



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

Honorable David Stewart
Superintendent
West Virginia Department of Education
1900 Kanawha Blvd. E. Bldg. 6
Charleston, WV 25305-0330

FEB 24 2005

Dear Superintendent Stewart:

The purpose of this letter is to respond to the West Virginia Department of Education's (WVDE's) April 23, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part B funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the State during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and result in high-quality information across States.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP's Memorandum regarding the submission of Part B APRs directed States to address five cluster areas: General Supervision, Early Childhood Transition, Parent Involvement, Free Appropriate Public Education in the Least Restrictive Environment, and Secondary Transition.

Background

As part of the Continuous Improvement Monitoring Process, West Virginia's Self-Assessment was submitted to OSEP on October 15, 2002. WVDE also submitted their Improvement Plan on July 1, 2003. OSEP responded to the Improvement Plan in a letter dated January 22, 2004. OSEP conducted a visit to West Virginia during the week of September 15, 2003 to verify the effectiveness of the State's systems for general supervision, data collection under section 618 of IDEA and State-wide assessment. OSEP provided the results of this visit to the State in a letter dated February 13, 2004.

The State's APR should reflect the collection, analysis, and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas (as well as any other areas identified by the State to ensure improvement). OSEP's comments are listed by cluster area.

General Supervision

Monitoring: On pages one through 14 of the APR, the State provided data and information demonstrating that WVDE's policies and procedures identified noncompliance, ensured correction of identified noncompliance, and encouraged positive program performance. The State included baseline and trend data, indicators, targets, activities, timelines and resources to address each of the following topics in this cluster: (1) effective general supervision; (2) identification and remediation of systemic noncompliance; (3) timely dispute resolution; (4) sufficient qualified personnel; and (5) accurate and timely data collection and reporting.

On pages one through three of the APR, WVDE's Office of Special Education (OSE) revised their monitoring system in 2000 to align with OSEP's Continuous Improvement Monitoring Process (CIMP). OSE's system of monitoring included: local level self-assessment, data analysis, on-site review and improvement planning. There are eight Regional Education Service Agencies (RESAs) and 57 districts or State-operated programs that are monitored on a four-year cycle. Data collected during the on-site visit were verified using a variety of methods and investigative procedures: an analysis of OSE data reports and documentation, dispute resolution and technical assistance information were used to identify and correct systemic issues. Monitoring team members, including OSE, RESAs and district personnel, received training on reviewing documentation and conducting interviews. OSE reviewed student files, completed an administrative checklist, and interviewed the director of special education, principals, related services providers, general and special education teachers and parents. Also, during the on-site visit, the district's self-assessment process and use of the West Virginia Education Information System (WVEIS) were reviewed and verified.

In addition to monitoring districts within the State, OSE initiated monitoring of out-of-State facilities in which the Department of Health and Human Resources (DHHR) or the court system placed children with disabilities. This monitoring was initiated based on needs identified in WVDE's Self-Assessment, in which the steering committee found the supervision of these facilities was insufficient to ensure free appropriate public education (FAPE). In April 2002, OSE monitoring staff visited out-of-State facilities to verify children's eligibility, review IEPs, appropriate placement and provision of services. OSE identified twenty-seven (27) out-of-State facilities serving 140 children with disabilities from West Virginia. All agencies serving IDEA-eligible children participated in all required monitoring activities including a facility self-assessment report that the monitoring team verified during the on-site visit.

OSE's analysis of district monitoring records found corrective activities were not completed and closed in a timely manner for one of 14 districts monitored in 2000-2001, for two of 14 districts monitored in 2001-2002, and two of 14 districts monitored in 2002-2003. Enforcement procedures were initiated for the two districts in 2002-2003, resulting in OSE assuming direction of one district's special education program. Noncompliance was resolved in the second district. Each of the 14 districts that received on-site visits in 2002-2003 completed an analysis of data in the form of a self-assessment. Each self-assessment, developed by a stakeholders committee, included improvement planning activities relative to performance and compliance indicators addressing the areas of identification/referral, evaluation/eligibility, individualized education program (IEP) process, administration of services, discipline, procedural safeguards and accountability.

On pages six and nine of the APR, the State also reported on its efforts to ensure that systemic issues are identified and corrected.

