



Annual Compliance Report
2023-2024
Office of Special Education



**West Virginia Board of
Education 2023-2024**

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Introduction

The West Virginia Department of Education (WVDE) Office of Special Education (OSE) plays a vital role in ensuring all eligible students with exceptionalities receive a free appropriate public education (FAPE). The Individuals with Disabilities Education Improvement Act 2004 (IDEA) and WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities, provide the law and regulatory guidance for the implementation of special education services.

This annual compliance report includes data on monitoring activities, dispute resolution, and other general supervision activities completed during the state fiscal year 2024 (FY24), and documents the WVDE's efforts to meet the requirements under IDEA and Policy 2419 pertaining to:

- » Administering the monitoring and dispute resolution systems
- » Identifying findings of noncompliance and making decisions based on on-site monitoring, the annual desk audit (ADA), annual local educational agency (LEA) determinations, written complaints, facilitated Individualized Educational Programs (IEPs), mediations, and due process hearings
- » Publicly reporting the results of these processes

Accountability and Monitoring System

The WVDE/OSE is responsible for ensuring West Virginia's compliance with the IDEA and its implementing regulations, as well as West Virginia Code §18-20 (Education of Exceptional Children). This focus on compliance ultimately ensures that students with exceptionalities in West Virginia receive a FAPE in the least restrictive environment (LRE).

To ensure compliance with the IDEA and improve outcomes for students with disabilities, WVDE/OSE has developed a tiered system of accountability and support to ensure all LEAs meet the requirements of IDEA. This system combines ongoing monitoring activities with a focus on results. During on-site monitoring reviews, each LEA presents its Results Driven Accountability Plan (RDP) to demonstrate its strategies for student success. Additionally, all LEAs complete annual self-assessments to identify areas for improvement.

The following formal accountability and monitoring processes are also conducted by the WVDE/OSE:

- » Cyclical Monitoring (Universal)
- » Differentiated Monitoring (Universal)
- » Risk-Based Monitoring (Targeted)
- » Focused Monitoring (Intensive)
- » Annual Desk Audit
- » LEA Determinations
- » Dispute Resolution Process

Compliance Monitoring

Compliance Monitoring is a comprehensive monitoring activity occurring for each of West Virginia's LEAs on a four-year cycle, as required by West Virginia Code §18-20-1 (Education of Exceptional Children). More frequent monitoring reviews may be scheduled as warranted. Each LEA receives on-site monitoring no less than every four years. This activity is done through a remote file review process focusing on various compliance indicators, followed by school visits and on-site document reviews in selected LEAs. A corrective improvement process, including additional on-site visits as necessary, follows the on-site reviews. The monitoring team during the 2023- 2024 school year consisted of WVDE/OSE staff and other educators as determined by the lead monitor.

The following table provides the four-year on-site monitoring cycle.

SY 2024-2025	SY 2025-2026	SY 2026-2027	SY 2027-2028
<ul style="list-style-type: none">» Berkeley» Cabell» Fayette» Gilmer» Greenbrier» Hancock» Kanawha» McDowell» Morgan» Ohio» Preston» Randolph» Virtual Prep. Acad. WV» WIN Academy» Wirt» WV Virtual Acad.» Wyoming	<ul style="list-style-type: none">» Clarksburg Classical Academy» Hardy» Harrison» Lincoln» Logan» Marion» Mason» Monongalia» Putnam» Raleigh» Ritchie» Summers» Tyler» Upshur	<ul style="list-style-type: none">» Boone» Brooke» Doddridge» Grant» Hampshire» Jackson» Jefferson» Pocahontas» Nicholas» Pleasants» Taylor» Wayne» Webster» Wetzel» WVSDB» WVSDT	<ul style="list-style-type: none">» Barbour» Braxton» Calhoun» Clay» Eastern Prep. Acad.» Lewis» Marshall» Mercer» Mineral» Mingo» Monroe» Pendleton» Roane» Tucker» Wood» WV Academy

Annual Desk Audit (ADA)

The ADA is submitted annually by West Virginia LEA and is a review of both compliance and results State Performance Plan (SPP) Indicators. The ADA is designed to identify strengths and weaknesses of the LEAs and address findings of noncompliance and areas requiring program improvement. LEAs that do not meet the targets for one or more compliance indicators receive written notification of noncompliance. An improvement plan is required to identify steps to improve results for students with disabilities. Once the improvement plan is approved by the WVDE/OSE, the LEA receives ongoing support to meet its identified goals.

Focused Monitoring

Focused monitoring is a process where the LEA may receive an on-site visit based on identified need, or information collected from data sources such as longstanding noncompliance, LEA determinations, parent calls, or specific issues brought to the attention of the WVDE. This process may occur concurrently with any other monitoring activity or as an independent activity. The WVDE special education team will work with the LEA to identify root causes and solutions for improving outcomes. Each focused monitoring conducted is individualized to the LEA and the situation.

Dispute Resolution Process

Policy 2419 and the IDEA require that all parents of students with exceptionalities or adult students with exceptionalities have available a process to file written state complaints, due process complaints, request mediation and request FIEPs. This important procedural safeguard provides assurance that the rights of students with exceptionalities are being protected. Effective dispute resolution data enables the state to track identified issues to determine whether patterns or trends exist and the effectiveness of the resolution process.

Office of Special Education Programs (OSEP) 23-01 Guidance

The United States Department of Education, Office of Special Education Programs (OSEP) issued OSEP QA 23-01, "State General Supervision Responsibilities Under Parts B and C of the IDEA: Monitoring, Technical Assistance, and Enforcement," to States on July 24, 2023, providing consolidated guidance interpreting the general supervision requirements of States under the IDEA. The principles in this guidance are the standards by which the WVDE reports noncompliance and correction for the State Performance Plan/Annual Performance Report (SPP/APR) and determines whether each LEA has made the appropriate corrections. The guidance requires two levels of verification showing correction (student-specific and systemic corrections) for all findings identified in writing to an LEA, excluding State Complaints and Due Process Hearing Decisions.

