



West Virginia DEPARTMENT OF  
**EDUCATION**

# Special Education Virtual Re-Entry Meeting Welcome/Introductions

Susan Beck, Director  
Office of Special Education

*August 27, 2020*



West Virginia DEPARTMENT OF  
**EDUCATION**

## Special Education Virtual Re-Entry Meeting Opening Remarks

Dr. Jan Barth, Assistant State Superintendent  
Division of Teaching and Learning



West Virginia DEPARTMENT OF  
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## Re-Entry following Federal and State Regulations for Students with Exceptionalities

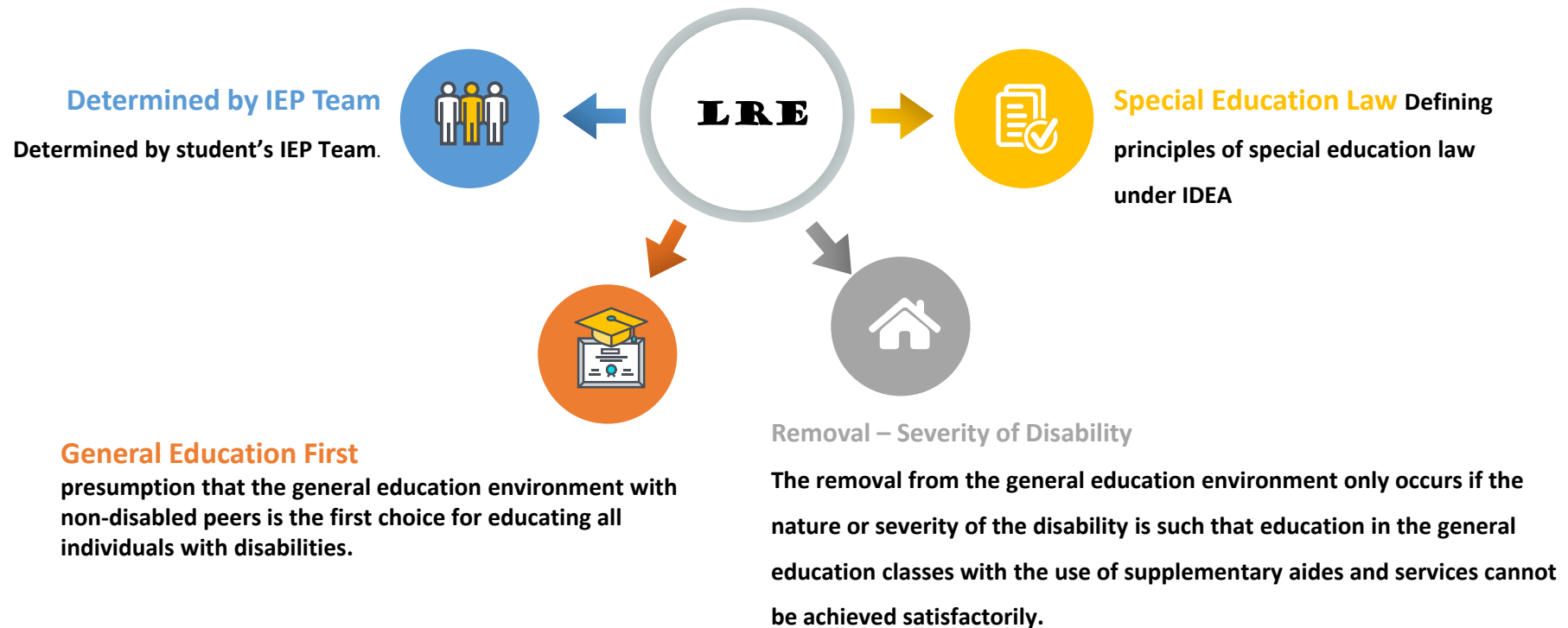
Susan Beck, Director  
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- On March 16, 2020, Governor Jim Justice issued an emergency closure of all public schools, changing our education system overnight from a brick and mortar face-to-face model to a remote learning model.
- Students with disabilities receiving special education and related services continue to be entitled to procedural safeguards and a Free Appropriate Public Education (FAPE) as outlined in the *Individuals with Disabilities Education Act of 2004 (IDEA)* and West Virginia Board of Education (WVBE) *Policy 2419: Regulations for the Education of Students with Exceptionalities*.
- At this time, Congress has not granted authorization to the United States Department of Education (USED) to allow flexibilities or waivers to IDEA. Therefore, districts must continue to comply with all federal and state regulations and policies pertaining to students with exceptionalities.
- Going Forward, districts must focus on re-entry, recovery, and the re-establishment of procedures, processes and protocols to provide the services our students with Individualized Education Programs (IEP) need to receive FAPE and meaningful benefit from their educational programs.

“State directors of special education in collaboration with local special education directors provide leadership and guidance on how to preserve the principles of LRE and implement a student’s individual LRE in the non-traditional models brought about by the COVID-19 pandemic. ”

# Least Restrictive Environment

## Basic Universal Principles:





## Delivering Services:



### Point #1

COVID-19 has NOT changed the students right to LRE!



### Point #2

Model of delivering service will look different from district to district.



### Point #3

COVID-19 has changed how the general education systems operate

- Changes require school systems to determine HOW they will maintain LRE for each student in the context of how they are operating.

# Individualized Education Program (IEP) Development

- Upon return to in-person school settings in fall 2020, districts are expected to prioritize re-implementing pre-closure IEPs and to adjust IEPs, as needed, to provide additional services, accommodations, and/or modifications. Districts should develop practices to support IEP Team decisions about individual student needs, including which students require in-person services.



