



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

OCT 24 2005

Dear Superintendent Stewart:

The purpose of this letter is to respond to West Virginia's April 26, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part B for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to West Virginia's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

Background

The conclusion of OSEP's February 24, 2005 FFY 2002 APR response letter required the State to provide information and data in the following areas: General Supervision, including personnel, and Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), including disproportionality, dropouts, and preschool outcomes. The information provided by the State is addressed in the appropriate sections below.

General Supervision

Identification and timely correction of noncompliance

On pages 2-4 of the of the General Supervision section of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance in this area. The State reported that its monitoring system included two major components: (1) a focused monitoring process that involved on-site visits, based on data analysis of key indicators; and (2) a self-assessment requiring each district to review its performance on selected indicators paralleling the clusters and probes of the APR and to determine its success in meeting defined performance indicators and, when appropriate, define benchmarks and develop improvement plans. On-site visits to

district schools were based on data analysis of performance on key indicators in the self-assessment. The West Virginia Department of Education (WVDE) indicated that the monitoring process ensured identification and timely correction of noncompliance through: (1) monitoring reports issued within 90 days of the on-site exit meeting; (2) corrective activities submitted to WVDE, when appropriate, within 60 days of the date of the WVDE monitoring report; and (3) enforcement sanctions against districts that failed to meet timelines for corrective action activities.

On page 5 of the General Supervision section of the FFY 2003 APR, WVDE indicated that eight out-of-State facilities were monitored on-site. In two of the eight facilities, corrective activities were not approved within the 75-day timeline required by WVDE, due to issues related to obtaining certified personnel. On page 10, WVDE indicated that, during 2002-2003, it took enforcement action against one district that failed to implement corrective actions within the established timeline. Continued technical assistance was provided to the district and a 2005 focused monitoring visit was planned. On page 11 of the FFY 2003 APR, WVDE indicated that data from each district's self-assessment would not be fully analyzed until the next reporting period. Preliminary analysis of the data identified several districts that did not meet the requirements of specific indicators and, as a result, were directed to submit an improvement plan.

OSEP is not able to determine if a district's inability to meet the requirements of specific indicators on the self-assessment is an indication of noncompliance. WVDE must clearly identify areas of noncompliance and provide data to demonstrate the correction of noncompliance. OSEP looks forward to reviewing the State's full analysis of its data under indicator #15 in the State Performance Plan (SPP) due, December 2, 2005.

Formal written complaints

On pages 12-13 of the General Supervision section and Attachment 1 of the FFY 2003 APR, the State included data and analysis regarding its efforts to ensure compliance in this area. On page 12 of this section of the FFY 2003 APR, the State indicated that WVDE resolved all complaints for the past two years within the required timelines. Both the number of complaints filed and investigated significantly decreased for 2002-2003 and 2003-2004. In 2002-2003, 55 of 87 complaints filed were completed within the 60-day or appropriately extended timelines. The remaining 32 complaints could not be substantiated or were withdrawn due to early resolution. In 2003-2004, 35 of 69 complaints filed were completed within required timelines. The remaining 34 complaints could not be substantiated or were withdrawn due to resolution. The State's analysis of complaint data indicated that IEP implementation continued to be the most frequent issue addressed in violations and corrective activities, many resulting from a lack of qualified personnel. OSEP appreciates the work of the State in ensuring compliance with these requirements. OSEP looks forward to reviewing the State's data in this area in the SPP, due December 2, 2005.

Mediation

On page 10 of the General Supervision section of the FFY 2003 APR, WVDE indicated that the number of mediations related to due process hearings had decreased since 2000 and that the

number of mediations not related to hearings had increased. WVDE reported that parents and districts were pursuing mediation as an alternative to filing for a due process hearing. The State also reported that of the 13 mediations requested, 11 resulted in mediation agreements. OSEP appreciates the work of the State in ensuring compliance with these requirements and looks forward to reviewing the State's data regarding the percent of mediations held that resulted in mediation agreements, in accordance with indicator #19 of the SPP.

