



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

OCT 25 2007

Honorable Lynn Spampinato
Virgin Islands Department of Education
Office of the Commissioner
1834 Kongens Gade
St. Thomas, U.S. Virgin Islands 00802-6746

Dear Commissioner Spampinato:

This is to inform you that your State's application for Federal Fiscal Year (FFY) 2007 funds, under Part B of the Individuals with Disabilities Education Act (Part B), can be approved. Our approval is based on review of your application submitted by the Virgin Islands Department of Education (VIDE) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on June 6, 2007 and resubmitted on June 28, 2007, August 31, 2007, September 29, 2007 and October 3, 2007, including assurances provided in Section II which are incorporated by reference to this letter as noted in Enclosure A. OSEP also notes that the application was not made available for public comment and review until June 11, 2007. On August 27, 2007, OSEP received notice from VIDE that the public comment period ended on August 11, 2007. Enclosed is the grant award for funds currently available under the Department of Education FFY 2007 Appropriations Act for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2007-2008 and are available for obligation by States from July 1, 2007 through September 30, 2009.

The Virgin Islands' FFY 2006 IDEA Part B grant awards were released subject to new Department-wide Special Conditions identified in the Department's September 27, 2006 letter to the Virgin Islands regarding the use of a third-party fiduciary. The Department-wide Special Conditions were imposed upon certain Department FFY 2006 and 2007 grants to the Virgin Islands and were also applicable to grant funds previously awarded by the Department to the Virgin Islands that were still available for obligation or liquidation as of September 27, 2006. The Virgin Islands FFY 2007 IDEA Part B grant awards are being released subject to the Department-wide Special Conditions regarding use of a third-party fiduciary identified in the Department's June 26, 2007 letter and the reasons for imposing these Special Conditions are described in Enclosure D to this letter.

In addition, the Virgin Islands' FFY 2006 IDEA Part B grant awards were released subject to the program-specific Special Conditions imposed under Part B, as described in Enclosure C of the Department's April 30, 2007 letter releasing those grant awards. The FFY 2006 program-specific Special Conditions imposed under Part B on the Virgin Islands' FFY 2006 Part B grant awards required that by June 1, 2007, VIDE demonstrate compliance with the requirements related to: children with disabilities transitioning from Part C to Part B; reporting on the participation and performance of children with disabilities on Territorywide assessments with and without accommodations and on alternate assessments; and the administration of districtwide assessments. VIDE did not meet these Special Conditions. Specific summaries and

analyses of VIDE's submissions under the FFY 2006 Special Conditions are set out in Enclosure C.

The Virgin Islands must administer these awards both in keeping with the applicable provisions of Federal law and regulations and with the Special Conditions attached to this grant award document. Acceptance by Virgin Islands of this grant award constitutes an agreement by the Virgin Islands to comply with these Special Conditions.

Please note that as part of your application for FFY 2007, your Territory has made an assurance, in 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by the Territory, after OSEP approval, to information that is a part of a Territory's application, must meet the public participation requirements in 34 CFR §300.165.

Under the Section 611 formula, subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities. At the level of the decrease in the appropriation for the Preschool Grant program compared to that for prior years, each State is first allocated the amount it received for FFY 1997. The remaining funds are allocated based on the relative amount of the increase in funding that the State received between FFYs 1997 and 2006, as compared to the total of such increases for all States. Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

Section 611(e)(1)(C) of the IDEA provides that "[p]rior to expenditure of funds under this paragraph [section 611(e)(1) concerning funds for State administration], the State shall certify to the Secretary that the arrangements to establish responsibility for services pursuant to section 612(a)(12)(A) are current." We read this provision to mean that if a State does not have interagency agreements or other arrangements in place to establish responsibility for the provision of services, the State may not expend funds available to the State under section 611(e)(1) [State administration funds] until the State has these agreements or arrangements in place.

Under section 608(a)(2) of the IDEA, each State that receives funds under Part B is required to inform in writing local educational agencies located in the State of any State-imposed rule, regulation, or policy that is not required by IDEA or Federal regulations. A State may use the same list of State-imposed rules, regulations and policies that it was required to submit to the Department in Section IV of its Part B application for this purpose.

The enclosed grant award for FFY 2007 is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries are needed to allow us to appropriately carry out our administrative responsibilities related to Part B.


Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant a State is expressly agreeing as a condition

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of IDEA funding to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

- Enclosure A
- Enclosure B
- Enclosure C
- Enclosure D

cc: Carrie Johns