# Specific Strategies for Supporting Individualized Student Needs

- Meeting the individual needs of students with disabilities across the continuum of school reopening models will require innovative approaches, flexibility, and ongoing communication between school and home, especially for our students with more complex individual needs.

# Specific Strategies for Supporting Individualized Student Needs

- All students are general education students first. They need and are entitled to access and engagement in the general education curriculum, as well as the general education environment.
- It is important to note that disability manifests differently in each individual and some students experiencing multiple disabilities will require blended supports.
- There is no perfect manual for all disabilities, and interventions and supports are student specific and are honed over time through the systematic evaluation of student specific progress monitoring data.

# Navigating Re-Entry

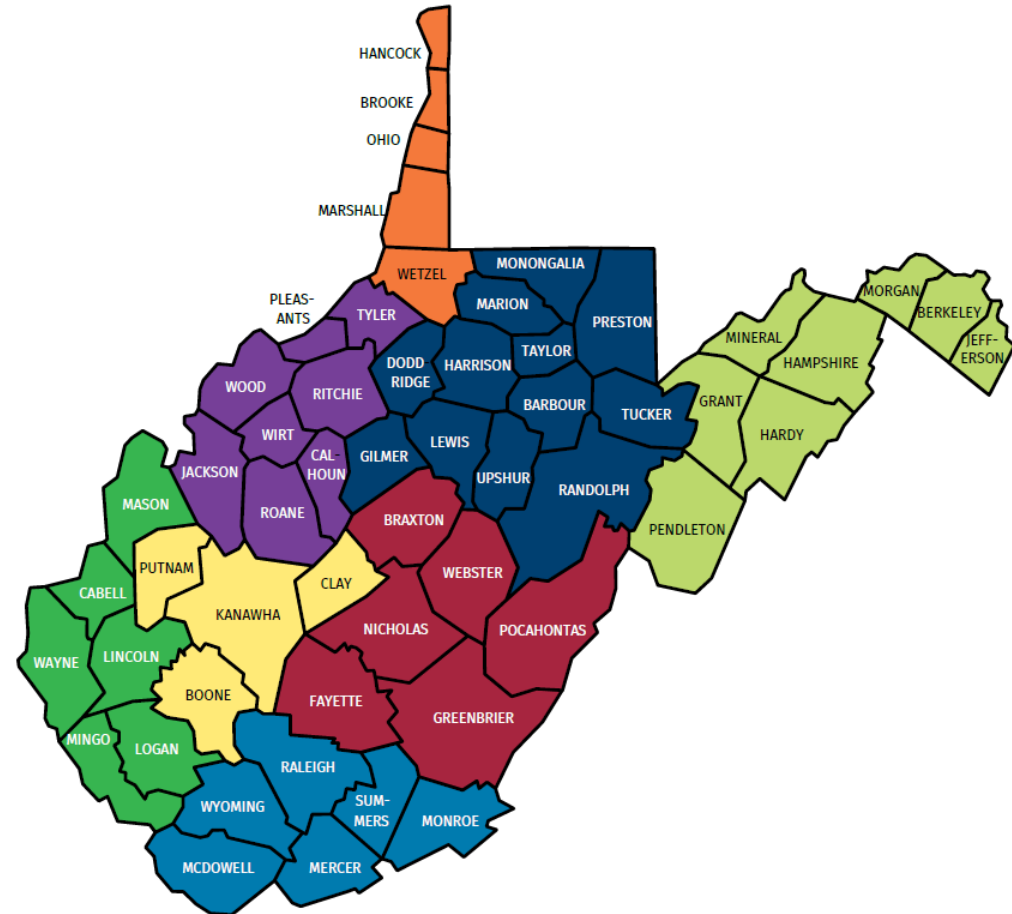
- If you are thinking about a building schedule, scenario or choice rather than the individual child-**STOP!**
  - Think about how you would write an IEP prior to COVID-19.
  - Be careful not to predetermine placement based on what is available or what is the most convenient.
- If your IEPs are all looking the same with Direct SEE and minutes per week/month-**STOP!**
  - This appears to be based on school schedules versus individual needs.
- If you are thinking about reducing services for all students with IEPs to consultative services only in order for the students to remain in a cohort/pod-**STOP!**
  - This takes the individualized out of Individualized Education Programs.
  - Students with IEPs have to have access to their special education and related services.
- Think about confidentiality as well as health and safety measures.
  - Students cannot get Physical Therapy or Individual counseling in the classroom just to remain with their pod for example.

# Navigating Re-Entry

- Make it a practice to look up the answers to questions you have in Policy 2419-**tab the Policy for quick access.**
- First, think about your answers to these questions prior to the pandemic.
- Now, how have your thoughts changed regarding that answer?
  - If your thoughts have changed, is it because you are thinking about the scenario versus the child?
  - If so, write the IEP without predetermining placement as you always have.
  - Lastly, make it happen! There are creative ways to make services happen in light of this circumstance. It may take time to problem-solve; however, that is what an IEP Team is for.