Due process hearings and reviews

West Virginia has a single-tier hearing system. On page 14 of the General Supervision section and Attachment 1 of the FFY 2003 APR, WVDE indicated that, during the FFY 2003 reporting period, 100% of fully adjudicated due process hearings were fully adjudicated within required timelines. On page 6 of this section, WVDE reported that of 17 hearings requested in 2003-2004, 10 were withdrawn. Four went to hearing, but two were resolved through mediation. Attachment 1 of the FFY 2003 APR indicated that of four requests that went to hearing, four were completed within properly extended timelines. OSEP appreciates the work of the State in ensuring compliance with due process hearing timelines and looks forward to reviewing the State's updated data in the SPP.

Personnel

OSEP's February 2005 letter requested the State to provide the following: specific State requirements and policies to be followed in the event of personnel shortages, along with any guidance or technical assistance provided to local educational agencies (LEAs) specifically regarding what LEAs need to do to ensure that children with disabilities receive all services required by their IEPs. On page 19 of the General Supervision section of the FFY 2003 APR, WVDE reported that previous district data, collected over a four-year period as part of annual district self assessments, indicated a need for qualified personnel in approximately half of the districts. These data also indicated that 31 (54%) of 57 districts identified qualified personnel as a need. On page 10 of this section of the FFY 2003 APR, WVDE indicated that an analysis of complaint allegations during 2003-2004 indicated that IEP implementation continued to be the most frequent violation, and that several violations resulted from lack of qualified personnel. WVDE attributed the number of vacancies to the districts' increasing expectation that teachers be certified in several categories of special education and that salaries in West Virginia do not compare favorably with neighboring States.

On pages 20 and 21 of this section of the FFY 2003 APR, WVDE indicated that it implemented a variety of activities to reduce personnel shortages including: (1) the revision of minimum requirements for licensure to include speech assistants, stand-alone autism and multicategorical certification; (2) statewide supervision training for speech-language pathologists could potentially result in an increased number of speech-language pathologists to serve children; (3) collaboration with a State university to certify teachers in the areas of visual and hearing impairments; and (4) the use of contract employees to provide required services. Many of those initiatives would be further supported through funding from the State Improvement Grant (SIG) that was awarded to WVDE in Summer 2004. In addition, WVDE implemented policy to assist in retention and recruitment efforts. Under State law, WVDE must compile a report that informs

districts of available teacher positions and the shortages by subject area in each county. West Virginia also has State law that provides reimbursement for moving expenses for potential employees and reimbursement for recertification requirements and/or licensure renewal. OSEP appreciates the work of the State in improving performance in this area.

Collection and timely reporting of accurate data

On pages 24 and 25 of the General Supervision section of the FFY 2003 APR, WVDE indicated that all required §618 reports were submitted on time during 2003-2004. The State reported that the §618 data were collected electronically and reviewed as one of the components of WVDE's monitoring process. Annual training was provided to district personnel to ensure accuracy in data reports. WVDE also added data fields to enhance the collection of data related to suspension, secondary transition, graduation and drop-out data in response to OSEP requirements. OSEP appreciates the State's efforts to ensure compliance in this area and looks forward to reviewing updated data and information regarding the State's efforts to ensure compliance in the SPP.

Early Childhood Transition

OSEP's February 2005 letter required WVDE to submit a plan in the FFY 2003 APR that included strategies, proposed evidence of change, targets and timelines to ensure that all Part B-eligible children have an IEP or IFSP developed and implemented by their third birthdays, no later than one year after OSEP accepted the plan.