Dispute Resolution: On page eight of the APR, West Virginia reported that of the 16 hearing requests filed in 2003, nine went to a hearing, one was resolved through mediation and six were withdrawn or dismissed. Five of the nine hearing decisions required corrective actions; three districts completed corrective actions within required timelines; and corrective actions were delayed in two cases pending the start of school to complete corrective actions. Data provided in Attachment 1 indicated that all due process hearing decisions were issued within required timelines. On page 10 of the APR, West Virginia reported that in the annual training for due process hearing officers and mediators, compliance with timelines was reviewed and hearing decisions, including corrective activities and their timelines and implementation, were discussed for each decision issued. The pool of due process hearing officers was increased from four to six to ensure an adequate number of hearing officers to address cases in a timely manner. Individual hearing officers changed their procedures for scheduling hearings and strengthened their process for considering timeline extensions. The State also provided on page 10 of the APR targets, strategies and timelines to improve the timeliness of due process hearing decisions.

On page 10 of the APR, WVDE noted that it had corrected noncompliance, identified in its self-assessment, with regard to complaint timelines. It referenced a number of activities it had undertaken to address timely resolution of complaints. In Attachment 1 of the APR, WVDE reports that for the reporting period, 87 complaints were filed with the State. Thirty-one of these were not investigated because they were withdrawn or the State determined it had no jurisdiction. Of the remaining 56 complaints, all were investigated and resolved within required timelines.

On page four and five of the APR, the State reported that of the nine mediations requested in 2003, two were related to due process hearings, one of which was mediated before the due process hearing was held; the remaining seven were not related to due process hearings.

Prior to submitting the Improvement Plan, OSE initiated the following activities: (1) arrangements were made with the WVDE Office of Technology and Information Systems to develop a web-based complaint management system to assist in more efficient processing and data collection; (2) the format of letters of findings was streamlined, eliminating unnecessary documentation and details beyond the information required; (3) additional allegations and subsequent findings not included in the original complaint were no longer addressed in the original decision letter but issued in an additional letter to the district, thus ensuring the initial allegations would be addressed promptly; (4) a team approach was implemented among the three complaint investigators for reviewing written complaints, identifying the allegations to be investigated, and initiating the letter to notify the district; (5) complaint investigators and the OSE assistant director received training on complaint procedures and issues at the Spring 2003 Mid-South Regional Resource Center Legal Regulatory meeting. Information gathered at this meeting assisted the OSE in the development of an early resolution process for complaints; and (6) the complaint unit received training regarding complaint procedures and legal issues.

On pages five through seven of the APR, OSE provided data demonstrating that corrective actions addressing complaint findings were implemented in a timely manner in all but one district. OSE assumed direction of the district's special education program. On page 10 of the APR, the State also provided targets, strategies and timelines to improve performance in this area.

OSEP appreciates the work of the State in ensuring compliance with dispute resolution requirements and looks forward to reviewing the results of the continued implementation of the strategies in the next APR.

Personnel: On page 11 of the APR, WVDE reported that recruitment and retention of qualified special education teachers to meet the educational needs of all children with disabilities was a long-standing problem. The percentage of certified (83%) and not fully certified (17%) special education teachers remained steady since 2000. Among the 17% not fully certified were teachers in the following categorical areas of certification: autism 1%, behavior disorders 3%, mental impairment 5%, and specific learning disabilities 6%. Additionally, 6% of speech-language pathologists were not fully certified. Primarily these shortages were concentrated in a few districts; however, the WV October 2002 Self-Assessment reported a shortage of speech-language pathologists as a concern. In 2002-2003, of 43 speech positions posted, 12.5 were not filled, 11.5 due to lack of qualified applicants. Of the special education teacher positions posted, 60.65 were not filled, 55 due to lack of qualified applicants. Districts increasingly expected special education teachers to be certified in several categories of special education, which caused some teachers to lose full certification status. In 2002-2003, of the special education positions posted, 54% were multicategorical, 13% behavior disorders, 13% specific learning disabilities, and 12% mental impairment.