# OSE Regional Support SY2020-2021

	Terry Riley / Kelley Johnson
	Renee Eccckles-Hardy / Dawn Embrey-King
	Susan Beck / Nancy Cline
	Terry Riley / Mary Anne Clendenin
	Diana Whitlock / Allegra Kazemzadeh
	Diana Whitlock / Allegra Kazemzadeh / Shana Clay
	Jason Conaway / Amber Stohr
	Lee Ann Brammer / Michael Knighton





# West Virginia DEPARTMENT OF EDUCATION

## Website and WV Schools Re-Entry Toolkit

Susan Beck, Director  
Dawn Embrey-King, Coordinator  
Office of Special Education



# West Virginia DEPARTMENT OF EDUCATION

## Remote Learning Plan

Susan Beck, Director  
Michael Knighton, Coordinator  
Office of Special Education



# Free Appropriate Public Education (FAPE) in Every Scenario

According to QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK provided by the U.S. Department of Education (March 2020), which has not changed to date, **“if an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE.**”

# Free Appropriate Public Education (FAPE) in Every Scenario

**SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504.** (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).”

# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK MARCH 2020

**Question** A-5: May an IEP Team consider a distance learning plan\* in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

\*In West Virginia we use the terminology Remote Learning Plan (RLP)

# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK MARCH 2020

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak.

# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK MARCH 2020

Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK MARCH 2020

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

# Remote Learning

Counties must be prepared to implement full remote learning should it be required by the Governor. Full remote learning plans require students to complete school assignments and engage remotely five days a week. This will require the teacher and students to communicate regularly and develop a process for monitoring, reviewing and/or grading of student engagement activities.

(West Virginia Schools Re-entry Tool Kit – Guidance)





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## Optional Remote Learning Plan Template

Michael Knighton, Online IEP Coordinator  
Office of Special Education



- [Student Search](#)
- [Authorized List](#)
- [SnapShot](#)
- [Student Information](#)
- [ESY Determination](#)
- [Considerations](#)
- \* [Assessment Results](#)
- \* [Present Levels](#)
- [Standard Type](#)
- \* [Targeted Standard](#)
- \* [Goal Areas](#)
- \* [Transition Planning](#)
- \* [Services](#)
- \* [Statewide Testing](#)
- \* [Placement Preschool](#)
- \* [Placement K-12](#)
- [LRE Considerations](#)
- [Prior Written Notice](#)
- [Amendments](#)
- [Annotations](#)
- \* [Finalize Process](#)
- \* [Printing](#)
- \* [Mastery/Progress](#)
- \* [Remote Learning Plan](#)
- \* [Utilities](#)
- \* [Resources](#)
- [Logout](#)

In an effort to support districts in the development of a remote learning plan a new menu item has been added to the Online IEP application titled ***Remote Learning Plan*** .

This new section is NOT CONNECTED to the development of the student's IEP in any way.



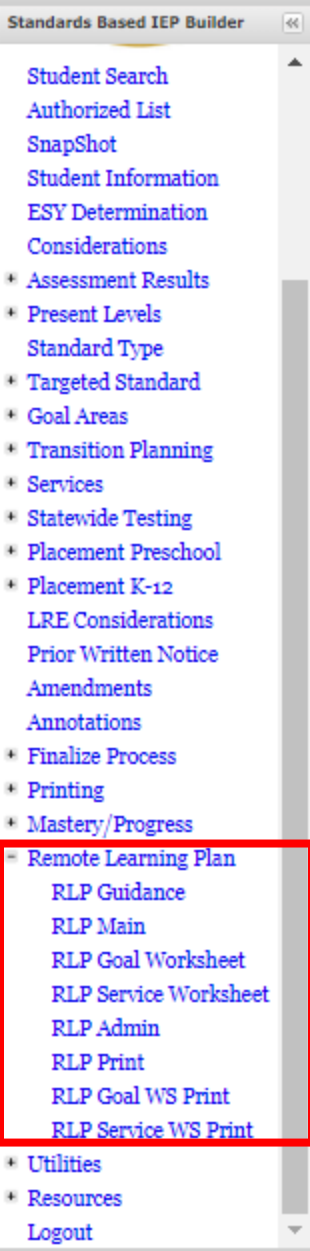
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The ***Remote Learning Plan*** is a template that districts may choose to use for writing remote learning plans during emergency school closures required by the Governor.

Districts can design their own remote learning plans.

Districts are **NOT REQUIRED** to use this template.

Users should consult their district special education director for guidance on how to address remote learning plans.



The ***Remote Learning Plan (RLP)*** has eight submenu sections.

They include:

**RLP Guidance**

**RLP Main**

**RLP Goal Worksheet**

**RLP Service Worksheet**

**RLP Admin**

**RLP Print**

**RLP Goal WS Print**

**RLP Service WS Print**

# RLP Guidance Page

## Key Points

- Engage remotely 5 days a week

## Informational Screen on Remote Learning Plan Template for Students with IEPs

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**There is no requirement for districts to use the template.** It is an optional tool that districts could consider using if they find it helpful, otherwise, the district may develop and implement their own remote learning plans in accordance with state and federal COVID-19 guidance.

The Remote Learning Plan template is located within the Online IEP application; however, it is not a part of the IEP document. Users should contact the leadership in their districts to receive specific guidance related to developing contingency plans during remote learning.

The Remote Learning Plan also includes an option that teachers and related service providers can use to document notes on the provision of services, as well as to document how the student is progressing toward achieving the goals and objectives on the IEP during remote learning. These documentation notes are not intended to be used as a means for reporting progress to the parents, but rather as a resource reference that can help teachers and related service providers assess the student's present level of academic and functional performance prior to completing the student progress report that will be sent to the parents at intervals described in the IEP.

The Remote Learning Plan may be revised as needed in consultation with the parent. The Remote Learning Plan does not amend the student's current IEP, however, an amendment to the IEP, or a full IEP review may be conducted by the district to revise the IEP to reflect necessary changes during remote learning. When the emergency school closure has been lifted, the student's current IEP will continue to be followed as written.