On page 2 of the Early Childhood Transition section of the FFY 2003 APR, WVDE indicated that each district responded to this indicator in its annual self-assessment. A review of findings showed that 37 districts met the target and eight districts met the target but submitted optional improvement plans. Five districts did not meet the target and WVDE required an improvement plan from each of the five districts. On page 3 of this section, WVDE further reported that obtaining the data needed to determine progress in this area was problematic due to differences in the data systems used by Part B and Part C. In response, WVDE worked closely with the National Center on Special Education Accountability Monitoring (NCSEAM) on modifying the data systems to collect the required data. The State also indicated that it provided training to LEA personnel, organized an Early Childhood Transition Steering Committee and developed a web-site that provided needed information regarding early childhood transition to key personnel.

WVDE indicated that data regarding the number of children exiting Part C who were eligible for Part B services and received services by their third birthdays were not available for the FFY 2003 APR. On pages 3 through 5 of this section of the FFY 2003 APR, the State included strategies, proposed evidence of change, targets and timelines designed to ensure compliance with 34 CFR §300.132 as soon as possible, as required in the February 24, 2005 letter. OSEP has reviewed and accepts this plan. The State must include data and analysis documenting progress toward compliance in the SPP and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than 30 days following one year from the date of this letter.

Early Childhood Transition is an indicator in the SPP under §616 that is due December 2, 2005. In preparation for this submission, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. The State must submit responsive baseline data regarding the percentage of children referred by Part C prior to age three, who are found eligible for Part B and have an IEP/IFSP developed and implemented by their third birthdays, in the SPP and account for the reasons for delays for children who do not have eligibility determined and IEPs in place, if appropriate, by their third birthdays.

Parent Involvement

On page 1 of the Parent Involvement section of the FFY 2003 APR, WVDE indicated that 38 of 55 county school districts operate a Parent-Educator Resource Center (PERC) that employed at least one parent and one educator, part time. WVDE employed a parent coordinator who dealt exclusively with parent issues. Stakeholders, including parents, reviewed each self-assessment submitted. WVDE has collected data since 2001-2002 on the following two indicators: (1) parents are actively involved in decision making; and (2) the number of parents participating in training. During the 2004-2005 reporting period, WVDE intended to invite parents to attend focus groups during district monitoring. Data from these meetings and additional parent survey data would be incorporated in the next annual report to OSEP.

The SPP instructions establish a new indicator in this area (#8), for which States must provide baseline data in the FFY 2005 APR due February 1, 2007. The State should carefully review the instructions to the SPP in developing its plans for this collection.

Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)

Disproportionality

OSEP's February 2005 letter required WVDE to include, in the FFY 2003 APR, the status of the review of policies, procedures and practices related to identified disproportionality and the results of the review. On page 3 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that it analyzed race/ethnicity data by district and disseminated the analysis to each district annually through the self-assessment process. Districts with identified issues related to disproportionality were directed to review their policies and procedures and develop corrective action plans. The corrective actions were reviewed by WVDE and monitored for implementation.

Also on page 3, WVDE indicated that 94% of school enrollment was Caucasian. African-American children were the second largest ethnic group at 4.6%. WVDE used the composition method for its 2002-2003 data analysis. WVDE noted that the cell size was very small in some categories, rendering some percentages unreliable as indicators. WVDE recognized that the composition method might not be the most appropriate method for the State, as many districts had very small numbers of children in some race/ethnicity groups. WVDE intended to consider the use of the risk ratio methodology, considered more reliable in dealing with small numbers, in the next report to OSEP.

On page 6 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that its analysis of district self-assessment data suggested that eight districts evidenced at least a two-year trend for possible overrepresentation of African-American children in at least one category. Specifically, five districts reported overrepresentation for mental impairment, six for specific learning disabilities and one for behavior disorders. Each of the eight districts was directed to submit improvement plans to WVDE that were reviewed and approved for implementation. The State also included plans for targeted technical assistance and future activities to improve performance in this area. The State further indicated that, in cases where disproportionality was determined, LEAs were required to study policies, procedures and practices used in identifying children for special education and determining educational placement and services. The State indicated that it would include a final analysis of the districts' corrective activities to ensure all appropriate actions are completed in the next report to OSEP.

