



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

EXPRESS MAIL - RETURN RECEIPT REQUESTED

The Honorable Michael J. Martirano, Ed.D.
State Superintendent of Schools
West Virginia Department of Education
1900 Kanawha Boulevard East
Building 6, RM 358
Charleston, West Virginia 25305-0330

MAR 27 2017

Dear Superintendent Martirano:

In my letter dated January 17, 2017, the U.S. Department of Education (Department) issued proposed determinations that West Virginia is not eligible for a portion of its grant under section 611 of Part B of the Individuals with Disabilities Education Act (IDEA) because West Virginia has failed to meet the IDEA's maintenance of State financial support (MFS) requirement in State fiscal years (SFYs) 2014 and 2015. The purpose of this letter is to inform you that the determinations are now final and that the Department will reduce West Virginia's section 611 award in Federal fiscal year (FFY) 2017 due to West Virginia's failure to maintain State financial support for special education and related services in SFYs 2014 and 2015.

As indicated in the January 17, 2017 letter, the IDEA provides that, when a State fails to maintain State financial support at the level required by law, the Department "shall" reduce the allocation of funds to the State under section 611 "for any fiscal year following the fiscal year in which the State fails to comply with the requirement" to maintain State financial support "by the same amount by which the State fails to meet the requirement." 20 U.S.C. §1412(a)(18)(B). In that letter, we notified you that we made proposed determinations that West Virginia is not eligible for a portion of its section 611 grant under the IDEA in the amount of \$583,425 because of its failure to maintain State financial support for special education and related services by that amount in SFY 2014; and that West Virginia is not eligible for a portion of its section 611 grant under the IDEA in the amount of \$117,167 because of its failure to maintain State financial support for special education and related services by that amount in SFY 2015. 20 U.S.C. §1412(d)(2). As discussed in our previous letter, West Virginia had 30 days from the date of the receipt of the letter to request a hearing pursuant to the procedures in 34 CFR §§300.179 through 300.183 regarding the Department's proposed determinations.

More than 30 days from the date of your receipt of our January 17, 2017 letter have passed. In an e-mail dated February 14, 2017, Shana Clay, Financial Coordinator for the West Virginia Office of Special Education wrote that "I wanted to respond quickly to let you know that we do not intend to appeal the determination." As a result, the Department now considers the proposed determinations final, and will reduce West Virginia's FFY 2017 IDEA Part B section 611 grant award (specifically, the section 611 funds distributed to West Virginia on October 1, 2017) by a total of \$700,592. We will contact you under separate cover with more details regarding the reduction in the section 611 grant award.

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www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

West Virginia must post this letter on the State educational agency's Web site no later than March 27, 2017. We look forward to our continued collaboration to ensure that children with disabilities receive the special education and related services they need to reach their full potential. If you have questions about this action, please contact Matthew Schneer at 202-245-6755, or matthew.schneer@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth E. Ryder", with a long, sweeping horizontal stroke extending to the right.

Ruth E. Ryder
Delegated the duties of the Assistant Secretary for
Special Education and Rehabilitative Services

cc: West Virginia IDEA State Advisory Panel