

## West Virginia Part B FFY 2011 SPP/APR Response Table

### Part B SPP/APR Indicators

1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]
3. 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/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]
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; [Results Indicator] 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. [Compliance Indicator]
5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]
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]
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. [Results 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]
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. [Compliance Indicator]

10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]
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. [Compliance Indicator]
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]
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. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: <ul style="list-style-type: none"> <li>A. Enrolled in higher education within one year of leaving high school;</li> <li>B. Enrolled in higher education or competitively employed within one year of leaving high school;</li> <li>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.</li> </ul> [Results Indicator]
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. [Compliance Indicator]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

**Timeliness of State Complaint and Due Process Hearing Decisions  
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)**

**Timely Resolution of State Complaints:** 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 available in the State.

**Timely Adjudication of Due Process Hearing Requests:** Percent of adjudicated due process hearing requests that were adjudicated within the 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.

**West Virginia Part B FFY 2011 SPP/APR Results Data Summary**

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	57.5%	59.6%	≥ 80 % <sup>1</sup>
2. Drop Out	3.1%	2.7%	≤ 2.75% <sup>2</sup>
3. A. Percent of Districts Meeting AYP for Disability Subgroup	0%	0%	Nine districts
B. Statewide Assessment Participation Rate – Reading	97.02%	97.67%	≥ 95%
B. Statewide Assessment Participation Rate – Math	97.2%	97.66%	≥ 95%
C. Proficiency Rate – Reading	18.2%	18.92%	19.9%
C. Proficiency Rate – Math	20%	22.54%	23.9
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	7%	0%	0%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	67.4%	66.2%	≥ 61.5%
B. In Regular Education Less than 40% of Day	8.4%	8.3%	≤ 8.0%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1.7%	1.7%	≤ 1.0%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;		29.8%	Baseline
B. Separate special education class, separate school or residential facility.		10.6%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	34%	33.3%	≥ 39%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	12.2%	11.8%	≥ 22.5%
B. Enrolled in Higher Education or Competitively Employed	44.6%	43.9%	≥ 51.8%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	64.4%	59.0%	≥ 66.6%

<sup>1</sup> As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

<sup>2</sup> As used in this table, the symbol “≤” means that, to meet the target, the State’s data must be less than or equal to the established target.

<b>INDICATOR</b>	<b>FFY 2010 DATA</b>	<b>FFY 2011 DATA</b>	<b>FFY 2011 TARGET</b>
18. Hearing Requests Resolved through Resolution Session Agreements	All three resolution sessions resulted in settlement agreements.	92.9%	≥ 75%
19. Mediations Held that Resulted in Mediation Agreements	58.8%	83.3%	≥ 75%

**7. Percent of Preschool Children Age 3 through 5 with IEPs Who Demonstrate Improved Outcomes**

<b>Summary Statement 1<sup>3</sup></b>	<b>FFY 2010 Data</b>	<b>FFY 2011 Data</b>	<b>FFY 2011 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships)	77%	72.23%	≥ 76%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication)	69%	72.84%	≥ 69%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs	75%	75.31%	≥ 74%
<b>Summary Statement 2<sup>4</sup></b>	<b>FFY 2010 Data</b>	<b>FFY 2011 Data</b>	<b>FFY 2011 Target</b>
<b>Outcome A:</b> Positive social-emotional skills (including social relationships)	82%	67.47%	≥ 84%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication)	65%	63.93%	≥ 66%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs	82%	80.02%	≥ 85%