2023-2024 Findings of Noncompliance

The data included in this document provides the total number of findings of noncompliance for the 2023-2024 school year. The findings of noncompliance are provided to each LEA for review and correction. If the State finds noncompliance in an LEA, the State must notify the LEA in writing of the noncompliance and the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from identification. The one-year correction requirement begins the date the State provides written notification to the LEA. The written notification from the State will detail specific steps the LEA must take to correct the noncompliance. To assure the LEA is correctly implementing the regulatory requirement(s) found to be noncompliant, a random sample of current IEPs will be reviewed in approximately six months following the initial finding of noncompliance. This practice is known as the correction of systemic findings. Correction is completed on the date the State determines all LEA, individual, and systemic findings have been corrected.

2023-2024 Compliance Monitoring Findings

Sixteen (16) LEAs received an on-site compliance monitoring visit during the 2023-2024 school year: Barbour, Braxton, Calhoun, Clay, Eastern Panhandle Preparatory Academy, Lewis, Marshall, Mineral, Mingo, Monroe, Pendleton, Mercer, Roane, Tucker, Wood, and the WV Academy. The following information provides the number of LEAs monitored that were noncompliant for the specific area indicated.

Administrative Review

Administrative Findings	Noncompliant LEAs
AF1: Finance: Budget and Expenditures (Requisition, PO, Invoice, Check)	10 LEAs
AF2: Finance: Time/Effort	1 LEA
AF3: Finance: Audit Findings	0 LEAs
AF4: Instructional Groupings	3 LEAs
AF5: Certification/Caseloads	13 LEAs
AF6: Full Instructional Day	2 LEAs
AF7: Classroom Location and Size	2 LEAs
AF8: Other/Service Verifications	16 LEAs
AF8: Other/Supplementary service documentation was incomplete and/or documented incorrectly	1 LEA
AF8: Other/Discipline procedures not followed for SWD suspended for more than 10 days	4 LEAs
AF8: Other/Positive Behavioral Interventions and Supports (PBIS)	10 LEAs
AF8: Other/Training required on the creation and completion of FBAs and BIPs	3 LEAs
AF8: Other/Documentation on the provision of services (ISS)	4 LEAs
AF8: Other/Incorrect implementation of Direct Services	1 LEA
AF8: Other/Incorrect implementation of Indirect Services	1 LEA
AF8: Other/Appropriate student groupings	2 LEAs
AF8: Other/Continuum of services not offered	2 LEAs
AF8: Other/Transition file review systemic findings identified	5 LEAs
AF8: Other/Transition-aged students not invited to IEP meetings	1 LEA
AF8: Other/Restraint form did not meet Policy 4373 specifications	2 LEAs
AF8: Other/Staff unable to identify members of the school crisis team	4 LEAs
AF8: Other/General Education Teachers are not part of the IEP team	1 LEA
AF8: Other/IEPs out of 365-day timeline	2 LEAs
AF8: Other/Triennial reviews out of three-year timeline	2 LEAs
AF8: Other/Compensatory minutes/services required	1 LEA
AF8: Other/Change of placement occurred without an IEP meeting	1 LEA
AF8: Other/Eligibility Committee reports and IEP services not in alignment	1 LEA
AF8: Other/Co-taught minutes did not meet the required service on the students' IEPs	3 LEAs
AF8: Other/Specially Designed Instruction (SDI) not being utilized in SEE	3 LEAs
AF8: Other/Teacher/student ratio for co-teaching class over the 50% allowance	2 LEAs
AF8: Other/Teacher/student ratio per period for resource class over the policy limit	3 LEAs
AF8: Other/Behavior Intervention Plans were not shared with teachers	1 LEA
AF8: Other/General education teachers did not read student IEPs prior to the beginning of the school year	1 LEA
AF8: Other/Statewide testing accommodation errors	1 LEA
AF8: Other/Accommodation logs with student names distributed to all teachers	1 LEA
AF8: Other/Special Education rooms identified	5 LEAs
AF9: W. Va. Code 18-20-11 Camera/Audio Requirements	10 LEAs

Student File Review

Noncompliance identified using the IDEA Part B Programmatic Monitoring Procedures Manual.

File Review Summary of Percentage of Noncompliance	LEAs Below 80%
General Supervision	
MN1: 8-Day Notice	4 LEAs
MN2: Reason for Meeting / Invited Members	10 LEAs
MN3: Procedural Safeguards	5 LEAs
MN4: Parent Invitation	2 LEAs
GS1: IEP Amendments	7 LEAs
GS2: Prior Written Notice	4 LEAs
GS3: Summar of Performance (SoP)	0 LEAs
EL1: Parental consent for initial evaluation or reevaluation	6 LEAs
EL2: Parent input was used in determining eligibility	7 LEAs
EL3: Evaluation Procedures	2 LEA
EL4: Evaluation documentation consistent with eligibility criteria	3 LEAs
EL5: Evaluation documentation meets required timelines	2 LEAs
IEP1: IEP Annually Reviewed	2 LEAs
IEP2: IEP Team Properly Staffed	1 LEA
IEP3: ESY Services	3 LEAs
IEP4: Transfer of Rights (Age of Majority)	4 LEAs
IEP5: Present Levels: Impact Statement	2 LEAs
IEP6: Present Levels: Communication is clear	2 LEAs
IEP7: Present Levels: Performance Gaps	5 LEAs
IEP7.1: Present Levels: Predetermination of Placement Language	6 LEAs
IEP7.2: Targeted standard selected	1 LEA
IEP8: Progress Reporting to Parents	1 LEA
IEP9: Annual Goal: Critical Skills	1 LEA
IEP10: Annual Goal: Timeframe	1 LEA
IEP11: Annual Goal: Condition	1 LEA
IEP12: Annual Goal: Behavior	1 LEA
IEP13: Annual Goal: Criteria	1 LEA
IEP14: Annual Goal: Procedure	1 LEA
SR1: Supplementary Services: Identified	4 LEAs
SR2: Supplementary Services: Location	11 LEAs
SR3: Supplementary Services: Extent/ Frequency	3 LEAs
SR4: Supplementary Services: Initiation Date	1 LEA
SR5: Supplementary Services: Duration Date	1 LEA
SR6: Special Education Services: Identified	3 LEAs
SR7: Special Education Services: Location	1 LEA
SR8: Special Education Services: Extent/ Frequency	1 LEA
SR9: Special Education Services: Initiation Date	1 LEA