The SPP instructions establish two new indicators in this area (#9 and #10), for which States must submit baseline data in the FFY 2005 APR, due February 1, 2007. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan to collect this data, in the SPP.

Graduation and drop-out rates

On pages 11 through 18 of the FAPE in the LRE section of the FFY 2003 APR, the State included data and analysis regarding its efforts to improve performance in this area. WVDE reported two diploma options: (1) a regular high school diploma; and (2) a modified diploma option, only available to children with severe disabilities who cannot meet the requirements for a regular diploma. WVDE reported that all graduation rate formulas only represent children graduating with a regular diploma. For 2003-2004, using the National Center for Education Statistics (NCES) formula for calculating graduation rate, the graduation rate was 84% for all children and 86.5% for children with disabilities, with a range among districts of 74% to 100% for children with disabilities. These data reflected an increase over the 2002-2003 reporting period and also meet the State standard for adequate yearly progress (AYP), which is 80%. Since data were collected at different times during the school year, when disaggregating children with disabilities using this rate, data indicated discrepancies when compared to §618 data collected. WVDE reported that the AYP data were the only data available to compare the graduation rates of children with and without disabilities. Using a different calculation that only allowed the computation for children with disabilities, among local districts, the rates ranged from 35% to 100%. On page 13 of this section of the FFY 2003 APR, WVDE indicated that eight districts did not meet the target. Each of these districts was directed to submit an improvement plan to WVDE for review. WVDE special education and West Virginia Education Information System (WVEIS) staff were designing a data collection system for 2004-2005 to ensure required data elements could be collected and maintained, generating an accurate, disaggregated graduation rate.

WVDE used the "West Virginia Report Card formula" to calculate drop-out rates because it allowed comparison of the drop-out rates between students with disabilities and all students in the State. Using this formula, the drop-out rate was calculated by dividing the number of students who dropped out by the total number of students enrolled, grades 7-12. Using this

formula, the 2003-2004 drop-out rates (4.9%) increased for students with disabilities, compared to 2002-2003 (3.8%). For all students, 2.9% dropped out in 2003-2004, compared to 2.5% in 2002-2003.

On page 15 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that of the 23 districts that initiated improvement plans to reduce drop-out rates and increase graduation rates for children with disabilities, nine did not meet target goals. Each of the nine districts was to be monitored to ensure completion of all target goals. On page 16, WVDE also noted that inaccuracies continued to exist due to changes in data collection efforts, resulting in less reliable data. Graduation and drop-out rates were reviewed by monitors in the “desk audit” process used to determine possible general supervision on-site reviews. Also, beginning in 2004-2005, the revised focused monitoring process would include an opportunity for further examination of district practices related to graduation and drop-out rates, two of the focused monitoring indicators used for selecting districts for on-site monitoring in 2004-2005. OSEP appreciates the State’s efforts to improve performance in this area and looks forward to reviewing updated data and information regarding the State’s continued efforts to improve performance in this area in the SPP.

Suspension and expulsion

On page 19 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that the number of children both with and without disabilities, removed from school for over 10 days, increased. On page 20 of this section, WVDE indicated that the percentage of children with disabilities suspended was 19% in 2002, 22% in 2003 and 30% in 2004. WVDE reported that preliminary self-assessment data indicated that 12 of 49 districts had suspension rates that were not comparable to the rates for nondisabled children. As a result, WVDE directed each of the twelve districts to submit an improvement plan. WVDE reported that all corrective activities, including policy reviews, were completed in a timely manner. However, the State did not identify what policies, procedures, and practices districts were required to review. This information will need to be included in the SPP. 34 CFR §300.146 provides that the State educational agency (SEA) examine data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities: (1) among LEAs in the State; or (2) compared to the rates for children without disabilities within the agencies. If the discrepancies are occurring, the SEA must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions and procedural safeguards, to ensure that these policies, procedures and practices comply with IDEA. The State included data and analysis that indicated a need to improve performance in the area of suspension and strategies to improve performance.

