



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

JUL 3 2008

Honorable LaVerne Terry  
Commissioner of Education  
Virgin Islands Department of Education  
1834 Kongens Gade  
St. Thomas, U.S. Virgin Islands 00802-6746

Dear Commissioner Terry:

We have determined that your State's application for Federal Fiscal Year (FFY) 2008 funds, under Part B of the Individuals with Disabilities Education Act (Part B), can be approved. Our approval is based on review of the application submitted by the Virgin Islands Department of Education to the U.S. Department of Education, Office of Special Education Programs (OSEP), and received on May 20, and June 5, 2008, including assurances provided in Section II, which are incorporated by reference to this letter as noted in Enclosure A. Enclosed are the grant awards for funds currently available under the Department of Education Appropriations Act, 2008 for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2008-2009 and are available for obligation by States from July 1, 2008 through September 30, 2010.

The Virgin Islands' FFY 2007 IDEA Part B grant award funds were released subject to the Department-wide Special Conditions regarding use of a third-party fiduciary as set out in the Department's June 26, 2007 letter and incorporated in the Part B FFY 2007 grant award letter dated October 25, 2007. The Virgin Islands' FFY 2008 IDEA Part B grant award funds are being released subject to revised Department-wide Special Conditions regarding the use of a third-party fiduciary. The July 1, 2008 letter and Special Conditions address the reasons for imposing these Department-wide Special Conditions; are attached as Enclosure D to this letter; and are incorporated by reference herein.

In addition, the Virgin Island's FFY 2007 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 October 25, 2007 grant awards letter. The FFY 2007 program-specific Special Conditions required that by February 1, 2008, 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 and therefore the Department is imposing Special Conditions on the FFY 2008 grant awards to the Virgin Islands. The bases for this decision and the specific summaries and analyses of VIDE's submissions under the FFY 2007 Special Conditions are set out in Enclosure C and are incorporated by reference herein.

Please note that as part of your application for FFY 2008, your State 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 State, after Office of Special Education Programs (OSEP) approval, to information that is a part of a State's application, must meet the public participation requirements in 34 CFR §300.165.

The amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2008. Of the \$10,947,511,571 appropriated for Section 611 in FFY 2008, \$4,091,067,571 is available for awards on July 1, 2008, and \$6,856,444,000 will be available on October 1, 2008.

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.

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 State-by-State funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

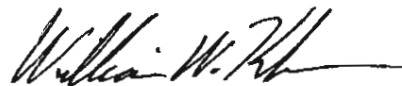
Under section 608(a)(2) of the IDEA, each State that receives funds under Part B is required to inform in writing local educational agencies located in the State of any State-imposed rule, regulation, or policy that is not required by IDEA or Federal regulations. A State may use the same list of State-imposed 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 2008 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 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,



William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

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

cc: State Director of Special Education