File Review Summary of Percentage of Noncompliance	LEAs Below 80%
SR10: Special Education Services: Duration Date	1 LEA
SR11: Related Services: Identified	1 LEA
SR12: Related Services: Location	0 LEAs
SR13: Related Services: Extent/Frequency	0 LEAs
SR14: Related Services: Initiation Date	0 LEAs
SR15: Related Services: Duration Date	0 LEAs
AS1: All statewide assessments (MAPS) contain appropriate accommodations	9 LEAs
AS2: Students on Alternate Academic Achievement Standards (WVAAS)	1 LEA
LRE1: Placement: Extent of participation with nonexceptional students	6 LEAs
LRE2: Placement: Percentage of Time	0 LEAs
LRE3: Placement: Options (LRE Code)	1 LEA
LRE4: Initial Placement: Parental Consent	6 LEAs
SV1: Service Verifications	16 LEAs
Transition File Review	
TR1: Permission to Invite Agency	10 LEAs
TR2: Agency Invited	8 LEAs
TR3: Post Secondary Goal: Education/ Training	9 LEAs
TR4: Post Secondary Goal: Employment	10 LEAs
TR5: Post Secondary Goal: Independent Living	9 LEAs
TR6: Age-Appropriate Transition Assessment	9 LEAs
TR7: Course of Study	11 LEAs
TR8: Student Invitation to IEP Team Meeting	6 LEAs
TR9: Annual Transition Goal	6 LEAs
TR10: Activities/Linkages	0 LEAs
Discipline File Review	
DC1: WVEIS Discipline Data Entry	6 LEAs
DC1.1: Change of Placement: Determination	13 LEAs
DC2: Change of Placement: Procedural Safeguards	12 LEAs
DC3: Change of Placement: Manifestation Determination Review (MDR)	13 LEAs
DC4: Manifestation of the student's disability	13 LEAs
DC5: Not a manifestation of the student's disability	13 LEAs
DC6: Teacher consultation	11 LEAs
DC7: Positive Behavior Intervention and Supports (PBIS)	10 LEAs

Efforts to affect continuous improvement for Indicator #13 (Secondary Transition) include technical assistance to LEAs delivered prior to the collection and reporting of transition age IEPs reviewed during the on-site monitoring process. In addition, the OSE continues to mandate the annual self-assessment process for Indicator 13 for those LEAs not receiving an on-site monitoring review. The table below provides the compliance data prior to the correction period for those LEAs who received an on-site monitoring review and does not include the self-reporting during the ADA. Technical assistance for Indicator 13 will continue until compliance targets are met by each LEA on a systemic basis.

Secondary Transition On-Site Monitoring File Review

County LEA	File Sample Size	Compliance Percentage
LEA 1	9	39%
LEA 2	5	64%
LEA 3	10	91%
LEA 4	5	68%
LEA 5	9	68%
LEA 6	9	60%
LEA 7	17	50%
LEA 8	15	83%
LEA 9	10	50%
LEA 10	10	76%
LEA 11	6	65%
LEA 12	10	40%
LEA 13	10	66%
LEA 14	5	96%
LEA 15	5	46%
LEA 16	5	74%

Annual Desk Audit (ADA)

The WVDE/OSE has developed an Annual Desk Audit (ADA) to address the SPP/APR results and compliance indicators at the LEA level, which is submitted electronically each year. This data-driven system creates a relationship between monitoring, determinations, and improvement planning. The SPP/APR defines state targets for results indicators, and LEAs not meeting state targets in one or more results indicators are required to develop a targeted systemic improvement plan (TSIP). Compliance indicator targets of 100% or 0% are set by OSEP, and LEAs not meeting the compliance indicator targets in the ADA will receive a letter identifying each area of noncompliance.

Forty-nine (49) LEAs received at least one or more written notifications of noncompliance identified in the ADA for the SPP/APR compliance indicators:

- » Six (6) LEAs were identified as noncompliant for *Indicator 4B: Suspension/Expulsion by Race/Ethnicity*
 - › An LEA's suspension rate for students with disabilities by race/ethnicity compared to the State's rate equals or exceeds a rate ratio of 3.00, and
 - › Policies, procedures, or practices that contribute to the significant discrepancy do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
- » Twenty-five (25) LEAs were identified as noncompliant for *Indicator 11: Child Find*.
 - › The percentage of children who were evaluated and had their eligibility determined within 80 days of receiving parental consent for initial evaluation.
- » Thirty-four (34) LEAs were identified as noncompliant for *Indicator 13: Secondary Transition*.
 - › Percent of youth with IEPs age 14 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 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.

Local Educational Agency (LEA) Determinations

IDEA Section 616(e) and Part B Regulations §300.600(a) and 300.604 require states to annually determine if the LEA:

- » Meets the requirements and purposes of IDEA, Part B;
- » Needs assistance in implementing the requirements of Part B;
- » Needs intervention in implementing the requirements of Part B; or
- » Needs substantial intervention in implementing the requirements of Part B.

In making each LEA's Annual Determination, WVDE/OSE used Results and Compliance matrixes. The four (4) factors considered were LEA's performance on selected SPP/APR results and compliance indicators, valid and reliable data, dispute resolution, and other data available to the State about the LEA's compliance, including relevant audit findings.

Changes Made to LEA Determination Methodology for SY 2023-24

- » Awarding partial credit for year-to-year growth was added to compliance indicators 11, 12, and 13 within the annual LEA determination process to encourage continuous improvement by recognizing both successful implementation of regulatory requirements as well as ongoing efforts to improve compliance.
- » In response to a comment from OSEP, WVDE revised its methodology for determining a "significant discrepancy" for Indicators 4A and 4B. This revised methodology was used for the 2024 ADA and 2024 LEA Determinations. Please see the related attachment for more information on the revised methodology.
- » In recognition of the ongoing state- and nationwide educator shortage, eligibility for growth credit has been added to results indicators 5A, 5B, 5C, 6A, 6B, and 6C, as well as compliance indicators 11, 12, and 13.
- » "Monitoring and Accountability" was broken out into "Administrative Findings" and "File Review Summary" for 1 point each with a requirement of 80% or higher to receive full points. Previously, these two areas were calculated together for an overall percentage worth 0 (<75%), 1 (75-89%), or 2 points (90-100%). Calculating these separately and awarding 1 point per component prevents performance in one area from pulling down the overall percentage. It also provides an "at-a-glance" indication of how well the LEA performs with systemic compliance compared to compliance with individual student files.
- » The bonus point for SSIP participation increased from 0.5 to 0.75 points.
- » Criteria for obtaining specific point values for compliance indicators 11, 12, and 13 were revised to more closely align with the methodology the U.S. Department of Education uses for these compliance indicators within State Determinations.

