

West Virginia Part B FFY 2010 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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 57.5%. OSEP was unable to determine whether there was progress or slippage because 2009-2010 was the first year for the four-year cohort rate. The State did not meet its FFY 2010 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 2011 APR, due February 1, 2013.</p> <p>In reporting data for this indicator in the FFY 2011 APR, States must use the same data they used for reporting to the Department under Title I of the ESEA, using the adjusted cohort graduation rate required under the ESEA.</p>
<p>2. Percent of youth with IEPs dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 3.1%. These data represent progress from the FFY 2009 data of 3.5%. The State did not meet its FFY 2010 target of 3.0%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 0%. These data represent slippage from the FFY 2009 data of 1.9%. The State did not meet its FFY 2010 target of nine districts making AYP.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>B. Participation rate for children with IEPs.</p>	<p>The State's FFY 2010 reported data for this indicator are 97.02% for reading and 97.02% for math. The FFY 2009 data were 97.04% for reading. These data represent progress from the FFY 2009 data of 97.01% for math. The State met its FFY 2010 targets of 95%.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]		
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 18.2% for reading and 20% for math. These data represent progress from the FFY 2009 data of 15.9% for reading and 19.9% for math. The State met its FFY 2010 target of 17.9% for reading and did not meet its FFY 2010 target of 21.9% in math.</p> <p>The State provided a Web link to 2010 publicly-reported assessment results.</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 2011 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>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</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 7%. OSEP was unable to determine whether there was progress or slippage because the State revised its calculation methodology. The State did not meet its FFY 2010 target of 2%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that four districts were identified as having a significant discrepancy, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.</p> <p>The State reported that all districts met the State-established minimum “n” size requirement of 20 children with IEPs.</p> <p>The State reported that it reviewed the districts’ 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 districts identified with significant discrepancies in FFY 2010. The State identified noncompliance through this review.</p> <p>The State reported that it did not revise (and did not require the affected districts to revise), the district’s policies and procedures 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 districts identified with significant discrepancies in FFY 2010. Rather, the State reported that appropriate implementation of existing policies and</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>The State must report, in its FFY 2011 APR, on the correction of noncompliance that the State identified in FFY 2010 and FFY 2009 as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the 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,</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>procedures was required.</p> <p>The State reported that noncompliance identified in FFY 2009 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was partially corrected.</p>	<p>unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</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 revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 21.05%. OSEP was unable to determine whether there was progress or slippage because the State revised its calculation methodology. The State did not meet its FFY 2010 target of 0%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that 15 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 reported that it reviewed the districts’ 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 districts identified with significant discrepancies in FFY 2010. The State also reported that 12 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 all districts met the State-established minimum “n” size requirement of 20 children with IEPs in at least one race/ethnicity category.</p> <p>The State reported that it did not revise (and did not require the affected districts to revise), the districts’ policies and procedures 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 districts identified with significant discrepancies in FFY 2010. Rather, the State reported that appropriate implementation of existing policies and</p>	<p>The State did not, until FFY 2011, determine whether districts with 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, based on FFY 2009 data, had 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, and therefore did not make findings of noncompliance until FFY 2011. Because the State reported less than 100% compliance for FFY 2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator for districts with a significant discrepancy based on FFY 2009</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps										
	<p>procedures was required.</p> <p>The State reported that noncompliance identified in FFY 2009 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was timely corrected.</p>	<p>discipline data. The State must demonstrate, in the FFY 2011 APR, that these districts have corrected the noncompliance, including that the State verified that each 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 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State is unable to demonstrate compliance with those requirements in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</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>B. Inside the regular class less than 40% of the day; or</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 1349 1583 1503"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class</td> <td align="center">68.1</td> <td align="center">67.4</td> <td align="center">61.5</td> <td align="center">-0.70%</td> </tr> </tbody> </table>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Inside the regular class	68.1	67.4	61.5	-0.70%	<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 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>								
A. % Inside the regular class	68.1	67.4	61.5	-0.70%								

