

West Virginia Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 72.7%. This represents slippage from the State's FFY 2004 reported data of 75.3%. The State did not meet its FFY 2005 target of 75.8%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 4.77%. This represents slippage from the State's FFY 2004 reported data of 4.55%. The State did not meet its FFY 2005 target of 4.25%.</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 9.3%. This represents progress from the State's FFY 2004 reported data of 5.7%. The State did not meet its FFY 2005 target of 16.6%.</p>	<p>The State revised the targets and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR revised targets for 3A to specify the number of counties it expects to make AYP each year. The State has provided the required data and OSEP accepts the data submitted.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations;</p>	<p>The State's FFY 2005 reported data for this indicator are 97.8%. The State met its FFY 2005 target of 95%.</p>	<p>The State revised the targets and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>		
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 39% for math and 38.9% for reading. This represents progress from the State's FFY 2004 reported data of 35.25% for math and 36.47% for reading. The State did not meet its FFY 2005 targets of 41.1% for math and 42.1% for reading.</p>	<p>The State revised improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 87% of the districts without significant discrepancies (13% of districts with significant discrepancies). The State met its FFY 2005 target of 82% of districts without significant discrepancies (18% of districts with significant discrepancies).</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>The State indicated in the SPP that it reviewed, and if appropriate revised (or required the affected LEAs to revise) policies, procedures and practices relating to development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of</p>

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<p>disabilities by race and ethnicity. [Results Indicator; New]</p>		<p>IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year's submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day; B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. [Results Indicator]</p>	<p>5A. The State's FFY 2005 reported data for this indicator are 60.7%. The State met its FFY 2005 target of 56.5%. 5B. The State's FFY 2005 reported data for this indicator are 8.9%. This represents progress from the State's FFY 2004 reported data of 9.6%. The State did not meet its FFY 2005 target of 8.6%. 5C. The State's FFY 2005 reported data for this indicator are 1.8%. This represents slippage from the State's FFY 2004 reported data of 1.6%. The State did not meet its FFY 2005 target of 1.5%.</p>	<p>The State met its target for Indicator 5A. OSEP appreciates the State's efforts to improve performance. OSEP looks forward to the State's data demonstrating improvement in performance for Indicators 5B and 5C in the FFY 2006 APR, due February 1, 2008.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing</p>	<p>The State's FFY 2005 reported data for this indicator are 54.2%. This represents</p>	<p>The State revised the baseline, targets, and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p>

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<p>peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>slippage from the State's FFY 2004 reported data of 55.5%. The State did not meet its FFY 2005 target of 56.5%.</p>	<p>The State reported slippage in its FFY 2005 APR.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR, due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities in the FFY 2006 APR, due February 1, 2008.</p> <p>In OSEP's March 15, 2006 response to the FFY 2004 SPP, OSEP asked the State to clarify whether it was collecting the data for this indicator through sampling or census, and to provide a sampling plan if sampling was to be used. The State clarified that it was collecting this data through a census collection.</p>
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 28%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>OSEP's March 15, 2006 memorandum required the State to submit a revised sampling plan. The State provided a revised sampling plan in its APR. The sampling plan is technically sound. OSEP accepts the State's SPP for this indicator. The State must add these revisions to its SPP.</p>
<p>Monitoring Priority: Disproportionality</p>		
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State reported FFY 2005 baseline data of 0%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported that it was reviewing data for overidentification, identifying districts, and requiring those districts to conduct a self-analysis to determine if the overidentification was the result of inappropriate identification. Based on this review, it determined that no districts had</p>