Previous Criteria	Updated Criteria
2 points = 95 - 100%	2 points = $\geq 95\%$
1 point = 90 - 94%	1 point = $\geq 80\%$ but $< 95\%$
0 points = $< 90\%$	0 points = $< 80\%$

The LEA Determination Matrix reflects a percentage score that was used to determine the LEAs' 2024 Annual Determinations as follows:

» **Meets Requirements (MR)**

- › An LEA receives a determination of *Meets Requirements* if the LEA receives 80 percent or more of the points possible in the LEA's annual determination matrix.

» **Needs Assistance (NA)**

- › An LEA receives a determination of *Needs Assistance* if the LEA receives between 70 and 79 percent of the points possible in the LEA's annual determination matrix.

» **Needs Intervention (NI)**

- › An LEA receives a determination of *Needs Intervention* if the LEA receives between 60 and 69 percent of the points possible in the LEA's annual determination matrix, *or* if the LEA receives between 70 and 79 percent of the points possible and was previously in *Needs Assistance* for three consecutive years.
- › An LEA must receive 80 percent or greater to move from NI to MR.

» **Needs Substantial Intervention (NSI)**

- › An LEA receives a determination of *Needs Substantial Intervention* if the LEA receives less than 60 percent of the points possible in the LEA's annual determination matrix, *or* if the LEA receives between 60 and 69 percent of the points possible and was previously in *Needs Intervention* for three consecutive years.
- › An LEA must receive 70 percent or greater to move from NSI to NA, or 80 percent or greater to move from NI to MR, or from NSI to MR.

The following is a summary of the 61 LEA Determinations from SY 2023-24:

Determination	Number of LEAs	Percentage of LEAs
Meets Requirements	39	63.93
Needs Assistance – One Year	11	18.03
Needs Assistance – Two Years	5	8.20
Needs Assistance – Three Years	1	1.64
Needs Intervention – One Year	5	8.20

Determination	LEA
Meets Requirements	Barbour - Braxton - Cabell - Calhoun - Doddridge - Fayette - Gilmer - Grant - Hancock - Hardy - Harrison - Jackson - Lewis - Marion - Marshall - Mason - Mercer - Mineral - Monroe - Nicholas - Pendleton - Pleasants - Preston - Putnam - Raleigh - Randolph - Ritchie - Tucker - Tyler - Webster - Wetzel - Wirt - Wyoming - WV Schools of Diversion and Transition - WV Schools for the Deaf and the Blind - West Virginia Academy - Eastern Panhandle Prep Academy - Virtual Preparatory Academy of WV - West Virginia Virtual Academy
Needs Assistance – 1 Year	Clay - Hampshire - Lincoln - Logan - Mingo - Morgan - McDowell - Pocahontas - Roane - Taylor - Wayne
Needs Assistance – 2 Years	Greenbrier - Jefferson - Kanawha - Monongalia - Summers
Needs Assistance – 3 Years	Berkeley
Needs Intervention – 1 Year	Boone - Ohio - Wood - Brooke - Upshur

LEA Determinations: Sustaining Compliance and Improvement

If an LEA is ***Needs Assistance*** for at least two consecutive years, the LEA:

- » Will be required to work with relevant sources of technical assistance
- » Will not be permitted to reduce its Maintenance of Effort (MOE) for any fiscal year
- » May be identified as a high-risk grantee and have Specific Conditions imposed on the LEA's IDEA Part B grant award

If an LEA is ***Needs Intervention*** for three or more consecutive years, the LEA:

- » May be subject to one or more of the enforcement actions described under *Needs Assistance* above
- » May be required to prepare a corrective action plan or improvement plan to correct the identified area(s)
- » May have further payments under Part B withheld, in whole or in part, or redirected toward addressing any identified issues contributing to the underperformance of the LEA

If an LEA is ***Needs Substantial Intervention*** at any time, the LEA:

- » Must have further payments under Part B withheld in whole or in part after reasonable notice and opportunity for a hearing (34 C.F.R. §§ 300.155, and 76.401(d)), or have these funds redirected toward addressing any identified issues contributing to the underperformance of the LEA
- » Will be subject to an on-site review in addition to the LEA's cyclical compliance review with findings issued for each area of noncompliance identified
- » Will be required to address areas of noncompliance and systemic issues through an improvement plan

