <p>The Virgin Islands did not specifically address all the information requested by OSEP for the Special Conditions related to personnel recruitment and retention. These are: (1) implementation of activities to jointly recruit and share needed specialized personnel under the memorandum of agreement with the Virgin Islands Department of Education; (2) notification that the Virgin Islands' Commissioner of Health, by December 2, 2005, approved the Part C program's long-term recruitment and retention plan; and (3) sending to OSEP a copy of the Virgin Islands' Part C recruitment and retention plan that was approved by the Commissioner of Health.</p>	<p>The Virgin Islands must submit its final progress report required under Special Conditions for FFY 2004 and FFY 2005 Part C grants by April 14, 2006 and provide all information required under its Special Conditions related to recruitment and retention of personnel.</p>



**Table B – Virgin Islands – Part C  
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 9:</b> Special Conditions were imposed on Virgin Islands' FFYs 2004 and 2005 Part C grants to ensure compliance related to fiscal management required under Part C regulations at 34 CFR Part 303 and under EDGAR at 34 CFR Parts 76 and 80.</p> <p>Under these Special Conditions, a progress report was due December 2, 2005 (which was extended by OSEP until January 31, 2006) and a final progress report with data demonstrating compliance is due April 14, 2006.</p>	<p>In its January 31, 2006 Special Conditions progress report, the Virgin Islands reported that: (1) the Virgin Islands Department of Health continues to contract with its financial management contractor approved by OSEP in July 2002; and (2) all disbursements were paid less than 28 business days from receipt of each account payable by the Part C program through the financial management contractor.</p>	<p>The Virgin Islands reported that it provided timely payment for goods and services utilizing procedures with the financial management contractor.</p>	<p>The Virgin Islands must submit its final progress report required under Special Conditions for FFY 2004 and FFY 2005 Part C grants by April 14, 2006 with data demonstrating compliance.</p>