Indicator #4A of the SPP requires baseline data in the State’s December 2, 2005 submission. In preparation for the submission, the State should carefully consider its current data collection against the requirements related to this indicator in the SPP packet to ensure that data will be responsive to those requirements. OSEP looks forward to reviewing the State’s data in this area, in the SPP.

Indicator #4B is a new indicator, established by the SPP instructions, for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan to collect this data, in the SPP.

Statewide and districtwide assessment

OSEP's February 2005 letter required WVDE to ensure that Attachment 3 of the FFY 2003 APR reports data on children who take out-of-level tests, according to the instructions for Attachment 3. WVDE included Attachment 3 in the FFY 2003 APR consistent with the APR instructions. The West Virginia Educational Standard Test (WESTEST) and the West Virginia Alternative Test comprise the State's current assessment and accountability system. On page 30 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that participation in the alternate assessment was limited to children with significant cognitive disabilities. The rate of participation for children with disabilities in the statewide assessment was 98.47%.

On pages 27 through 34 of the FAPE in the LRE section of the FFY 2003 APR, WVDE provided data and analysis to address whether the performance results for children with disabilities on large-scale assessments improved at a rate that decreased any gap between children with and without disabilities. On page 28, specific data was presented on the performance gaps. WVDE indicated that the proficiency gap was larger than it had been in the past. On page 34 of this section, the State provided possible reasons for the poor achievement of children with disabilities on the WESTEST 2004, including: (1) off-level testing was not offered as an accommodation and some children with disabilities were instructed on a lower grade level; therefore, the alignment between instruction and assessment needed adjustment; (2) Spring 2004 was the first administration of the WESTEST that included constructed-response items; (3) WESTEST accommodations varied from those previously permitted when the Stanford Achievement Test, 9th Edition, was administered; for example, children who would normally have portions of the reading assessment read to them, had to read the test for themselves. On the alternate assessment, 82% of children achieved proficiency in reading/language arts and 79% achieved proficiency in math. WVDE reported that, overall, children with disabilities did not achieve the proficiency to make annual yearly progress in any of its LEAs.

Substantial efforts were directed toward improving achievement in reading and math for all children, including: (1) professional development workshops focused on access to the general curriculum and opportunities to achieve mastery of grade-level content for all children; (2) Reading First and West Virginia Reads projects; (3) implementation of intensive phonological awareness instruction; and (4) dissemination of a checklist for schools to identify achievement barriers of children with disabilities. On page 38 of this section of the FFY 2003 APR, WVDE included measurable targets that would be implemented to improve the performance of children with disabilities on statewide assessments. OSEP appreciates the State's efforts to improve performance in this area and looks forward to reviewing data and analysis regarding strategies in the SPP, due December 2, 2005.

Least restrictive environment (LRE)

On page 33 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that, as of December 2002, 39.5% of children with disabilities, aged 3-5, were placed in early childhood (EC) settings, 26% in early childhood special education (ECSE) settings, and 18.7% in part-time EC/part-time ECSE settings. By December 2003, the percentages were 42.6%, 24% and 20.7%, respectively. Five districts implemented improvement plans, including steps to increase participation in age-appropriate activities with nondisabled peers.

For children with disabilities, aged 6-21, as of December 2002, 50% were placed outside the regular education setting less than 21% of the time and 10% were placed outside the regular education settings more than 60% of the time. By December 2003, the percent less than 21% was 53% and the percent more than 60% had dropped by 0.6%. Twenty-eight districts implemented improvement plans, including steps to increase participation in the general curriculum.