2024 LEA Determination Matrix

LEA Name

IDEA Part B Results Matrix

Measurement	Data Year	State Target %	State %	LEA %	Points Possible	Points Earned	
						Met	Growth
Indicator 1 – Graduation	22-23				1		
Indicator 2 – Dropout	22-23				1		
Indicator 3A	22-23	Grade 4 Assessment Participation Rate for students with IEPs ELA (GSA and ASA)			.25		N/A
		Grade 8 Assessment Participation Rate for students with IEPs ELA (GSA and ASA)			.25		N/A
		Grade 11 Assessment Participation Rate for students with IEPs ELA (GSA and ASA)			.25		N/A
	22-23	Grade 4 Assessment Participation Rate for students with IEPs Math (GSA and ASA)			.25		N/A
		Grade 8 Assessment Participation Rate for students with IEPs Math (GSA and ASA)			.25		N/A
		Grade 11 Assessment Participation Rate for students with IEPs Math (GSA and ASA)			.25		N/A
Indicator 3B*	22-23	Grade 4 Assessment Proficiency Rate for students with IEPs ELA (GSA)			.25		
		Grade 8 Assessment Proficiency Rate for students with IEPs ELA (GSA)			.25		
		Grade 11 Assessment Proficiency Rate for students with IEPs ELA (GSA)			.25		
	22-23	Grade 4 Assessment Proficiency Rate for students with IEPs Math (GSA)			.25		
		Grade 8 Assessment Proficiency Rate for students with IEPs Math (GSA)			.25		
		Grade 11 Assessment Proficiency Rate for students with IEPs Math (GSA)			.25		
Indicator 3C*	22-23	Grade 4 Assessment Proficiency Rate for students with IEPs ELA (ASA)			.25		
		Grade 8 Assessment Proficiency Rate for students with IEPs ELA (ASA)			.25		
		Grade 11 Assessment Proficiency Rate for students with IEPs ELA (ASA)			.25		
	22-23	Grade 4 Assessment Proficiency Rate for students with IEPs Math (ASA)			.25		
		Grade 8 Assessment Proficiency Rate for students with IEPs Math (ASA)			.25		
		Grade 11 Assessment Proficiency Rate for students with IEPs Math (ASA)			.25		
Indicator 3D*	22-23	Grade 4 Assessment Proficiency Gap between students with IEPs and all students ELA (GSA)			.25		
		Grade 8 Assessment Proficiency Gap between students with IEPs and all students ELA (GSA)			.25		
		Grade 11 Assessment Proficiency Gap between students with IEPs and all students ELA (GSA)			.25		
	22-23	Grade 4 Assessment Proficiency Gap between students with IEPs and all students Math (GSA)			.25		
		Grade 8 Assessment Proficiency Gap between students with IEPs and all students Math (GSA)			.25		
		Grade 11 Assessment Proficiency Gap between students with IEPs and all students Math (GSA)			.25		
Indicator 4A – Suspension/Expulsion (>10 days)	22-23				1		N/A
Indicator 5A – Education Environments (6-21): General Education – Full Time (LRE: 0)	23-24				1		
Indicator 5B – Education Environments (6-21): Separate Class (LRE: 2)	23-24				1		
Indicator 5C – Education Environments (6-21): Special School, Homebound/Hospital, Residential (LRE: 3, 5, 6)	23-24				1		
Indicator 6A* – Pre-K Environments: Regular Early Childhood Program (LRE: W, Y)	23-24				1		
Indicator 6B* – Pre-K Environments: Separate Class, Spec. School, Residential (LRE: W, Y)	23-24				1		
Indicator 6C** – Pre-K Environments: Home (LRE: R)	23-24				1		
Indicator 7A* – Pre-K Outcomes: Social Emotional (1-Growth, 2-Achievement)	22-23	1.	1.	1.	.75		
		2.	2.	2.	.25		
Indicator 7B* – Pre-K Outcomes: Knowledge/Skills (1-Growth, 2-Achievement)	22-23	1.	1.	1.	.75		
		2.	2.	2.	.25		
Indicator 7C* – Pre-K Outcomes: Appropriate Behavior (1-Growth, 2-Achievement)	22-23	1.	1.	1.	.75		
		2.	2.	2.	.25		
Indicator 8 – Parent Involvement (if applicable)	22-23				1		
Indicator 14r* – Response Rate	22-23				1		N/A
Indicator 14C* – Post-School Outcomes (postsecondary education, training, or employment) (Must meet or exceed a 50% response rate for 14C point eligibility)	22-23				1		

Note: * An n-size of ≥ 10 is required to be included in results

** An n-size of ≥ 50 is required to be included in results.

Points Earned	Results Percentage
X	X%
Points Possible	
X	

2024 LEA Determination Matrix



LEA Name

IDEA Part B Compliance Matrix

Measurement (Equity)	Data Year (SY)	State Target %	Met / Not Met	Points Possible	Points Earned
Indicator 4B — Suspension/Expulsion by Race/Ethnicity (>10 days)	22-23	0		2	
Indicator 9 — Disproportionate Representation	23-24	0		2	
Indicator 10 — Disproportionate Representation (Specific Disability Categories)	23-24	0		2	
Measurement (General Supervision)	Data Year (SY)	State Target %	State %	LEA %	Points Possible
Indicator 11 — Child Find (Initial Evaluation Timelines) [†]	22-23	100		2	
Indicator 12 — Early Childhood Transition [†]	22-23	100		2	
Indicator 13 — Secondary Transition [†]	23-24	100		2	
Monitoring and Accountability (if applicable)	Data Year (SY)	Points Possible	Points Earned		
Administrative Findings	22-23	2			
File Review Summary	22-23	2			
Other Compliance Data Sources	Data Year (SY)	Points Possible	Points Earned		
Dispute Resolution	22-23	2			
Correction of Noncompliance	22-23	2			
Timely and Accurate Data Submission	Data Year (SY)	Timely (Y/N)	Accurate (Y/N)	Points Possible	Points Earned
EOY Exit and Discipline	22-23			1	
IDEA/State Aid Grant Application	23-24			1	
December 1 Child Count	23-24			1	
Personnel Report	23-24			1	
Annual Desk Audit	23-24			1	
Other requested documents (complaints, monitoring, etc.)	23-24			1	

Note: [†]To earn points for Indicators 11, 12, or 13, the LEA must also have corrected any previous findings of noncompliance within one year, if applicable.

Points Earned	Compliance Percentage
X	
Points Possible	x%
X	

Bonus

Measurement	Points Possible	Points Earned
State Systemic Improvement Plan (SSIP) Participation	.75	

Note: May not increase overall LEA percentage beyond 100%

2024 LEA Determination

LEA Name

Points Earned	(Bonus)	Percentage	Determination
Points Possible	Previous Determination		

West Virginia Interagency Consolidated Monitoring of Out-of-State Residential Facilities

The West Virginia Legislature created The Commission to Study Residential Placement of Children to establish a mechanism to achieve systemic reform by which all the state's child-serving agencies involved in the residential placement of at-risk youth jointly and continually study and improve upon this system. One of the topics of study outlined by the legislation when it formed the Commission was to develop ways to certify out-of-state providers to ensure that children who must be placed out-of-state receive high quality services consistent with West Virginia's standards. As part of this charge, the West Virginia Department of Health and Human Resources (WVDHHR) and the WVDE joined efforts to develop and implement a collaborative monitoring system to review out-of-state facilities providing treatment and educational services to West Virginia youth.

