

West Virginia Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 75.7%. These data represent slippage from the FFY reported 2008 data of 77.3%. The State did not meet its FFY 2009 target of 80%.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 3.5%. These data represent slippage from the FFY reported 2008 data of 3.3%. The State did not meet its FFY 2009 target of 3.35%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised its FFY 2010 target for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012 and the revised FFY 2010 target. The revised FFY 2010 target is less rigorous than the previously-established targets.</p> <p>The State's FFY 2009 reported data for this indicator are 1.9%. These data remain unchanged from the FFY 2008 data of 1.9%. The State did not meet its FFY 2009 target of 59.2%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

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<p>with IEPs. [Results Indicator]</p>	<p>The State’s FFY 2009 reported data for this indicator are 97.04% for reading and 97.13% for math. These data represent progress from the FFY 2008 data of 96.6% for both reading and math. The State met its FFY 2009 targets of 95%. The State provided a Web link to 2009 publicly-reported assessment results.</p>	
<p>3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised its FFY 2010 target for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012 and the revised FFY 2010 target. The revised FFY 2010 targets are less rigorous than the previously-established targets. The State’s FFY 2009 reported data for this indicator are 15.9% for reading and 19.9% for math. These data represent slippage from the FFY 2008 data of 24.2% for reading and 28.6% for math. The State did not meet its FFY 2009 targets of 70.3% for reading and 68.5% for math. The State provided a Web link to 2009 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State’s FFY 2009 reported data for this indicator are 3.5%. These data represent progress from the FFY 2008 data of 10.9%. The State met its FFY 2009 target of 5%. The State reported its definition of “significant discrepancy.” The State reported that 44 of 57 districts did not meet the State-established minimum “n” size requirement of 20 students with disabilities suspended for greater than ten days and were excluded from the calculation. The State reported that it reviewed the LEAs’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State identified noncompliance through this</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>review.</p> <p>The State reported that it did not revise (and did not require the affected LEAs to revise), the LEA’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b), for the LEAs identified with significant discrepancies based on FFY 2008 data. The State explained that it did not require either district to revise policies, but rather to correct noncompliance through appropriate implementation of procedures and practices.</p> <p>The State reported that noncompliance identified in FFY 2008 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.</p>	
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.</p> <p>The State’s FFY 2009 baseline data for this indicator are 3.51%.</p> <p>The State reported that two districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State also reported that two districts were identified as having policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>The State reported that 55 of the State’s 57 districts did not meet the State-established minimum “n” size requirement of 20 students with disabilities in a racial or ethnic group who were suspended/expelled for greater than ten days and were excluded from the calculation.</p> <p>The State reported that it reviewed the LEAs’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State identified noncompliance through this</p>	<p>OSEP appreciates the State’s efforts regarding this indicator and looks forward to data in the FFY 2010 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the districts identified with noncompliance based on FFY 2008 data have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>review.</p> <p>The State reported that it did not revise (and did not require the affected LEAs to revise), the LEAs’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b), for the LEAs identified with significant discrepancies based on FFY 2008 data. The State explained that it did not require either district to revise policy but rather to correct noncompliance by addressing appropriate implementation of procedures and practices.</p>	<p>specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</p>
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p>	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2010</p>

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<p>B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]</p>	<p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="550 347 1583 821"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">67.8</td> <td align="center">68.1</td> <td align="center">60.5</td> <td align="center">0.30%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">7.9</td> <td align="center">8.0</td> <td align="center">8.0</td> <td align="center">-0.10%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">1.9</td> <td align="center">1.6</td> <td align="center">1.1</td> <td align="center">0.30%</td> </tr> </tbody> </table> <p>These data represent progress for 5A and 5C and slippage for 5B from the FFY 2008 data. The State met its FFY 2009 targets for 5A and 5B, but did not meet its FFY 2009 target for 5C.</p>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	67.8	68.1	60.5	0.30%	B. % Inside the regular class less than 40% of the day	7.9	8.0	8.0	-0.10%	C. % In separate schools, residential facilities, or homebound/hospital placements	1.9	1.6	1.1	0.30%	<p>APR, due February 1, 2012.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	67.8	68.1	60.5	0.30%																		
B. % Inside the regular class less than 40% of the day	7.9	8.0	8.0	-0.10%																		
C. % In separate schools, residential facilities, or homebound/hospital placements	1.9	1.6	1.1	0.30%																		
<p>6. Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]</p>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.</p>																				
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in</p>																				

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<p>A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>FFY 2012. The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="548 394 1583 1276"> <thead> <tr> <th><u>Summary Statement 1</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> </thead> <tbody> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">86.1</td> <td align="center">74</td> <td align="center">87.1</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">84.1</td> <td align="center">67</td> <td align="center">85.5</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">86.8</td> <td align="center">72</td> <td align="center">87.8</td> </tr> <tr> <th><u>Summary Statement 2</u></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> </tr> <tr> <td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center">89.8</td> <td align="center">82</td> <td align="center">90.8</td> </tr> <tr> <td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center">89.2</td> <td align="center">64</td> <td align="center">90.2</td> </tr> <tr> <td>Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center">92.7</td> <td align="center">83</td> <td align="center">93.7</td> </tr> </tbody> </table> <p>These data represent slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets for this indicator.</p>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	86.1	74	87.1	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	84.1	67	85.5	Outcome C: Use of appropriate behaviors to meet their needs (%)	86.8	72	87.8	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	89.8	82	90.8	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	89.2	64	90.2	Outcome C: Use of appropriate behaviors to meet their needs (%)	92.7	83	93.7	<p>the FFY 2010 APR, due February 1, 2012. The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																															
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Outcome A: Positive social-emotional skills (including social relationships) (%)	89.8	82	90.8																															
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	89.2	64	90.2																															
Outcome C: Use of appropriate behaviors to meet their needs (%)	92.7	83	93.7																															
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>																																