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues					OSEP Analysis/Next Steps												
<p>C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]</p>	80% or more of the day																	
	B. % Inside the regular class less than 40% of the day	7.9	8.4	8.0	-0.50%													
	C. % In separate schools, residential facilities, or homebound/hospital placements	1.9	1.7	1.0	0.20%													
	<p>These data represent progress for 5C and slippage for 5B from the FFY 2009 data. The State met its FFY 2010 target for 5A, but did not meet its targets for 5B and 5C.</p>																	
<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 2010 APR.</p>					<p>The State must provide FFY 2011 baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP it submits with the FFY 2011 APR.</p>												
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: 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.</p>	<p>The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions. The State's reported data for this indicator are:</p> <table border="1" data-bbox="550 1252 1583 1521"> <thead> <tr> <th data-bbox="550 1252 957 1352"><u>Summary Statement 1</u></th> <th data-bbox="957 1252 1163 1352"><u>FFY 2009 Data</u></th> <th data-bbox="1163 1252 1373 1352"><u>FFY 2010 Data</u></th> <th data-bbox="1373 1252 1583 1352"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="550 1352 957 1490">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td data-bbox="957 1352 1163 1490">74</td> <td data-bbox="1163 1352 1373 1490">77</td> <td data-bbox="1373 1352 1583 1490">75</td> </tr> <tr> <td data-bbox="550 1490 957 1521">Outcome B:</td> <td data-bbox="957 1490 1163 1521">67</td> <td data-bbox="1163 1490 1373 1521">69</td> <td data-bbox="1373 1490 1583 1521">68</td> </tr> </tbody> </table>					<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	74	77	75	Outcome B:	67	69	68	<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 2011 APR. The State must report progress data and actual target data for FFY 2011 with the FFY 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>															
Outcome A: Positive social-emotional skills (including social relationships) (%)	74	77	75															
Outcome B:	67	69	68															

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
[Results Indicator]	Acquisition and use of knowledge and skills (including early language/ communication) (%)				
	Outcome C: Use of appropriate behaviors to meet their needs (%)	72	75	73	
	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	
	Outcome A: Positive social-emotional skills (including social relationships) (%)	82	82	83	
	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	64	65	65	
	Outcome C: Use of appropriate behaviors to meet their needs (%)	83	82	84	
	These data represent progress and slippage from the FFY 2009 data. The State met part of its FFY 2010 targets for this indicator.				
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. [Results Indicator]	<p>The State revised the improvement activities for FFY 2011 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 34%. These data represent slippage from the FFY 2009 data of 36%. The State did not meet its FFY 2010 target of 38%.</p> <p>In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>				OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.
9. Percent of districts with disproportionate representation of racial and ethnic groups in special	<p>The State's FFY 2010 reported data for this indicator are 0%. These data remain unchanged from the FFY 2009 data of 0%. The State met its FFY 2010 target of 0%.</p> <p>The State reported that two districts were identified with disproportionate representation</p>				OSEP appreciates the State's efforts regarding this indicator.