For students with disabilities, each state has a responsibility, under federal statute and regulation, to have a system of general supervision that monitors the implementation of IDEA. The WVDE implemented the educational monitoring of out-of-state facilities in April 2002. In 2012 an interagency team comprised of WVDE and WVDHHR, developed the interagency consolidated monitoring process and a manual which describes the procedures to monitor out-of-state facilities servicing West Virginia students. These procedures aim to ensure appropriate treatment and educational services are being provided in a safe environment. The team representing WVDE and WVDHHR conducts on-site reviews of out-of-state facilities that provide services to students in West Virginia. A consolidated written report is issued to the facility administrator following the exit conference. Each report consists of recommendations for educational improvement, any child-specific and/or systemic findings of noncompliance under IDEA, WV state educational policies, WV state and federal codes, or WVDHHR rules, policies, and procedures. Corrective action plans are imposed when appropriate. In addition, at the conclusion of the on-site monitoring and in the event suspension of placements or removal of members/students is ordered, the entire review team must return for a second on-site monitoring visit to determine the facility's correction of the deficiencies prior to a suspension being lifted.

The interagency team completed five (5) on-site reviews for the 2023-2024 school year. The facilities which received an on-site review were:

- » Newport News Behavioral Health Center - Newport News, VA
- » Abraxas Youth Center - South Mountain, PA
- » Laurel Oaks Behavioral Health Center - Dothan, AL
- » Belmont Pines – Youngstown, OH
- » Lakeland Behavioral Health System – Springfield, MO

All facilities reviewed had educational findings of noncompliance and corrective action plans were required. Common educational findings of noncompliance in out of state facilities include:

- » Lack of appropriate certification for school faculty
- » IEP services minutes unable to be verified by the school schedule
- » Applicable students not consistently participating in their IEP Team meetings when transition services are addressed
- » Notification of parents for IEP meetings and restraints
- » Other findings are unique to individual facilities

Dispute Prevention and Resolution System

When LEAs and parents have disagreements regarding students with exceptionalities, the WVDE encourages the parties to make every effort to resolve their differences informally through conferences and/or IEP Team meetings. For those cases when it is not possible to informally resolve a disagreement, the WVDE administers a system for dispute resolution, which includes options for written state complaints, mediations and due process complaints regarding the identification, evaluation, placement and/or provision of a free appropriate public education. A state complaint is a charge that a special education law or regulation is not being followed and is investigated at the WVDE by OSE staff. A complaint may also address a LEA's failure to implement a due process hearing decision.

A due process hearing provides an administrative forum in which an impartial hearing officer resolves the dispute between the parents and the LEA unless it is settled by an agreement of both parties through a resolution session. Parents and LEAs are encouraged to use mediation, which is less formal than a complaint or a due process hearing, to resolve disagreements. In addition, as a preventative measure, the WVDE has added the FIEP process whereby trained, impartial facilitators assist the parties to resolve the issues by collaboratively developing an IEP to meet the student's needs.

Facilitated Individual Education Program (FIEP)

Total number of FIEPs requested	39
Total number of FIEPs completed	36
Total number of FIEP requests withdrawn	3
Total number of FIEP requests wherein parents refused to participate	0
Total number of FIEP requests not held due to resolution of issues	0
Total number of FIEP requests wherein LEA refused to participate	0

State Complaints

Total number of state complaints requested	35
Total number of state complaints determined insufficient	7
Total number of state complaints where agreement was reached through early resolution	9
Total number of state complaints which were withdrawn	2
Total number of state complaints where agreement was reached through mediation	1
Total number of state complaints where issues were deferred pending due process	0
Total number of Letters of Findings issued	16

Mediations

Total number of mediations requested	4
Total number of written agreements	2
Total number of mediations pending	0
Total number of mediations without agreements or withdrawn	2

Due Process Hearings

Total number of due process hearings requested	19
Total number of cases dismissed (resolution agreement, mediation agreement, withdrawal or other resolution without hearing)	18
Total number of cases resulting in a decision by a hearing officer	1

Facilitated Individualized Education Program (FIEP)

An FIEP is a student-focused IEP process designed to help the IEP Team overcome the pressures and challenges of a potentially contentious meeting. While the FIEP is not a required dispute resolution option under IDEA, West Virginia has joined many other states in making this option available. An FIEP Team meeting provides an opportunity for early conflict prevention and may be requested by LEAs, parents of children with disabilities, and adult students (18 years and older) with disabilities.

Upon receipt of a request for an FIEP meeting, the OSE assigns a facilitator whose primary responsibility is to assist IEP Team members in the thoughtful and productive development of a quality IEP focused on the student's specific needs. A trained, impartial professional facilitator or pair of facilitators will attend the IEP Team meeting to assist the members of the IEP Team in remaining focused on student issues and goals while addressing conflicts and disagreements that may arise during the meeting. The process may be used for any IEP Team meeting or eligibility meeting. IEP facilitation is free for all participants.

The IEP Facilitator's role is to:

- » Keep the meeting focused on the student
- » Ensure that all IEP team members have an opportunity to participate
- » Encourage active listening by all participants
- » Keep the group moving toward consensus without getting stalled on one part of the IEP

To formally request an FIEP Team meeting, parents or school staff may contact their LEA's special education director or complete a Request for an FIEP Team meeting form on the WVDE website at <https://wvde.us/special-education/policies-and-compliance/monitoring-and-compliance>. Impartial facilitators will be selected by the OSE on a rotational basis. The entire IEP Team will participate in the FIEP Team meeting.

Both parties must agree to participate in the FIEP process to schedule the meeting, and, subsequently, a mutually agreed upon date and time for the meeting shall be established. A request for an FIEP cannot delay the timeline for completion of the student's annual IEP Team meeting.

State Complaints

The federal regulations for implementing Part B of the IDEA require each state to administer a system for investigating and resolving state complaints. A formal state complaint is a charge that special education laws or regulations are not being followed by a LEA or public agency.

An individual or organization may file a state complaint under the procedures described in Policy 2419, Chapter 11. A form for filing a state complaint is accessible on the WVDE website. Although the use of this form is not required, the complaint must be in writing, contain the complainant's signature and meet the criteria specified in Chapter 11, Section 2.A.

The WVDE has adopted written procedures for responding to and investigating state complaints and widely disseminates these procedures to parents and other interested individuals including parent training and information centers, protection and advocacy agencies, independent living centers and other appropriate entities in the state.

Within 60 days of receipt of a state complaint, the WVDE must carry out an independent investigation if the WVDE determines the state complaint is sufficient. Upon review of all relevant information, the WVDE must make an independent determination as to whether the public agency is violating state or federal special education laws, policies, or regulations. The WVDE issues a written decision to the LEA and the parent that addresses each allegation in the complaint and contains findings of facts and conclusions, the reasons for the WVDE's final decision, and procedures for effective implementation of the WVDE's final decisions, if needed, including corrective actions to achieve compliance.

State Complaints and Due Process Complaints

If a written state complaint is received that is also the subject of a due process complaint or contains multiple issues of which one or more are part of the due process complaint, the WVDE shall set aside any part of the state complaint that is being addressed in the due process complaint until the conclusion of the hearing. Any issue not part of the due process action will be resolved following established state complaint procedures and timelines. For issues that are addressed in the due process hearing, the hearing officer's decision is binding, and the WVDE must inform the complainant to that effect. Any remaining issues not addressed in the due process hearing decision will be investigated by the WVDE in accordance with the established state complaint procedures and timelines.

A state complaint alleging a LEA's failure to implement a due process hearing decision must be investigated and resolved by the WVDE utilizing the state complaint procedures.

Early Resolution of State Complaints

Either the special education director or the parent/adult student may initiate an early resolution to a state complaint investigation by contacting the other party and participating in a local conference if both the LEA and parent voluntarily agree to utilize the early resolution option. If early resolution is reached on any or all allegations within fifteen days of being notified of the receipt of the state complaint, the LEA need not submit its written response to the allegations to the WVDE, and the state complaint will be considered resolved. Allegations not resolved will be investigated using established procedures and timelines.

Mediation and State Complaints

Another option for resolving a state complaint is mediation. The parent and the LEA may agree to voluntarily engage in mediation consistent with the WVDE's procedures to resolve the issues in the complaint. If both parties agree, the timeline for the investigation may be extended to accommodate the mediation session. If a mediation agreement is reached, the decision is documented in a settlement agreement and the complaint is considered resolved. A settlement agreement is binding in any court of competent jurisdiction.

There were 35 state complaints submitted to the WVDE during the 2023-2024 school year. Of these, 16 were investigated and resulted in the WVDE issuing a Letter of Findings (LOF). Seven (7) state complaint requests were determined to be insufficient. The remaining 12 complaints were resolved and/or withdrawn.

Most Prevalent Violations Identified in 2023-2024 State Complaints

- » Failure to develop and implement a compliant IEP in a student's LRE
- » Failure to address student behaviors and provide appropriate intervention services
- » Denial of meaningful parental participation in a student's educational process
- » Failure to allow parent to view video footage within 7 days and improper use of restraint

Mediation

Mediation is an informal process for assisting parents and LEAs to resolve disputes and reach agreements. Mediation is voluntary on the part of both parties and opens the lines of communication which should benefit the student, parents and school personnel throughout the student's school career. When mediation is requested, the expectation is that parents and school personnel will have the opportunity to resolve their differences amicably, make decisions with the student's best interest in mind, and reduce the need for further dispute resolution options. Parents and LEAs are encouraged to use mediation, which is a less formal process than a due process hearing, to resolve disagreements.

Mediation Requests 2024

Number of Mediations Requested	Number of Mediations Requested in Lieu of Resolution Meetings	Mediations Withdrawn or Dismissed	Mediation Agreements	Mediations Held Without an Agreement
4	0	0	2	2

Mediation Issues

Case	Reason for Request	Outcome
M24-001	Mediation in lieu of resolution for Due Process D23-021*	No Agreement
M24-002	Mediation in lieu of resolution for Due Process D24-004	Agreement
M24-003	Mediation in lieu of resolution for Due Process D24-005	No Agreement
M24-004	Mediation to resolve State Complaint C24-016	Agreement

*Note that D23-021 was pending at the end of FY23.

Mediation Costs

The West Virginia Department of Education assumes the total cost of the mediator assigned to the requested mediation. Mediators are selected by a solicitation process mandated by the State of West Virginia through the West Virginia Purchasing Division. Mediations are conducted pursuant to the procedures specified in the IDEA and Policy 2419. Mediators are compensated at the hourly rate specified on their individual contract for preparation, conducting the mediation and travel time. Total mediation costs for FY24 were \$6728.75.

The chart below provides a breakdown of mediation costs by case.

Case Number	Cost
M24-001	\$2972.50
M24-002	\$1721.25
M24-003	\$495.00
M24-004	\$1540.00
Total Costs - \$ 6728.75	

Due Process Hearing

Special education laws and regulations ensure that all students with exceptionalities have available a free appropriate public education (FAPE). The WVDE Office of Special Education is required to accept due process complaints regarding the identification, evaluation, educational placement and/or provision of FAPE for exceptional students. Due process complaints are important procedural safeguards for parents and are required by federal law. A parent, an adult student with an exceptionality, an LEA or an attorney representing either party may request a hearing by filing a due process complaint with the LEA's superintendent and the WVDE OSE.

Due Process Complaint Resolution Meeting

In the IDEA, Congress recognized the need to provide additional opportunities for early dispute resolution. A 30-day resolution period was added when a parent files a due process complaint. The LEA is required to hold a resolution meeting within 15 days of receiving notice of the parents' due process complaint to discuss the issues leading to their due process hearing request. This provides the LEA an opportunity to attempt to resolve the issues. The parents and LEA decide which IEP Team members will attend the resolution meeting; however, a LEA representative who has decision-making authority must participate in the resolution meeting. The resolution meeting must be held unless the parents and LEA agree in writing to waive the resolution meeting or agree to use mediation. If the LEA and parents resolve the issues relating to the due process hearing request during a resolution meeting, they must execute a legally binding agreement. If the LEA has not resolved the request for the due process hearing to the satisfaction of the parents within 30 days of the receipt of the parents' hearing request, the due process hearing may proceed, and the applicable timelines begin.

Due Process Complaints & Hearing Requests

Nineteen (19) due process complaints were filed with the WVDE during the FY 2024 school year. Attorneys from advocacy organizations filed twelve (12) of these complaints on behalf of parents. Five (5) complaints were filed by parents without legal representation. In addition, LEAs filed two (2) complaints against parents. Thirteen (13) due process complaints were concluded following a resolution session. Four (4) mediation sessions were requested to resolve due process complaints and 2 resulted in mediation agreements. There was one fully adjudicated hearing with a decision issued by a hearing officer in FY 2024. The hearing officer ruled in the LEA's favor in that case.