On pages 12 and 13 of the APR, the State proposed the following strategies and activities to increase numbers of qualified personnel serving children with disabilities: (1) revise State certification policy to include speech assistant, multicategorical, and stand-alone autism specializations; (2) develop and disseminate a guidance document and provide training on the speech assistant option; (3) continue collaboration with Marshall University in implementing the teacher preparation program for children with visual impairments; (4) establish a program for teachers of the deaf/hard of hearing in collaboration with Marshall University; (5) continue assessment and training of educational interpreters; and (6) conduct a State-wide survey of teacher attrition to identify target areas for improving retention of qualified personnel. From data and information provided by the State on pages 12 through 14 of the FFY 2002 APR, however, OSEP could not determine whether children with disabilities failed to receive needed services because of a lack of personnel. In the next APR, the State must provide OSEP with its specific State requirements and policies to be followed in the event of personnel shortages, along with any guidance or technical assistance provided to local education agencies (LEAs), specifically regarding what LEAs need to do to ensure that children with disabilities receive all services required by their individualized education programs (IEPs). In the next APR, OSEP looks forward to reviewing the results of the implementation of these strategies and an update on the status of WVDE's ability to maintain sufficient numbers of qualified personnel.

Data Collection: WVDE data reports were collected through the WVEIS, with the exception of the personnel report, which was collected through paper forms. WVEIS is a State-wide

dedicated computer network for maintaining all school and district records including student information, and financial information. To collect data for reporting purposes, district staff submitted electronic files. District reports were generated, checked for accuracy by the Part B data manager, corrected by the districts as necessary, and then combined into the Federal data report. WVEIS staff and the Part B data manager provided training and updates at a State-wide data conference and WVEIS staff met with district and RESA WVEIS coordinators. Each of the eight regional WVEIS coordinators provided further training and technical assistance to local WVEIS county contacts in each district, special education directors, principals and secretaries responsible for creating and maintaining student records and creating required reports. The State WVEIS office and OSE Part B data manager also provided direct technical assistance when needed. The State's Self-Assessment process and the APR generated the following additional data: (1) dispute resolution in the format required for the APR; (2) State-wide assessment, including accommodations; (3) parent involvement; (4) post-secondary outcomes; and (6) tracking Part C to Part B transition, including IEP services by the child's third birthday.

OSEP appreciates the work of the State in ensuring compliance with general supervision requirements and looks forward to reviewing the results of the continued implementation of the strategies in the next APR.

Early Childhood Transition

On page 15 of the APR, WVDE reported that in 2000-2001, 56.6% of children exiting the Part C program were eligible for Part B, 26.8% were determined not eligible and no eligibility was determined for 16.6% either because parents declined the referral or referrals were pending. In 2002-2003, 66.0% of children exiting the Part C program were found eligible for Part B, while 15.9% were determined not eligible and no determination was made for 18.1%. Of that last percentage, WVDE reported that, in 2002-2003, 10.6% of children with disabilities exiting Part C did not have eligibility determination completed by their third birthdays and that in the remaining 7.5% of the cases, parents declined a Part B referral. 34 CFR §300.132(b) requires that by the third birthday of a child served under Part C who is eligible for Part B services, an IEP or IFSP has been developed and is being implemented consistent with §300.121(c). In the next APR, OSEP expects WVDE to provide a plan with strategies, activities, targets and timelines to ensure compliance with the requirement to ensure that all Part-B eligible children have an IEP developed and implemented by their third birthdays, no later than one year after OSEP accepts the plan.

The State also reported that early childhood service providers at the State level, including Part C, Part B, Head Start and others, collaborate extensively in planning services, training and effective transition for children with disabilities. The Early Childhood Transition Steering Committee included representatives from the Department of Education, Department of Health and Human Resources, Governor's Cabinet on Children and Families, Head Start and West Virginia Early Childhood Training Connections and Resources. The Committee implemented the following strategies in 2002-2003: (1) distributed information to families to facilitate transition and established a committee to plan and develop a family packet to be distributed to families of all children exiting Part C services; (2) produced a developmental wheel to inform parents of developmental milestones for young children and to encourage early referral when needed; (3) provided free wheels to participating districts and agencies; (4) compiled

transition resources for distribution to county transition teams to facilitate transition planning; and (5) produced a CD-ROM and hard copies of all products, including transition checklists and community collaboration documents and made arrangements for all products to be available through West Virginia Early Childhood Training Connections and Resources.