## RLP Guidance Page

### Key Points

- Engage remotely 5 days a week
- Federal guidance states that IEP Teams have the option develop distance learning plans that could be triggered during school closures due to COVID-19

### Informational Screen on Remote Learning Plan Template for Students with IEPs

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- Engage remotely 5 days a week
- Federal guidance states that IEP Teams have the option develop distance learning plans that could be triggered during school closure due to COVID-19
- School must provide FAPE during school closure.
- WVDE Office of Special Education has made available an optional template

## Informational Screen on Remote Learning Plan Template for Students with IEPs

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- School must provide FAPE during school closure.
- WVDE Office of Special Education has made available an optional template
- Brief description of features

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- School must provide FAPE during school closure.
- WVDE Office of Special Education has made available an optional template
- Brief description of features
- RLP does not amend the current IEP
- The temporary provisions end when the emergency closure is lifted

### Informational Screen on Remote Learning Plan Template for Students with IEPs

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The Remote Learning Plan template is located within the Online IEP application; however, it is not a part of the IEP document. Users should contact the leadership in their districts to receive specific guidance related to developing contingency plans during remote learning.

The Remote Learning Plan also includes an option that teachers and related service providers can use to document notes on the provision of services, as well as to document how the student is progressing toward achieving the goals and objectives on the IEP during remote learning. These documentation notes are not intended to be used as a means for reporting progress to the parents, but rather as a resource reference that can help teachers and related service providers assess the student's present level of academic and functional performance prior to completing the student progress report that will be sent to the parents at intervals described in the IEP.

The Remote Learning Plan may be revised as needed in consultation with the parent.

The Remote Learning Plan does not amend the student's current IEP, however, an amendment to the IEP, or a full IEP review may be conducted by the district to revise the IEP to reflect necessary changes during remote learning.

**When the emergency school closure has been lifted, the student's current IEP will continue to be followed as written.**

## Parent Input

### Optional Remote Learning Plan Template

#### PARENT(S) INPUT

Parent Phone Numbers:

Home

Mobile

Work

Parent Email:

Specify the parents' preferred method for receiving confidential educational records during remote learning (e.g. US mail, Email, etc.)

If applicable, specify any requests made by the parents to receive training on how to provide support to the child during remote learning.

List preferred types of activities and mode of access to instruction that the parents indicate engage their child at home.

List any high-tech and low-tech accessibility barriers that might interfere with the student's ability to access instruction.



# Teacher/Provider Input

## TEACHER/RELATED SERVICE PROVIDER INPUT

List any special considerations documented on the student's IEP which should be addressed when developing the remote learning plan.

List any assistive technology devices and services documented on the student's IEP and if there is a provision for home use.

Provide a brief summary of the student's present levels of academic achievement and functional performance which includes information that will support the development of the remote learning plan.

Describe how the student's exceptionality will impact learning in a remote setting.



# IEP Goals and Objectives

- Student Search
- Authorized List
- SnapShot
- Student Information
- ESY Determination
- Considerations
- \* Assessment Results
- \* Present Levels
- Standard Type
- \* Targeted Standard
- \* Goal Areas
- \* Transition Planning
- \* Services
- \* Statewide Testing
- \* Placement Preschool
- \* Placement K-12
- LRE Considerations
- Prior Written Notice
- Amendments
- Annotations
- \* Finalize Process
- \* Printing
- \* Mastery/Progress
- \* Remote Learning Plan
  - RLP Guidance
  - RLP Main
  - RLP Goal Worksheet
  - RLP Service Worksheet
  - RLP Admin
  - RLP Print
  - RLP Goal WS Print
  - RLP Service WS Print
- \* Utilities
- \* Resources
- Logout

## IEP Goals

Review the goals and objectives listed on the student's current IEP and describe any temporary provisions that will be made during remote learning in order for the student to continue to engage and to make progress in the general education curriculum and to meet other educational needs that result from the student's exceptionality. (e.g. utilizing supports such as online instruction, teletherapy, phone communication, etc.).

Goal 1: Mathematics	Critical: <input checked="" type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will identify coins by name: penny, nickel, dime and quarter; sort pennies, nickels, dimes and quarters 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 2: Mathematics	Critical: <input type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will read and write numbers through 30 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 3: Mathematics	Critical: <input checked="" type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will match the number in the ones and tens place to a pictorial representation or manipulative of the value 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 4: ELA	Critical: <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will match letter names to letter sounds 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 5: ELA	Critical: <input type="checkbox"/>
By November 2020 given a research based corrective reading program John will accurately blend and read CVC words 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	



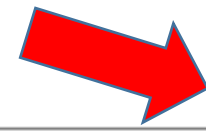
- Student Search
- Authorized List
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- \* Assessment Results
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- \* Utilities
- \* Resources
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# IEP Goals and Objectives

## IEP Goals

Review the goals and objectives listed on the student's current IEP and describe any temporary provisions that will be made during remote learning in order for the student to continue to engage and to make progress in the general education curriculum and to meet other educational needs that result from the student's exceptionality. (e.g. utilizing supports such as online instruction, teletherapy, phone communication, etc.).

Drag bottom right corner to expand text field



Goal 1: Mathematics	Critical: <input checked="" type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will identify coins by name: penny, nickel, dime and quarter; sort pennies, nickels, dimes and quarters 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 2: Mathematics	Critical: <input type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will read and write numbers through 30 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 3: Mathematics	Critical: <input checked="" type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will match the number in the ones and tens place to a pictorial representation or manipulative of the value 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	
Goal 4: ELA	Critical: <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will match letter names to letter sounds 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month	



- Student Search
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  - RLP Service WS Print
- \* Utilities
- \* Resources
- Logout

## IEP Services

### IEP Services

Review the services listed on the student's current IEP and describe any temporary provisions that will be made during remote learning in order for the student to continue to engage and to make progress toward achieving the goals and objectives in the IEP and to access the general education curriculum to the greatest extent possible (e.g. alternate locations, online platforms, consultation/collaboration with parents and providers, teletherapy, etc.).

