UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Michael J. Lewis, M.D., Ph.D
Cabinet Secretary
West Virginia Department of Health and Human Resources
State Capital Complex
One Davis Square, Suite 142
Charleston, West Virginia 25301

JUN 2 0 2011

Dear Secretary Lewis:

Thank you for the timely submission of West Virginia's Federal fiscal year (FFY) 2009 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(i) and 642, West Virginia meets the requirements of Part C of IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, information obtained through verification visits, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) and 642 of the IDEA in 2011: Part C" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that West Virginia meets requirements under IDEA sections 616(d) and 642 include that: (1) West Virginia provided valid and reliable FFY 2009 data reflecting the measurement for each indicator; (2) West Virginia reported high levels of compliance or correction of previously identified findings of noncompliance for Indicators 1, 7, 8A, 8B, 8C, 10, and 14; and (3) West Virginia reported under Indicator 9 both a high level of compliance in timely correcting FFY 2008 findings of noncompliance and that it verified the correction of FFY 2008 findings of noncompliance consistent with OSEP Memorandum 09-02, dated October 17, 2008. We commend West Virginia for its performance.

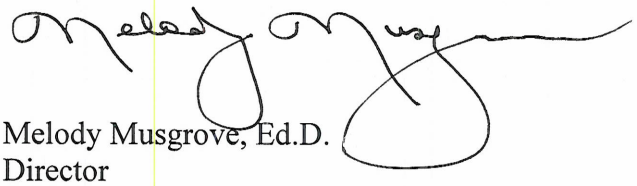
The enclosed table provides OSEP's analysis of the State's FFY 2009 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2009 data; (2) whether such data met the State's FFY 2009 targets and reflect progress or slippage from the prior year's data; and (3) whether the State corrected findings of noncompliance.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(l) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program "meets requirements" of Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. For further information regarding these requirements, see "The Right IDEA" website at: http://therightidea.tadnet.org/determinations.

Finally, please ensure that your updated SPP is posted on the State lead agency's Web site and made available to the public, consistent with IDEA sections 616(d)(2)(C)(ii)(I) and 642.

OSEP is committed to supporting West Virginia's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Barbara Thomas, your OSEP State Contact, at 202-245-7386.

Sincerely,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator