

**SUMMARY OF REVISIONS TO POLICY 2419:
REGULATIONS FOR THE EDUCATION OF STUDENTS WITH EXCEPTIONALITIES**

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Title 126 Legislative Rule	
1	§126-16-1.1.5. Repealed Policy 2419.11: Rules for Requesting an Exception to the Regulations for the Education of Exceptional Students.
2	§126-16-2.2.1. Revised CSP and RSP to Results and Compliance System Procedures (RCSP)
2	§126-16-4. Changed exceptional to exceptionality .
Chapter 1 – Free Appropriate Public Education	
9	Sec.2.A.3. Replaced modified diploma with alternate diploma.
11	Sec.2.C.1.a.,b. Clarified Medicaid parental consent request.
11	Sec.2.c.2. Changed one-time Medicaid parental consent to annual consent.
12	Sec.3. Replaced West Virginia Content Standards and Objectives with West Virginia College- and Career-Readiness Standards .
12	Sec.3 Removed that FAPE obligation does not apply to three through five year old students.
12	Sec.3 Added no obligation of FAPE to homeschooled students.
Chapter 2 – Child Find	
14	Sec.3.A. Added member of SAT must assist parent in completing written referral.
15	Sec.3.C.1. Replaced Support for Personalized Learning (SPL) with Multi-Tiered System of Supports (MTSS) .
15	Sec.3.C.4.,5. Added Student Assistance Team (SAT) procedures from Policy 2510 to include review of persistent needs and parental review .
Chapter 3 – Evaluation/Reevaluation	
18	Sec.2.A.1. Clarified eighty-day timeline does not apply when parent repeatedly fails to produce student.
18	Sec.2.A.2. Clarified exception to eighty-day timeline for students who change district of enrollment only applies when district and parent agree to specific time to complete evaluation (34 CFR §300.301[d]).
19	Sec.2.C. Revised timeline for request for parental consent when additional evaluations requested by EC or IEPT from 10 to 5 school days.
19	Sec.2.D. Revised timeline for provision of prior written notice of response to parental request for additional evaluations from 10 to 5 days.
21	Sec.3.D. Replaced Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data to Student Information .
22	Sec.3.2. Replaced Office of Institutional Education Programs to Diversion and Transition .
23	Sec.4.B.4.e. Added for child, who is deaf or hard of hearing a comprehensive language assessment in child’s language and communication mode must be completed.
Chapter 4 – Eligibility	
24	Sec.1. Changed remedial reading teacher to reading specialist .
24	Sec.1. Changed ESEA reading components to ELA College- and Career-Readiness Standards – Reading Foundations – Fluency, Phonics and Word Recognition, Phonological Awareness and Print Concepts.
26	Sec.3.2. Replaced exceptional with disability in prong 2 of three-prong test of eligibility.
30	Sec.3.F. Replaced SPL with MTSS.
31	Sec.3.G.1. Removed State Approved Test List For The Identification of Gifted Students in West Virginia in Appendix.
32	Sec.3.G.3. Added third consideration that students may be twice exceptional-gifted and disabled. The disability is the primary exceptionality.

32	Sec.3.G.3. Replaced Four Year Education Plan with Personalized Education Plan to include courses through the senior year. Added Dual Credit as possible course.
33	Sec.3.I. Revised intellectual disability by defining the most significant cognitive disabilities, aligning adaptive functioning with DSM-5 and requiring an observation if intellectual functioning and adaptive functioning inconsistent.
33	Sec.3.I. Added in Appendix Severity Levels for Adaptive Functioning.
34	Sec.3.K.2. Revised ADHD to include diagnosis by school psychologist or licensed psychologist.
35	Sec.3.L. Changed SPL to MTSS .
36	Sec.3.L. Clarified parent notification of student participation in MTSS when receiving targeted or intensive supports.
36	Sec.3.L. Replaced Core Instruction with Universal Instruction .
40	Sec.3.L. Removed Acuity probes and added Phonological Awareness Literacy Screener (PALS) .
43	Sec.3.M. Revised the Fluency Rating Scale and added Suggested Guidelines for Stuttering Services for preschool and school-age.
Chapter 5 – Individualized Education Programs	
51	Sec.2.C. Removed Consideration 10 and provided Accessible Educational Materials Guidance .
51	Sec.2.E. Added requirement that lack of progress in receptive or expressive language of deaf or hard of hearing student must be explained.
52	Sec.2.F.4. Added Pre-Employment Transition Service (Pre-ETS) to transition.
52	Sec.2.F. Added developing secondary transition services in IEP prior to 16 years with phase in 15 years by July 1, 2018 and 14 years by July 1, 2019 .
56	Sec.2.I. Changed WESTEST2 to General Summative Assessment and APTA to Alternate Assessment .
57	Sec.2.J. Removed Note about reassignment of student not being change of placement.
60	Sec.2.K. Moved revocation of consent rule applies to revocation of all special education and related services. Consent cannot be revoked for a particular service.
61	Sec.2.M. Read IEP further defined regarding making modifications.
62	Sec.4.B. Added IEP of students transferring from out-of state may be temporarily adopted .
63	Sec.4.C. Replaced Office of Institutional Education Programs with Office of Diversion and Transition Programs (ODTP) .
63	Sec.5.B. Clarified IEP must be implemented by 3rd birthday .
Chapter 6 – Administration of Services	
65	(34 CFR §76.731) Added requirement that districts maintain records to show compliance with IEP.
66	Sec.4.A. Removed highly qualified personnel requirement of NCLB and replaced with Every Student Succeeds Act (ESSA)/IDEA requirements .
67	Sec.4.B. Moved special educator should meet with general educator on consistent basis.
68	Sec.4.B. Added WV Division of Rehabilitation Services and adult community providers to Level I Transition needs.
68	Sec.4.B. Defined integrated classrooms and added students requiring accommodations must not exceed 30% of the total class enrollment.
68	Sec.4.B. Defined co-taught classrooms and added students requiring specially designed instruction must not exceed 50% of the total class enrollment.
68	Sec.4.B. Revised the special educator should not be assigned to more than one co-teaching classroom during one instructional block .