Overall trend data indicated a decrease both in the percentage of children with disabilities, aged 6-21, receiving services outside the regular education setting and in the percentage of children with disabilities, aged 3-5, placed in ECSE settings, along with corresponding increases in placements with nondisabled peers. OSEP appreciates the State's efforts to improve performance in this area and looks forward to reviewing data and analysis regarding strategies in the SPP.

Preschool performance outcomes

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. OSEP's February 2005 letter requested WVDE to include, in the FFY 2003 APR, documentation of preschool outcomes data, targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data, including a timeline of the activities necessary to implement that plan.

On page 40 of the FAPE in the LRE section of the FFY 2003 APR, WVDE indicated that outcome data were not available for the FFY 2003 reporting period; however, WVDE reported progress in implementing a universal preschool policy that would include standards, curriculum and assessment of preschool children with disabilities. On page 6 of the Early Childhood Transition section of the FFY 2003 APR, WVDE submitted a plan to collect outcome data for the FFY 2004 APR. The Early Care and Education Advisory Council and Partners Implementing an Early Care and Education System (PIECES) developed an early learning standards framework, content standards, and learning criteria for pre-kindergarten. Each county could select one of three approved early childhood curricula to implement during the 2004-2005 school year. Each curriculum included an assessment component. WVDE also revised the district self-assessments to include an indicator related to early childhood outcomes. WVDE indicated that, by Fall 2005, implementation of the assessment component would be required for

all counties. Student data would then be available at the county level to determine the effectiveness of programming.

The SPP instructions establish a new indicator in this area (#7), for which States must provide entry data in the FFY 2005 APR, due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan to collect this data, in the SPP.

Secondary Transition

On page 1 of the Secondary Transition section of the FFY 2003 FFY APR, WVDE indicated that the Division of Rehabilitation Services (DRS) was the State agency responsible for rehabilitation services to students with disabilities, aged 16-21. Data provided by DRS indicated that, of 8,554 eligible students with disabilities, aged 16-21, enrolled in West Virginia's public schools, 66% or approximately 5,600 students were served by DRS during the 2003-2004 school year and approximately 600 of those students were successfully placed in employment after completing their public school program. In addition, approximately 2,470 transitioning students with disabilities were placed in post-secondary educational programs.

On page 4 of the Secondary Transition section of the FFY 2003 APR, WVDE provided the results of the statewide senior exit survey and targeted the 2,430 students with disabilities who exited the public school system in 2004, with a standard or modified diploma, and their parents. A total of 629 students and 305 parents returned the survey. The data indicated that 45% of the responding students did not intend to pursue post-secondary education or military service. The students reported the primary reasons for this decision were: (1) currently employed; (2) unsure of plans; and (3) needed to work. Data also indicated that students identified their participation in IEP meetings as having the greatest impact on helping them connect with adult service agencies and make responsible choices.

On page 7 of the Secondary Transition section of the FFY 2003 APR, WVDE indicated that the State intended to continue collaboration with appropriate State agencies to gather needed data for examining the post-secondary activities of students with disabilities. Specifically, WVDE indicated that the State's goals for the next reporting period would focus on: (1) increasing the number of students enrolled in post-school activities; and (2) increasing the number of students with disabilities who exit public school with a standard diploma.

The SPP instructions establish two new indicators in this area (#13 and #14), for which States must provide baseline data in the FFY 2005 APR, due February 1, 2007 (#13) and in the FFY 2006 APR, due February 1, 2008 (#14). West Virginia should carefully review the instructions to the SPP in developing its plans for this collection.

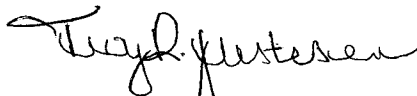
Conclusion

As noted above, in the SPP, WVDE must provide data and analysis documenting progress toward compliance with the early childhood transition requirements at 34 CFR §300.132, and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than 30 days following one year from the date of this letter.

IDEA 2004, §616, requires each State to submit a State Performance Plan (SPP) that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

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

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Dr. K. Lynn Boyer