### Supplemental Services

Service	Location	Extent/Frequency Location Addtl. Detail	Initiation	Duration
Opportunity to retake failed tests one time in resource room	ELA, Math, Science and Social Studies		11-22-2020	11/2020
Tests/Assignments read aloud	ELA, Math, Science and Social Studies		11-22-2020	11/2020
Alternate spelling list (to be provided by resource room teacher)	ELA		11-22-2020	11/2020

### Special Education Services

Service	Location	Extent/Frequency Location Addtl. Detail	Initiation	Duration
Math	D SEE	225.00 Minutes per Week	11-22-2020	11/2020
ELA	D SEE	225.00 Minutes per Week	11-22-2020	11/2020

### Related Services

Service	Trans.Method	Location	Extent/Frequency Location Addtl. Detail	Initiation	Duration
Speech-Language Therapy	-	D SEE	30.00 Minutes per Week	11-22-2020	11/2020

- Student Search
- Authorized List
- SnapShot
- Student Information
- ESY Determination
- Considerations
- \* Assessment Results
- \* Present Levels
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  - RLP Admin
  - RLP Print
  - RLP Goal WS Print
  - RLP Service WS Print
- \* Utilities
- \* Resources
- Logout

## Additional Information

### ADDITIONAL INFORMATION

Specify how the parents were contacted to discuss the remote learning plan, including:

Date the parents were contacted:

Communication method used to contact the parents (e.g. In-Person, Phone, Email, etc.):

Discussion Notes:

Describe the process that teachers and related service personnel will use to establish a schedule for providing direct and indirect services during remote learning (e.g. weekly service calendar, planner, online schedule, etc.)

Describe the process that teachers and related service personnel will use for documenting, monitoring, reviewing and/or grading of student engagement activities. (e.g. RLP documentation worksheets, therapist service logs, etc...)

List any additional temporary accommodations and supports which would assist the student in making progress toward the goals and objectives documented in the IEP, in a remote setting.

List names and positions of team members and parents that participated in the development of the remote learning plan:

Name		Position	Add Attendee

The Save Button is located at the bottom of the Additional Information section. Use the Page Down key to navigate to the Save button.

### ADDITIONAL INFORMATION

Specify how the parents were contacted to discuss the remote learning plan, including:

Date the parents were contacted:

Communication method used to contact the parents (e.g. In-Person, Phone, Email, etc.):

Discussion Notes:

Describe the process that teachers and related service personnel will use to establish a schedule for providing direct and indirect services during remote learning (e.g. weekly service calendar, planner, online schedule, etc.)

Describe the process that teachers and related service personnel will use for documenting, monitoring, reviewing and/or grading of student engagement activities. (e.g. RLP documentation worksheets, therapist service logs, etc...)

List any additional temporary accommodations and supports which would assist the student in making progress toward the goals and objectives documented in the IEP, in a remote setting.

**Save**

List names and positions of team members and parents that participated in the development of the remote learning plan:

Name	Position	
<input type="text"/>	<input type="text"/>	Add Attendee

Click on Save before adding the names of the team members that helped to develop the Remote Learning Plan or prior responses may be lost.

### ADDITIONAL INFORMATION

Specify how the parents were contacted to discuss the remote learning plan, including:

Date the parents were contacted:

Communication method used to contact the parents (e.g. In-Person, Phone, Email, etc.):

Discussion Notes:

Describe the process that teachers and related service personnel will use to establish a schedule for providing direct and indirect services during remote learning (e.g. weekly service calendar, planner, online schedule, etc.)

Describe the process that teachers and related service personnel will use for documenting, monitoring, reviewing and/or grading of student engagement activities. (e.g. RLP documentation worksheets, therapist service logs, etc...)

List any additional temporary accommodations and supports which would assist the student in making progress toward the goals and objectives documented in the IEP, in a remote setting.

**Save**

List names and positions of team members and parents that participated in the development of the remote learning plan:

Name	Position	
<input type="text"/>	<input type="text"/>	<b>Add Attendee</b>





## Goals and Objectives Documentation Worksheet

RLP Goal Worksheet		
<b>IEP Goals</b>		
<b>Goal 1: Mathematics</b>		Critical: <input checked="" type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will identify coins by name: penny, nickel, dime and quarter; sort pennies, nickels, dimes and quarters 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
📅 2020-08-27	Place comment regarding Goal 1 Mathematics here.	MCK39001
📅 2020-08-31	Place another comment here that was written on 08/31/2020	MCK39001
mm/dd/yyyy 📅		MCK39001
<b>Goal 2: Mathematics</b>		Critical: <input type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will read and write numbers through 30 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
📅 2020-08-27	Place comment regarding Goal 2 here	MCK39001
mm/dd/yyyy 📅		MCK39001
<b>Goal 3: Mathematics</b>		Critical: <input checked="" type="checkbox"/>
By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will match the number in the ones and tens place to a pictorial representation or manipulative of the value 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
mm/dd/yyyy 📅		MCK39001
<b>Goal 4: ELA</b>		Critical: <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will match letter names to letter sounds 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
mm/dd/yyyy 📅		MCK39001





The Save Button is located at the bottom of the Goals Worksheet form.  
Use the Page Down Key to navigate to the Save button.




<b>Goal 4: ELA</b>		Critical: <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will match letter names to letter sounds 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
<input type="text" value="mm/dd/yyyy"/>		MCK39001
<b>Goal 5: ELA</b>		Critical: <input type="checkbox"/>
By November 2020 given a research based corrective reading program John will accurately blend and read CVC words 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
<input type="text" value="mm/dd/yyyy"/>		MCK39001
<b>Goal 6: ELA</b>		Critical: <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will read common high frequency words by sight (e.g., the, of, to, you, she, my, is, are, do, does) 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
<input type="text" value="mm/dd/yyyy"/>		MCK39001
<b>Goal 7: ELA</b>		Critical: <input checked="" type="checkbox"/>
By November 2020 given a writing model and teacher prompting John will copy from the model using correct letter formation, spacing and spelling 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
Date	Comment	Contributor
<input type="text" value="mm/dd/yyyy"/>		MCK39001

**Save**



# Service Documentation Worksheet

- Student Search
- Authorized List
- SnapShot
- Student Information
- ESY Determination
- Considerations
- \* Assessment Results
- \* Present Levels
- Standard Type
- \* Targeted Standard
- \* Goal Areas
- \* Transition Planning
- \* Services
- \* Statewide Testing
- \* Placement Preschool
- \* Placement K-12
- LRE Considerations
- Prior Written Notice
- Amendments
- Annotations
- \* Finalize Process
- \* Printing
- \* Mastery/Progress
- Remote Learning Plan
  - RLP Guidance
  - RLP Main
  - RLP Goal Worksheet
  - RLP Service Worksheet**
  - RLP Admin
  - RLP Print
  - RLP Goal WS Print
  - RLP Service WS Print
- \* Utilities
- \* Resources
- Logout

RLP Service Worksheet					
IEP Services					
Service 1: Supplementary	Location	Extent/Frequency Add'l Detail	Initiation	Duration	Classroom Support
Opportunity to retake failed tests one time in resource room	ELA, Math, Science and Social Studies	on all grade level failed tests	11-22-2020	11/2020	
Date	Comment				Contributor
 2020-08-27	Put comment here.				MCK39001
<input type="text" value="mm/dd/yyyy"/>					MCK39001
Service 2: Supplementary	Location	Extent/Frequency Add'l Detail	Initiation	Duration	Classroom Support
Tests/Assignments read aloud	ELA, Math, Science and Social Studies	on all grade level tasks with exception of testing reading ability	11-22-2020	11/2020	
Date	Comment				Contributor
 2020-09-08	Comment regarding the delivery of services on Sept 8, 2020				MCK39001
 2020-09-15	Comment regarding the delivery of this service on Sept 15, 2020				MCK39001
<input type="text" value="mm/dd/yyyy"/>					MCK39001
Service 3: Supplementary	Location	Extent/Frequency Add'l Detail	Initiation	Duration	Classroom Support
Alternate spelling list (to be provided by resource room teacher)	ELA	on weekly spelling	11-22-2020	11/2020	
Date	Comment				Contributor
<input type="text" value="mm/dd/yyyy"/>					MCK39001
Service 4: Special Education	Location	Extent/Frequency Location Add'l Detail	Initiation	Duration	
Math	D SEE	225.00 Minutes per Week	11-22-2020	11/2020	

The Save Button is located at the bottom of the Service Worksheet form.  
Use the Page Down Key to navigate to the Save button.

<b>Goal 4: ELA</b>		<b>Critical:</b> <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will match letter names to letter sounds 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
<b>Date</b>	<b>Comment</b>	<b>Contributor</b>
<input type="text" value="mm/dd/yyyy"/>		MCK39001
<b>Goal 5: ELA</b>		<b>Critical:</b> <input type="checkbox"/>
By November 2020 given a research based corrective reading program John will accurately blend and read CVC words 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
<b>Date</b>	<b>Comment</b>	<b>Contributor</b>
<input type="text" value="mm/dd/yyyy"/>		MCK39001
<b>Goal 6: ELA</b>		<b>Critical:</b> <input checked="" type="checkbox"/>
By November 2020 given a research based corrective reading program John will read common high frequency words by sight (e.g., the, of, to, you, she, my, is, are, do, does) 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
<b>Date</b>	<b>Comment</b>	<b>Contributor</b>
<input type="text" value="mm/dd/yyyy"/>		MCK39001
<b>Goal 7: ELA</b>		<b>Critical:</b> <input checked="" type="checkbox"/>
By November 2020 given a writing model and teacher prompting John will copy from the model using correct letter formation, spacing and spelling 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month		
<b>Date</b>	<b>Comment</b>	<b>Contributor</b>
<input type="text" value="mm/dd/yyyy"/>		MCK39001

**Save**



## Administrative Section

### For Remote Learning Plan Administrative Purposes

Emergency school closure begin date



Emergency school closure end date



Teacher/Provider associated with primary service on the WWEIS service record: Anne Sullivan

(The person listed above will be assigned rights to lock and unlock the plan.)

Access for editing the plan is: ON

Notes regarding parent communications

General notes

Save



# Remote Learning Plan

08/25/2020

**PARENT(S) INPUT**

Parent Phone Numbers: Home: 555-555-5555 Mobile: 555-555-5555 Work: 555-555-5555

Parent Email:

Specify the parents' preferred method for receiving confidential educational records during remote learning (e.g. US mail, Email, etc.)

If applicable, specify any requests made by the parents to receive training on how to provide support to the child during remote learning.

List preferred types of activities and mode of access to instruction that the parents indicate engage their child at home.

List any high-tech and low-tech accessibility barriers that might interfere with the student's ability to access instruction.

**TEACHER/RELATED SERVICE PROVIDER INPUT**

List any special considerations documented on the student's IEP which should be addressed when developing the remote learning plan.

List any assistive technology devices and services documented on the student's IEP and if there is a provision for home use.

Provide a brief summary of the student's present levels of academic achievement and functional performance which includes information that will support the development of the remote learning plan.

Describe how the student's exceptionality will impact learning in a remote setting.





Standards Based IEP Builder

Student Search

Authorized List

SnapShot

Student Information

ESY Determination

Considerations

Assessment Results

Present Levels

Standard Type

Targeted Standard

Goal Areas

Transition Planning

Services

Statewide Testing

Placement Preschool

Placement K-12

LRE Considerations

Prior Written Notice

Amendments

Annotations

Finalize Process

Printing

Mastery/Progress

Remote Learning Plan

RLP Guidance

RLP Main

RLP Goal Worksheet

RLP Service Worksheet

RLP Admin

RLP Print

RLP Goal WS Print

RLP Service WS Print

Utilities

Resources

Logout

Remote Learning Plan Goal Worksheet

08/26/2020

RLP Goal Worksheet

IEP Goals

Goal 1: Mathematics

Critical: ☒

By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will identify coins by name: penny, nickel, dime and quarter; sort pennies, nickels, dimes and quarters 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month

Date	Comment	Contributor
2020-08-27	Place comment regarding Goal 1 Mathematics here.	MCK39001
2020-08-31	Place another comment here that was written on 08/31/2020	MCK39001

Goal 2: Mathematics

Critical: ☐

By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will read and write numbers through 30 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month

Date	Comment	Contributor
2020-08-27	Place comment regarding Goal 2 here	MCK39001

Goal 3: Mathematics

Critical: ☒

By November 2020 given teacher modeling, practice, prompts and use of manipulatives as needed John will match the number in the ones and tens place to a pictorial representation or manipulative of the value 4 out of 5 attempts as documented through student work samples and/or teacher charting at least twice a month



# Remote Learning Plan Service Worksheet

08/26/2020

## IEP Services

Service 1: Supplementary	Location	Extent/Frequency Add'l Detail	Initiation	Duration	Classroom Support
Tests/Assignments read aloud	ELA, Math, Science and Social Studies	on all grade level tasks with exception of testing reading ability	11-22-2020	11/2020	
Date		Comment	Contributor		
2020-09-08		Comment regarding the delivery of services on Sept 8, 2020	MCK39001		
2020-09-15		Comment regarding the delivery of this service on Sept 15, 2020	MCK39001		
Service 2: Supplementary	Location	Extent/Frequency Add'l Detail	Initiation	Duration	Classroom Support
Alternate spelling list (to be provided by resource room teacher)	ELA	on weekly spelling	11-22-2020	11/2020	

## Summary of Remote Learning Plan Features

- Users that have access to the Online IEP can collaborate on a single plan;
- Reduces the amount of time that teachers and service providers would expend if they developed their plans separately;
- Users can revise the student's plan if circumstances change;
- Student demographic data is automatically imported into the plan;
- The Remote Learning Plan is linked to a specific IEP;
- The student's current IEP goals and services are incorporated directly into the plan;

## Summary of Remote Learning Plan Features (continued)

- The Online IEP application has built-in network security;
- The plan can be created within a pending, OR previously finalized IEP;
- Goals and Services documentation worksheets are built-in to the RLP;
- The teacher/provider associated with the primary service (and the special education director) can manage when access for editing the plan is turned Off and On;
- **There is no requirement for districts to use the RLP template.**  
It is an optional tool that districts could consider using if they find it helpful, otherwise, the district could continue to develop and implement their own remote plans.



West Virginia DEPARTMENT OF  
**EDUCATION**

## Section 504 Remote Learning Plan Suggestions

Terry Riley, Coordinator  
Office of Special Education

## Section 504 Temporary Remote Learning Plan Suggestions

1. Adjust the district's remote plan format used for Individual Education Program (IEP). It is important to use a similar process for Section 504 Plans.
2. The remote learning plan is temporary while schools are closed in excess of ten consecutive school days, created in agreement from the parents, guardian, or adult student.
3. Document attempts to contact parents, guardian or adult student and efforts to obtain agreement.
4. Include any accommodations that are not possible or not needed during remote learning.

## Section 504 Temporary Remote Learning Plan Suggestions

5. Include any related services that are not possible and the reason they cannot be provided during remote learning (examples: nursing services, OT, PT, counseling, special transportation, etc.).
6. Consider any additional accommodations that might be needed while schools are providing remote learning.
7. Provide information detailing when the temporary remote learning plan will end:
  - a. The current Section 504 Plan will be reinstated when in person blended school re-opens
  - b. A new temporary distance learning plan is necessary before in person blended school re-open
  - c. The Section 504 Plan team meets to revise the Section 504 Plan





West Virginia DEPARTMENT OF  
**EDUCATION**

## COVID-19 Recovery Services versus Compensatory Services

Susan Beck, Director  
Lee Ann Brammer, Coordinator  
Office of Special Education

# Presentation Objectives

Participants will:

1. Differentiate differences between COVID-19 Recovery Services and Compensatory Services.
2. Learn factors to consider when determining the need for COVID-19 Recovery Services.
3. Learn how incorporate COVID-19 Recovery Services provided during the school day on the student's IEP.
4. Learn how to document COVID-19 Recovery Services provided outside the school day on the county-developed COVID-19 Recovery Services Plan.
5. Learn what to do in the case of a refusal or disagreement regarding the COVID-19 Recovery Services Plan.