69	Sec.4.B. Removed sheltered workshops and added community-based work exploration and WV Division of Rehabilitation Services to Level II needs.
69	Sec.4.B. Removed optional, replaced Offices of Behavioral Health Services for Mental Retardation/Developmental Disabilities to Intellectual and added Division of Rehabilitation Services to Level III needs,
70	Sec.4.B. Changed Level I Service Needs for Early Learning Programs per instructional period to 1:8 in grades 3-5.
70-71	Sec.4.B. Changed Adolescent Education to Secondary Level.
Chapter 7 – Discipline	
76	Sec.2.D. Moved to Sec.3.A. Requesting an Expedited Hearing.
77	Sec.3.A. Added and amended content of Requesting an Expedited Hearing to mirror federal regulations.
Chapter 8 – Private School Students	
80	Sec.2.D. Moved to Sec.2.I. Dispute Resolution regarding private school official’s right to file a state complaint.
83	Sec.3.I. Added private school parent’s right to file a state complaint and language to reflect federal regulations.
Chapter 9 – General Supervision and Accountability for Performance and Compliance	
89	Sec.1.B.3.1. Repealed Policy 2419:11 Rules for Requesting An Exception To The Regulations For The Education Of Students with Exceptionalities and moved description of waiver request for exception to Policy 2419 from Chapter 6.Sec.1.B.
90	Sec.2.A. Changed improvement to activities to monitoring procedures to describe State Performance Plan activities.
94	Sec.3.A. Defined the special education teacher personnel qualification requirements in IDEA.
94	Sec.3.A.1.-2. Removed requirement that professional personnel were to complete 18 hours of professional development.
94	Sec.3.B. Removed reference to NCLB.
Chapter 11 – Dispute Resolution	
104	Sec.1. Added Facilitated Individualized Education Program as a preventative measure.
105	Sec.1.B. Added Facilitated IEP procedures may be altered as a result of an agreement (e.g. resolution or mediation) decision or order (i.e., DPHO).
105-116	Changed to reflect federal language.
108	Sec.3.B. Confidentiality agreement to be signed at the conclusion of the mediation.
Glossary	
117	Changed Modified Diploma to State Defined Alternate Diploma.
120	Removed highly qualified requirement in Co-Teaching
122	Removed Educational Service Agency.
123	Added Functional Listening Evaluation (FLE).
123	Revised General Curriculum to West Virginia College- and Career-Readiness Standards (WVCCRS).
124	Added High Cost to High Acuity.
126	Changed Support for Personalized Learning to Multi-Tiered System of Supports (MTSS).
129	Removed Qualified from Personnel.
130	Added Pre-Employment Transition Service (Pre-ETS).
Appendix – Acronyms and Abbreviations	
138	Removed Attention Deficit Disorder
138	Changed AIM to AEM Accessible Educational Material

138	Removed CSOs Content Standard and Objectives
138	Removed CSP Compliance System Procedures
138	Added ECPBIS Early Childhood Positive Behavioral Interventions and Support
138	Removed ESEA
138	Added ESSA Every Student Succeeds Act
139	Added MTSS Multi-Tiered System of Supports
139	Added Office of Federal Programs
139	Changed OSP to OSE Office of Special Education
139	Added PALS Phonological Awareness Literacy Screener
139	Changed RSP to RCSP Results and Compliance System Procedures
139	Removed RESA
139	Removed RS-SWPBS
139	Removed RTI
139	Removed SPL
140	Removed State Approved Test List For The Identification Of Gifted Students In West Virginia
142	Added Elimination of Phonological Process in Typical Development
143	Removed Articulation Development Chart
143	Added Developmental Articulation Norms
144	Revised Suggested Guidelines for Stuttering Services School-Age
145	Revised Suggested Guidelines for Stuttering Services Preschool
150	Added DSM-5 Severity Levels for Adaptive Functioning for Intellectual Disabilities