<sup>3</sup> **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

<sup>4</sup> **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

### West Virginia Part B FFY 2011 Results Data Summary Notes

<p>INDICATOR 3A: The State has applied for, but not yet received approval for, a flexibility waiver under the Elementary and Secondary Education Act (ESEA). The State is reporting AYP data used for accountability reporting under Title I of the ESEA.</p>
<p>INDICATOR 3B: The State provided a Web link to 2011 publicly-reported assessment results.</p>
<p>INDICATOR 3C: The State provided a Web link to 2011 publicly-reported assessment results.</p>
<p>INDICATOR 4A: The State reported its definition of “significant discrepancy.”</p> <p>The State reported that no 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 students with disabilities.</p> <p>The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected.</p>
<p>INDICATOR 6: The State provided FFY 2011 baseline data, targets for FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2012.</p>
<p>INDICATOR 7: The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.</p>
<p>INDICATOR 8: The State submitted a revised sampling plan for this indicator with its FFY 2011 APR. An evaluation of the sampling plan indicated that it could yield valid and reliable data for this indicator.</p>

**West Virginia Part B FFY 2011 SPP/APR Compliance Summary**

<b>INDICATOR</b>	<b>FFY 2010 DATA</b>	<b>FFY 2011 DATA</b>	<b>FFY 2011 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010</b>
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements	21.05%	10.53%	0%	The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0%	1.8%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
11. Timely Initial Evaluation	97%	98%	100%	The State reported that all 40 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
12. Early Childhood Transition	99.26%	99.45%	100%	The State reported that it did not identify any findings of noncompliance in FFY 2010, but that two of four findings of noncompliance identified in FFY 2011 based on FFY 2010 data were already corrected.
13. Secondary Transition	98.1%	70.8%	100%	The State reported that all 15 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.

<b>INDICATOR</b>	<b>FFY 2010 DATA</b>	<b>FFY 2011 DATA</b>	<b>FFY 2011 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010</b>
15. Timely Correction	97.8%	99.42%	100%	The State reported that 342 of 344 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that the two remaining findings were subsequently corrected.
20. Timely and Accurate Data	100%	100%	100%	

**West Virginia Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports**

<b>REQUIREMENT</b>	<b>FFY 2010 DATA</b>	<b>FFY 2011 DATA</b>
Timely resolution of complaints	95.4%	100%
Timely adjudication of due process hearing requests	100% (based on three due process hearings)	100% (based on two due process hearings)

## West Virginia Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State reported its definition of “significant discrepancy.”

The State reported that six 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 six 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.

The State reported that all districts met the State-established minimum “n” size requirement of 20 students with disabilities in at least one race/ethnicity category.

The State reported that it did not revise (and did not require the affected districts to revise), 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, pursuant to 34 CFR §300.170(b), for the districts identified with significant discrepancies in FFY 2011. Rather, the State reported that appropriate implementation of existing policies and procedures was required.

### **REQUIRED ACTION:**

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified with noncompliance in FFY 2011 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.<sup>5</sup> In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

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<sup>5</sup> OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each LEA with noncompliance: (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.

INDICATOR 9: The State reported that two districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.

The State provided its definition of “disproportionate representation.”

The State reported that all districts met the State-established minimum “n” size requirement of 20 students with disabilities in each race/ethnicity category and none were excluded from the calculation.

**REQUIRED ACTION:**

Because the State reported less than 100% compliance for FFY 2011 (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. The State must demonstrate, in the FFY 2012 APR, that the district identified in FFY 2011 with disproportionate representation of racial and ethnic groups in special education and related services 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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 10: The State reported that seven 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.

The State provided its definition of “disproportionate representation.”

The State reported that all districts met the State-established minimum “n” size requirement of 20 students with disabilities in each race/ethnicity category and none were excluded from the calculation.

INDICATOR 11:

**REQUIRED ACTION:**

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12:

**REQUIRED ACTION:**

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator, including findings of noncompliance identified in FFY 2011 based on FFY 2010 data. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2011: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13: The State revised the improvement activities for FFY 2011 and FFY 2012, for this indicator and OSEP accepts those revisions.

**REQUIRED ACTION:**

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15:

**REQUIRED ACTION:**

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011: (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 2012 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 2012 APR, the State must use and submit the Indicator 15 Worksheet.

In addition, in responding to Indicators 4B, 9, 11, 12, and 13 in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.