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<p>parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator]</p>	<p>FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 36%. These data represent progress from the FFY 2008 data of 32%. The State met its FFY 2009 target of 36% for this indicator.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</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]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported in its FFY 2009 APR that none of the 57 districts were excluded from the calculation as a result of the required minimum “n” size of 20 for overrepresentation and 50 for underrepresentation.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</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]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 1.76%. These data represent progress from the FFY 2008 data of 1.82%. The State did not meet its FFY 2009 target of 0%.</p> <p>The State reported that 14 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that one district was identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of disproportionate representation.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012, demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State</p>

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	<p>The State reported that one of 57 districts was excluded from the calculation as a result of the State-established minimum “n” size requirement of 20 for overrepresentation and that none of the 57 districts were excluded as a result of the State-established minimum “n” size requirement of 50 for underrepresentation.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2008 for this indicator was corrected in a timely manner.</p>	<p>reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the district identified in FFY 2009 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification is in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that the district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure</p>

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		compliance.
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 96.2%. These data represent progress from the FFY 2008 data of 95.8%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 40 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2007 for this indicator was corrected.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP</p>

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		<p>Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 96.6%. These data represent progress from the FFY 2008 data of 95%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 30 of its findings of noncompliance identified based on FFY 2008 for this indicator were corrected in a timely manner. The State reported that the one finding of noncompliance identified in FFY 2007 (reported in the FFY 2008 APR as noncompliance identified in FFY 2008 based on FFY 2007 data) for this indicator was corrected.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data</p>

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		<p>subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 95%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>		<p>of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 19.49% enrolled in higher education within one year of leaving high school;</p> <p>B. 48.84% enrolled in higher education or competitively employed within one year of</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>leaving high school; and C. 63.57% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</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 provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 96.1%. These data represent slippage from the FFY 2008 data of 99.8%. The State did not meet its FFY 2009 target of 100%. The State reported that 1,465 of 1,524 findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that 43 findings were subsequently corrected by February 1, 2011. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that three findings of noncompliance identified in FFY 2007 were corrected.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining 16 findings of noncompliance identified in FFY 2008 that were not reported as corrected in the FFY 2009 APR were corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, the State's data demonstrating that the State timely corrected noncompliance identified in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the</p>

West Virginia Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 4B, 10, 11, 12, and 13 in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 82.4%. These data represent slippage from the FFY 2008 data of 100%. The State did not meet its FFY 2009 target of 100%.</p> <p>OSEP's January 24, 2011 verification letter found that the State was extending the timeline for State complaint decisions in a manner that was inconsistent with the requirements in 34 CFR §300.152(b), and required that the State, during the FFY 2009 SPP/APR clarification period, provide a description of the extent to which the State's reported FFY 2009 data for Indicator 16 are consistent with the timeline requirements</p>	<p>The State must review its improvement activities and revise them, if necessary, to ensure they will enable the State to provide data in the FFY 2010 APR, due February 1, 2012, demonstrating that the State is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>available in the State. [Compliance Indicator]</p>	<p>for complaint decisions in 34 CFR §300.152(a) and (b)(1) (i.e., the State extends the timeline only because exceptional circumstances exist with respect to a particular complaint or the parties agree to extend the time to engage in mediation or other alternative dispute resolution, if available in the State).</p> <p>OSEP’s January 24, 2011 verification letter also required the State to provide, within 90 days from the date of the letter, assurances that it had revised its State complaint procedures and practices so that the State extended the 60-day timeline for complaint decisions consistent with 34 CFR §300.152(a) and (b)(1), only because exceptional circumstances exist with respect to a particular complaint or the parties agree to extend the time to engage in mediation or other alternative dispute resolution, if available in the State, and that the State does not routinely extend the timeline for complaints received in November or December. On April 21, 2011, the State submitted its revised State complaint procedures that extend the 60-day timeline only because exceptional circumstances exist with respect to a particular complaint or the parties agree to extend the time to engage in mediation or other alternative dispute resolution, if available in the State. However, the State did not provide an assurance that it does not routinely extend the timeline for complaints received in November or December.</p>	<p>The State must also provide an assurance with its FFY 2010 APR that it did not routinely extend the 60-day timeline for complaints received in November or December of 2011.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 100%. These data are based on two due process hearings. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State reported that eight of eight resolution sessions resulted in settlement</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2010 APR, due February 1, 2012.</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>agreements.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2009. The State is not required to meet its targets in any fiscal year in which fewer than ten resolution sessions were held.</p>	
<p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State reported that six of seven mediations resulted in mediation agreements.</p> <p>The State reported fewer than ten mediations held in FFY 2009. The State is not required to meet its targets in any fiscal year in which fewer than ten mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, due February 1, 2012, the State must use the Indicator 20 Data Rubric.</p>