Parent Involvement

The WVDE Self-Assessment identified on-going parent training provided throughout the State and active parent participation in most counties. The steering committee's recommendations for improvement included increasing parent participation in existing training, increasing awareness of availability of assistance, better communication and increasing parent participation in school improvement activities. Opportunities for parent training and involvement were provided by OSE, Parent Educator Resource Centers (PERCs), the Parent Training and Information (PTI) Center and other parent agencies. The OSE provided training, conferences and technical assistance to parent groups in districts and through parent agencies. The local district PERCs employed at least one parent and one educator who provided training and technical assistance specifically to meet parents' needs. Currently, 37 of West Virginia's 55 counties operate PERCs. PERC training, specific to parents' and children's rights and responsibilities, included: IDEA; Policy 2419 (special education regulations); Policy 2525 (universal preschool); the special education process, including evaluation, eligibility, developing IEPs, and informed decision-making; surrogate parent training; family, school and community involvement; discipline TIPS (Teachers Implementing Positive Supports) and functional behavior assessments; transition from preschool to kindergarten; and secondary transition. In addition, training, activities and support groups were offered related to individual disabilities, behavior management, parenting skills, health and homework.

OSEP appreciates the work of the State in ensuring parent involvement and looks forward to reviewing the results of the strategies described above in the next APR.

Free Appropriate Public Education in the Least Restrictive Environment

Disproportionality: The State reported on pages 23-25 of the APR that it identified significant disproportionality of African-American students in the disability categories of mental retardation, deaf-blindness, autism, behavior disorder, and traumatic brain injury. The State also reported that the percentage of Hispanic and Asian children with disabilities identified for all disabilities was more than 20% lower than the percentage in total school enrollment. The State found that these percentages constituted significant disproportionality in some but not all disability categories because for some categories cell sizes were so small that data were unreliable. African-American children were underrepresented in the speech/language impairment category.

In 2002-2003, eight districts had disproportionate representation either for total numbers of African-American children with disabilities or for African-American children within some individual disability categories. Disproportionality by placement category in State-wide three-year trend data demonstrates an overrepresentation of African-American children with disabilities in separate classes and out-of school placements. African-American children with

disabilities were underrepresented in full-time regular education placements. Hispanic and Asian children were underrepresented in all placement categories.

Each year, district data were individually analyzed and disseminated to the local special education directors. The majority of districts with potential disproportionality for 2002-2003 developed improvement plans to address these concerns. An OSE work group was organized to provide further analysis and research regarding disproportionality issues, and a State-wide stakeholders group was planned to complete further review of policies, procedures and practices at the State and district levels to identify needed changes.

Part B requires, at 34 CFR §300.755(b), that "In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, ...the State shall provide for review and, if appropriate revision to the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with Part B of the Act." The instructions to the 2002 APR require States that identify significant disproportionality to report on the results of that review of policies, procedures and practices. The State's 2002 APR, however, while identifying significant disproportionality, and indicating that the State did review policies, procedures and practices in districts with disproportionality, did not report on the results of that review.

OSEP expects WVDE to include the status of the review of policies, procedures and practices and the results of those reviews in the FFY 2003 APR.

Graduation and Drop-out Rates: Beginning with the 2002-2003 school year, a new graduation rate computation was used for all children in West Virginia, in accordance with the Consolidated Application Accountability Plan approved under the No Child Left Behind Act (NCLB). In 2002-2003, the graduation rate was 83% for all children, and 77% for children with disabilities. In 2002-2003, district graduation rates for children with disabilities ranged widely from 33% to 100%.

Page 31 of the APR reported that drop-out rates under section 618 of IDEA were 35% in 2000-2001 and 36% in 2002-2003 compared to national rates of 29% and 25%, respectively. However, the table on page 31 showed .8% in 2000-2001 and .6% in 2002-2003. OSEP is unable to determine the actual rate at which students with disabilities drop out of school in West Virginia. OSEP expects WVDE to clarify the data in the FFY 2003 APR.

On pages 29-30 and 32, the State included targets, strategies and timelines to improve graduation rates and decrease drop-out rates for children with disabilities. OSEP looks forward to reviewing data resulting from implementation of those strategies in the next APR.