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		<p>disproportionate representation that was the result of inappropriate identification. However, the State indicated that it was only analyzing the data to determine if there was overidentification that could be the result of inappropriate identification and that it was not analyzing data to determine if there was underidentification that could be the result of inappropriate identification. Indicator 9, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in special education and related services. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and under representation of races and ethnicities in special education and related services.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State's reported FFY 2005 baseline data are 3.6%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State reported that it was reviewing data for overidentification, identifying districts, and requiring those districts to conduct a self-analysis to determine if the overidentification was the result of inappropriate identification. Based on this review, it determined that two of its 55 districts had disproportionate representation in specific disability categories that was the result of inappropriate identification. However, the State indicated that it was only analyzing the data to determine if there was overidentification that could be the result of inappropriate identification and that it was not analyzing data to determine if there was underidentification that could be the result of inappropriate identification. Indicator 9, pursuant to 34 CFR §300.600(d)(3), requires States to identify disproportionate representation, both overrepresentation and underrepresentation, of races and ethnicities in specific disability categories. Therefore, we conclude that the State is not complying with 34 CFR §300.600(d)(3). To correct this noncompliance, the State must provide, in its FFY 2006 APR, information demonstrating that it has examined data for FFY 2005 and FFY 2006 for both overrepresentation and underrepresentation of races and ethnicities in specific disability categories.</p> <p>The State identified 3.6% of districts with disproportionate representation in specific disability categories that was the result of inappropriate</p>

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		<p>identification. OSEP looks forward to reviewing data and information in the FFY 2006 APR, due February 1, 2008, that demonstrate that the State has in effect policies and procedures that prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children in specific disability categories, as required by 34 CFR §300.173. Additionally, the State must include data and information that demonstrates that the LEAs identified in the FFY 2005 APR as having disproportionate representation in specific disability categories that was the result of inappropriate identification are in compliance with the child find, evaluation, and eligibility requirements in 34 CFR §§300.111, 300.201 and 300.301 through 300.311.</p>
<p>Monitoring Priority: Effective General Supervision</p>		
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 82.5%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State reported data based on the State-established timeframe within which the evaluation must be conducted.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.301(c)(1), including correction of the noncompliance identified in FFY 2005.</p>
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 90.9%. This represents progress from the State's FFY 2004 reported data of 48.4%. The State did not meet its FFY 2005 target of 100%.</p> <p>In Indicator 15, the State reported on timely correction of identified noncompliance regarding this indicator, but did not demonstrate that all noncompliance was timely</p>	<p>The State revised the improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR data regarding the range of days beyond the third birthday when eligibility was determined and reasons for the delays. The State has provided the required data and OSEP accepts the data submitted.</p> <p>In Indicator 15, the State reported that seven of ten findings regarding IEPs developed and implemented by age 3 for Part C children transitioning to Part B were timely corrected.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR,</p>

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	corrected.	due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.124, including data demonstrating correction of noncompliance identified in FFY 2004 and FFY 2005.
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 72.5%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 34 CFR §300.320(b), including correction of the noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The State provided a plan that describes how data will be collected.</p>	<p>The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 62.8%. This represents slippage from the State's FFY 2004 reported data of 90.3%. The State did not meet its FFY 2005 target of 100%.</p>	<p>The State revised the baseline and improvement activities for this indicator in its SPP and OSEP accepts those revisions.</p> <p>OSEP's March 15, 2006 FFY 2004 SPP response letter required the State to include in the February 1, 2007 APR improvement activities that extend through the 2010-2011 school year. The State has provided the required data and OSEP accepts the data submitted.</p> <p>The State indicated that the slippage was due to the State adopting a more accurate method of identifying noncompliance. The State also reported that it is continuing to follow up with the four districts that had not completed correction.</p> <p>The State must review its improvement activities and revise, if appropriate, to ensure they will enable the State to include data in the FFY 2006 APR, due February 1, 2008, that demonstrate compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600, including data on the correction of outstanding noncompliance identified in FFY 2004.</p> <p>In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008,</p>

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		the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005. In addition, the State must, in responding to Indicators 9, 10, 11, 12, and 13, specifically identify and address the noncompliance identified in this table under those indicators.
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State reported that 2 resolution meetings were held.</p>	<p>The State is not required to provide baseline, targets or improvement activities until any FFY in which 10 or more resolution meetings were held.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that 9 mediations were conducted.</p>	<p>The State is not required to provide or meet its targets or provide improvement activities until any FFY in which 10 or more mediations were conducted.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of IDEA section 618 and 34 CFR §§76.720 and 300.601(b).</p>