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>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 that all 57 districts met the State-established minimum “n” size requirement of 20 students with disabilities in at least one race/ethnicity category for overrepresentation and 50 students with disabilities in at least one race/ethnicity category for underrepresentation.</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’s FFY 2010 reported data for this indicator are 0%. These data represent progress from the FFY 2009 data of 1.76%. The State met its FFY 2010 target of 0%.</p> <p>The State reported that 13 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were 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>The State reported that one of 57 districts did not meet the State-established minimum “n” size requirement of 20 for overrepresentation, that is, at least 20 students with disabilities in a given disability category and in the given racial/ethnicity category; and a weighted risk ratio of .25 or below with a cell size of 50 for underrepresentation, that is, at least 50 students (with and without disabilities) in the total enrollment for a given race/ethnicity.</p> <p>The State reported that the one finding of noncompliance identified in FFY2009 for this indicator was corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p>
<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’s FFY 2010 reported data for this indicator are 97%. These data represent progress from the FFY 2009 data of 96.2%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 45 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR 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%</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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 Memo 09-02. In the FFY 2011 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 2011 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</p>	<p>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 99.26%. These data represent progress from the FFY 2009 data of 96.6%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 18 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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 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 2011 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 2011 APR, the State must review its</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		improvement activities and revise them, if necessary.
<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 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>The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 98.1%. These data represent progress from the FFY 2009 data of 95%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 41 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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 2011 APR, the State must describe the</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
		<p>specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2011 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>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>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>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 581 1583 1122"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Enrolled in higher education</td> <td align="center">19.49</td> <td align="center">12.2</td> <td align="center">21.0</td> <td align="center">-7.29%</td> </tr> <tr> <td>B. % Enrolled in higher education or competitively employed</td> <td align="center">48.84</td> <td align="center">44.6</td> <td align="center">50.3</td> <td align="center">-4.24%</td> </tr> <tr> <td>C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed</td> <td align="center">63.57</td> <td align="center">64.4</td> <td align="center">65.1</td> <td align="center">0.83%</td> </tr> </tbody> </table> <p>These data represent progress for 14C and slippage for 14A and 14 B from the FFY 2009 data. The State did not meet of its FFY 2010 targets for this indicator.</p> <p>In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Enrolled in higher education	19.49	12.2	21.0	-7.29%	B. % Enrolled in higher education or competitively employed	48.84	44.6	50.3	-4.24%	C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed	63.57	64.4	65.1	0.83%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. % Enrolled in higher education	19.49	12.2	21.0	-7.29%																		
B. % Enrolled in higher education or competitively employed	48.84	44.6	50.3	-4.24%																		
C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed	63.57	64.4	65.1	0.83%																		
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than</p>	<p>The State's FFY 2010 reported data for this indicator are 97.8%. These data represent progress from the FFY 2009 data of 96.1%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 582 of 595 findings of noncompliance identified in FFY 2009 were corrected in a timely manner and that the 13 remaining findings subsequently were</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that the State timely corrected noncompliance identified in FFY</p>																				

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>one year from identification. [Compliance Indicator]</p>	<p>corrected by February 1, 2012. The State reported that 16 findings of noncompliance identified in 2008 for this indicator were corrected.</p>	<p>2010 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 2011 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2010: (1) is correctly implementing the 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 2011 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 2011 APR, the State must use the Indicator 15 Worksheet.</p> <p>Further, in responding to Indicators 4A, 4B, 11, 12, and 13 in the FFY 2011 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>16. Percent of signed written</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are</p>	<p>OSEP appreciates the State's</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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 available in the State.</p> <p>[Compliance Indicator]</p>	<p>95.4%. These data represent progress from the FFY 2009 data of 82.4%. The State did not meet its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p> <p>OSEP's FFY 2009 SPP/APR Response Table, dated June 20, 2011, required the State to provide, with its FFY 2010 APR, due February 1, 2012, an assurance that it did not routinely extend the 60-day timeline for complaints received in November or December of 2011. In its FFY 2010 APR, the State provided the required assurance.</p>	<p>efforts and looks forward to reviewing the State's FFY 2011 IDEA section 618 data, demonstrating that it is in compliance with the timely complaint resolution requirements in 34 CFR §300.152.</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.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data are based on three due process hearings. The State met its FFY 2010 target of 100%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</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.</p> <p>[Results Indicator]</p>	<p>The State reported, as of January 31, 2012, that all three resolution sessions resulted in settlement agreements.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2010. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten resolution sessions were held.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 58.8%. The State did not meet its FFY 2010 target of 85%.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>

West Virginia Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	Resolution data until July 2012.	
<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 2010 reported data for this indicator are 100%. These data remain unchanged from the FFY 2009 data of 100%. The State met its FFY 2010 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 2011 APR, the State must use the Indicator 20 Data Rubric.</p>