Suspension and Expulsion: On pages 33-35 of the APR, the State reported that for each district, WVDE compared the number of children with disabilities suspended to the number of children with disabilities enrolled. WVDE then compared the percentage in each district to the average percentage of children with disabilities suspended in the State. Districts demonstrating a 20% discrepancy between the number of children with disabilities suspended to the number of children with disabilities enrolled, the discrepancy was considered significant. The percentage of children with disabilities removed from school for over ten

days compared with the total percentage of children suspended, decreased in the State from 32% in 2000-2001 to 30% in 2002-2003. Although the State reported extensive training of school personnel on positive school-wide discipline programs, it noted that its target for decreasing suspension over ten days for children with disabilities was not met.

The State reported that promoting positive behavior supports and decreasing disciplinary referrals for all children, including children with disabilities, was a major initiative for WVDE. The Responsible Students Through School-Wide Positive Behavior Supports (RS-SWPBS) trained 200 school teams in 180 schools (24%), including 825 individuals, to implement positive school-wide discipline programs. Nevertheless, disciplinary referrals, and, as shown by suspension data, suspensions over ten days continued to increase for all children. Therefore, RS-SWPBS will be continued and expand to include training of a cadre of support personnel for districts. Additionally, the WVDE supported schools in purchasing materials for Project RIDE, a research-validated program that provided a menu of interventions to be used by student assistance teams at the school level to address behavior and academic concerns of individual children, primarily in the regular classroom setting. This was an ongoing project, with continued training and support by the WVDE for existing teams and training for new schools on request. The State also included targets, strategies, and timelines to improve performance in this area. OSEP looks forward to reviewing data resulting from the implementation of these strategies in the next APR.

State-wide and District-wide Assessment: Assessment data for the APR were compiled and reported by the WVEIS staff, using WVEIS student information and, for 2002-2003, the assessment scoring information from the Office of Student Assessment's internal scoring of the Stanford Achievement Test, Ninth Edition (SAT9) and the West Virginia Alternate Assessment. When NCLB accountability data were used (full-academic year enrollment as opposed to all children tested), the State made adequate yearly progress for children with disabilities. The rate of participation of children with disabilities in the State-wide assessment for 2002-2003 was 97%, which exceeded the target. A new State-wide achievement test, the West Virginia Educational Standards Test (WESTEST) was given for the first time in Spring 2004 and used to determine progress based on the percentage of children with disabilities scoring proficient according to achievement standards defined by the State.

The directions to Attachment 3 of the APR state: "Include students who took out-of-level tests and students whose changes to the assessment invalidated their score. These students are to be counted in the lowest achievement column. States that can provide documentation of the linking or equating evidence for the levels of their tests may report out-of-level tests on all achievement levels. This linking or equating evidence must be provided." West Virginia did not report scores from out-of-level testing in the lowest achievement category, nor provide linking or equating evidence. In the next APR, West Virginia must ensure that students who take out-of-level tests are reported according to the directions for Attachment 3 of the APR. The directions to the FFY 2003 APR require that out-of-level scores be reported in the column with assessments on alternate achievement standards.

The State reported on page 37 of the APR that substantial WVDE resources were being directed toward improving achievement in reading and mathematics for all children. OSE staff participated in the planning, development and implementation of the following initiatives to address improvement in participation and performance for children with disabilities on

State-wide assessments: extensive training regarding NCLB accountability requirements, design of the new WESTEST, redesign of alternate assessment to match the new content standards, development of guidelines for participation of children with disabilities in State-wide assessment, and training on all these initiatives. OSEP looks forward to reviewing the results of the implementation of these activities to improve the participation and performance for children with disabilities on State-wide assessments in the next APR.

Placement in the Least Restrictive Environment: According to the December 2002 child count, 51% of children with disabilities ages 6-21 were in regular education, removed from the regular education setting less than 21% of the school day. The range among the 55 districts was 28% to 85%. Ten percent were in separate class placement, removed from the regular education setting more than 60% of the school day. The range within districts was from 1% to 26%. For 2002-2003, 39.5% of children with disabilities ages 3-5 were placed in integrated early childhood settings. Among the 55 districts, the percentages ranged from 0.78% to 100%. Twenty-six percent were placed in self-contained early childhood special education placements, while districts ranged from 0% to 86%. For the part-time early childhood/part-time early childhood special education placement, 18.7% were reported in this placement, with districts ranging from 0% to 67%. Trend data showed a decrease in both the percentage of children with disabilities ages 6-21 placed in special education separate class and in children with disabilities ages 3-5 placed in self-contained early childhood special education settings.