IDEA Due Process Hearing Complaint Issues

Case Number	Alleged Violations	Action
D24-001	The parents alleged the LEA failed to provide special education and related services, including a 1:1 aide, and to educate the student in their Least Restrictive Environment.	Resolved
D24-002	The parent alleges the LEA failed to provide a certified special education teacher or appropriately credentialled substitute for the student's classroom.	Withdrawn; parent filed state complaint
D24-003	The parents alleged the LEA failed to provide the student with a free appropriate public education (FAPE) in their Least Restrictive Environment (LRE).	Resolved
D24-004	The parents alleged the LEA failed to provide the student with special education services, resulting in a denial of FAPE.	Mediation agreement (M24-002)
D24-005	The parents alleged the LEA failed to implement the student's IEP and provide the student with	Mediation; no agreement (M24-003)

Case Number	Alleged Violations	Action
	appropriate supervision.	
D24-006	The parent alleges the LEA failed to develop an IEP and provide services for the student, who had recently received a Traumatic Brain Injury (TBI).	Resolved within 15 days
D24-007	The parent objects to the student's change of placement following a behavior incident on the school bus.	Resolved within 15 days
D24-008	The parents alleged the LEA failed to provide FAPE in the student's LRE (the student has been in an Out of School Environment for over 18 months).	Resolved within 30 days
D24-009	The parents alleged an ongoing failure to provide the student with special education and related services.	Resolved within 15 days
D24-010	The parent alleges the LEA failed to appropriately evaluate the student and provide appropriate behavior support, and that the LEA improperly disciplined the student and impeded parental participation in the IEP process.	Resolved
D24-011-E	In response to D24-010, the LEA filed this due process complaint seeking a determination regarding the student's Least Restrictive Environment.	Dismissed
D23-012	The parents alleged the LEA failed to develop an appropriate behavior plan and provide the student with a 1:1 aide for all unstructured time in order to allow the student to receive FAPE in their LRE.	Resolved within 15 days
D24-013	The parent alleges the LEA excluded the student from school because of his need to wear a medical monitoring device.	Resolved
D24-014	The parent alleges the LEA failed to ensure that the appropriate continuum of placements was available to the student and that the LEA had qualified staff in place to implement the student's IEP.	Resolved
D24-015	The parent alleges the LEA failed to address issues related to the student's need for a communication device and to provide Occupational Therapy (OT) required by the student's IEP, resulting in a denial of FAPE.	Resolved within 15 days
D24-016	The parent alleges the LEA failed to provide appropriate transition assessments and services and changed the student's IEP transition plan without conducting an IEP team meeting.	Resolved within 30 days
D24-017	The parents alleged the LEA improperly disciplined the student.	Withdrawn
D24-018	The parents challenge the LEA's refusal to provide	The hearing officer ruled for the

Case Number	Alleged Violations	Action
	the student with an additional year of school to enable him to obtain skills necessary to transition to a college program.	LEA following a due process hearing.
D24-019	The LEA requests a hearing officer's determination that its denial of the parent's request for an Independent Education Evaluation (IEE) was appropriate.	Resolved

IDEA Due Process Hearing Costs

The WVDE has entered a contractual agreement for due process hearing officer services following a solicitation process mandated by the State of West Virginia through the West Virginia Purchasing Division. Hearing officers are compensated at the rate specified in each individual contract for preparation, travel, conducting the hearing and preparing and submitting the written decision. The WVDE remits payment to the hearing officer for 2/3 of the approved cost of the hearing officer's fee. The LEA remits payment to the hearing officer for 1/3 of the approved cost of the hearing officer's fee based on a memorandum of understanding between WVDE and the LEAs. When a case is settled or dismissed prior to a hearing, the hearing officer is only paid for time accrued, which is considerably less than when a hearing occurs. The WVDE is responsible for 100% of the cost of a court reporter for the due process hearing. The LEA is responsible for the cost of the LEA's attorney.

The total cost of due process complaints for FY 2024 was **\$32,374.00**. The chart below breaks down the specific costs paid by the WVDE and the LEA, and the total cost for each due process complaint.

Case Number	Hearing Costs		Court Reporter Cost	Total Hearing Cost
	WVDE Cost	LEA Cost		
D24-001	\$405.00	\$202.50	\$0.00	\$607.50
D24-002	\$266.00	\$133.00	\$0.00	\$399.00
D24-003	\$360.00	\$180.00	\$0.00	\$540.00
D24-004	\$190.00	\$95.00	\$0.00	\$285.00
D24-005	\$247.50	\$123.75	\$0.00	\$371.25
D24-006	\$228.00	\$114.00	\$0.00	\$342.00
D24-007	\$112.50	\$56.25	\$0.00	\$168.75
D24-008	\$247.50	\$123.75	\$0.00	\$371.25
D24-009	\$443.33	\$221.67	\$0.00	\$665.00
D24-010	\$0.00	\$0.00	\$0.00	\$0.00
D24-011E	\$1,055.33	\$527.67	\$0.00	\$1,583.00
D24-012	\$157.50	\$78.75	\$0.00	\$236.25
D24-013	\$658.67	\$329.33	\$0.00	\$988.00
D24-014	\$475.00	\$237.50	\$0.00	\$712.50
D24-015	\$266.00	\$133.00	\$0.00	\$399.00
D24-016	\$375.00	\$187.50	\$0.00	\$562.50
D24-017	0.00	0.00	\$0.00	0.00
D24-018	\$15,695.33	\$7,847.67	\$0.00	\$23,543.00
D24-019	\$400.00	\$200.00	\$0.00	\$600.00
Total Costs	\$21,582.66	\$10,791.34	\$0.00	\$32,374.00

The West Virginia Department of Education, Office of Special Education (OSE), continually strives to support West Virginia's LEAs in meeting the requirements of the Individuals with Disabilities Education Improvement Act and Policy 2419 through the processes discussed in this report. Additionally, the OSE provides resources and information on all dispute prevention and resolution processes to parents of children with disabilities, adult students with disabilities, and other interested parties. Questions regarding the information provided in this report should be directed to the West Virginia Department of Education, OSE, at 304-558-2696.



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