In 2002, PIECES (Partners Implementing an Early Care and Education System) was established to develop a framework and policy for universal pre-kindergarten to apply to all districts and agencies in the State. The universal preschool movement resulted in more inclusive placements being available, because more districts established collaborative early childhood programs, combining the efforts and resources of various agencies, including general education, special education, early intervention, Head Start and others. The comprehensive curriculum system, to be developed in 2003-2004, was the first step toward establishing standards and assessment of progress for young children. However, WVDE, in collaboration with a variety of preschool service providers, established policy and was developing curriculum, to provide the foundation for assessment and program improvement for all preschool children. The OSE was in the process of developing an early literacy project for preschool to complement the current WVDE Phonemic Awareness Project that focuses on kindergarten and first-grade, at-risk children, including children with disabilities. Evaluation data from the last three years showed significant gains for children participating in this project. This was a collaborative project, involving OSE and the Office of Instructional Services (including Title I), with assistance from Vanderbilt University and the University of Virginia.

Preschool Outcomes: The State reported that no data were available regarding performance of preschool children with disabilities; however, as noted above, WVDE established a policy and was developing curricula that will provide the foundation for assessment and program improvement for all preschool children. A comprehensive curriculum was to be developed in 2003-2004 to establish standards and assessment of progress for young children.

Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116; the effectiveness of the IDEA section 619 program is being measured based on the extent to

which early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services are improving. In the FFY 2003 APR, WVDE must either submit documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

Secondary Transition

The APR reported that limited data were available for 2002-2003 regarding post-school activities of children with disabilities. Activities to achieve projected targets/results for 2003-2004 and ongoing included: (1) identified and disaggregated data collected within the WVDE and Division of Rehabilitation Services (DRS) related to post-school outcomes; (2) developed a data collection process on postsecondary transition that included a measure of child satisfaction; (3) developed interagency agreements with Department of Health and Human Resources (DHHR), DRS and the Higher Education Policy Board regarding data collection and other priorities; and (4) established an interagency council for secondary transition to increase options/success for children. In the Fall 2003, OSE employed a secondary transition coordinator to address the needs of children with disabilities, a position previously vacant for three years.

A significant number of districts identified a need to improve student participation and involvement in transition planning, including participation in IEP team meetings and improving the percentage of children going on to post-secondary education opportunities and obtaining employment. A comprehensive adolescent education/transition plan was being developed with technical assistance from Mid-South Regional Resource Center. The State provided baseline data, targets, an explanation for slippage and progress, activities, timelines, and resources to address this goal.

OSEP looks forward to reviewing the results of the implementation of these activities to obtain data regarding post-school activities of children with disabilities in the next APR.

Conclusion


The timeline for the State's submission of its FFY 2003 Part B APR is extended to 60 days from the date of this letter. As noted above, WVDE must include in its FFY 2003 APR:

1. specific State requirements and policies to be followed in the event of personnel shortages, along with any guidance or technical assistance provided to LEAs, specifically regarding what LEAs need to do to ensure that children with disabilities receive all services required by their IEPs;
2. a plan with strategies, activities, targets and timelines to ensure compliance with the requirement to ensure that all Part-B eligible children have an IEP or IFSP developed and implemented by their third birthday, no later than one year after OSEP accepts the plan;

3. the status of the review of policies, procedures and practices related to identified disproportionality and the results of those reviews;
4. clarification of the data regarding drop outs;
5. Attachment 3 of the APR, including data on students who take out-of-level tests reported according to the directions for Attachment 3; and
6. documentation of preschool outcomes data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State. We appreciate your work on the APR and we look forward to collaborating with West Virginia as you continue to improve results for children with disabilities and their families. If you have questions, please contact Kimberly Mitchell at (202) 245-7453.

Sincerely,



Stephanie Smith Lee
Director
Office of Special
Education Programs

cc: K. Lynn Boyer