# IDEA Requirements for Free and Appropriate Public Education - FAPE

According to the Individuals with Disabilities Education Act (IDEA) 2004, each student with disabilities is entitled to a free appropriate public education (FAPE).

# Emergency School Closures

Due to the unprecedented national emergency created by the COVID-19 pandemic, the United States Department of Education (USDE) and the Office of Special Education Programs (OSEP) have provided guidance to states regarding the remedy necessary to address the regression or loss of skills as a result of the mandated school closure.

# United States Department of Education Office of Special Education Programs

This guidance made a distinction between the services essential due to COVID-19 and the traditional compensatory services that are necessary due to a deliberate denial of FAPE by a school system.



# United States Department of Education Office of Special Education Programs (continued)

In the case of the COVID-19 school closures and the stay-at-home order by the Governor, denial of FAPE was beyond the control of schools. Schools were closed because in-person services were not safe or feasible, which left no other options for schools but to offer a “good faith effort” of providing services and FAPE.

# West Virginia's Terminology

## COVID-19 Recovery Services

To refer to the services necessary to address the possible regression or loss of skills that students might have experienced, in spite of school systems' "good faith efforts" of FAPE provision during school closures, West Virginia has adopted the term "COVID-19 Recovery Services."

# COVID-19 Recovery Services

“COVID-19 Recovery Services” refer to the services necessary to address the regression or loss of skill experienced by some students due to missed or disrupted services during COVID-19 mandated school closures that was not a deliberate failure to provide FAPE.

# COVID-19 Recovery Services Purpose

The purpose of the COVID-19 Recovery Services is to ensure that students return to school with a plan to allow for appropriate progress despite the changes experienced with the school closures.

# COVID-19 Recovery Services

## Purpose (continued)

School systems should base **COVID-19 Recovery Services** on the premise that all students will need new baseline data collected and possibly additional supports provided to address any unfinished learning or skill regression to provide a successful start to the 2020-2021 school year.



# COVID-19 Recovery Services

## How Much Time?

According to the United States Department of Education (USDE) and Office of Special Education Programs (OSEP), the services are **not** based on a **minute-for-minute** or **day-for-day** provision of services. The IEP Team determines the **COVID-19 Recovery Services** based on the needs of the student to allow for appropriate progress toward IEP goals moving forward.

# Compensatory Services vs. COVID-19 Recovery Services

The Individuals with Disabilities Act (IDEA) 2004, considers “**compensatory services**” as educational services that a student needs to make up for regression or lost skills because a local educational agency (LEA) failed to provide the required Individualized Education Program (IEP) services.

# Compensatory Services vs. COVID-19 Recovery Services (continued)

All students' daily instruction shifted to remote learning causing equitable instruction and services to be questioned due to the lack of connectivity and technology in many parts of the state.

# Compensatory Services vs. COVID-19 Recovery Services (continued)

“COVID-19 Recovery Services” are the additional services needed to address regression or loss of skills during the school closures and to support the student in making meaningful progress toward IEP goals.

# COVID-19 Recovery Services

## Determining the Need

Upon re-entry, it is suggested that each district develop a district-wide procedure/plan with a timeline for service providers to gather data appropriate to support decision-making on student's present levels and ability to recover skills.

The **first 30 days of school** is commonly suggested in states' guidance as a timeline to gather data.



# COVID-19 Recovery Services

## Determining the Need (continued)

Schools should consider services provided and data collected through Distance Learning Plans that may change the need for and amount of COVID-19 Recovery Services.

The students who have difficulty improving those skills within the county plan timeline should be considered for COVID-19 Recovery Services.

# COVID-19 Recovery Services

## Determining the Need (continued)

Parents/guardians should be informed and consulted throughout the process of gathering information and documenting the recovery of skills.

IEP Teams determine whether and to what extent **COVID-19 Recovery Services** may be warranted.

Students who may require **COVID-19 Recovery Services** will need an IEP Team meeting scheduled to determine these services.

# COVID-19 Recovery Services Required for All Students?

IEP teams should consider the following factors when determining service needs:

- Rate of progress on IEP goals prior to closure/disruption
- Difference between IEP progress monitoring data immediately preceding closure/disruption and IEP progress monitoring data collected at a reasonable time after returning to in-person instruction
- Difference between services identified on the IEP and services offered during closure/ disruption, including amount, frequency, duration, type and delivery model

# COVID-19 Recovery Services

## Required for All Students? (continued)

- Accessibility of the services provided to the student during closure/disruption
- Changes in the general education curriculum and level and type of instruction for all students during closure
- Input and information from parent(s)/guardian concerning student performance during closure or interruption of services

# COVID-19 Recovery Services

## Parent(s)/Guardian Refusal of Services During School Closure

The IEP Team should review documentation of all attempts to contact and communicate with the parent(s)/guardians and students.

The inability to access the services offered would not be considered a refusal.

Similarly, the student's inability to benefit from the services offered would not be considered a refusal.

The PWN should document the initiation or refusal of services and the basis for this determination in sufficient detail.



# COVID-19 Recovery Services

## IEP Team Considerations

The IEP Team's focus when considering recovery services should be:

- Present levels of performance (pre- and post-COVID)
- Parent(s)/guardian information
- Student's present progress toward each IEP goal after attempts to recoup the skill
- Documented services with data from the student's Distance Learning Plan
- Lack of services due to unforeseen circumstances including accessibility

# COVID-19 Recovery Services IEP Team Considerations (continued)

COVID-19 Recovery Services should **not** be based on the availability of staffing or programming.

# COVID-19 Recovery Services

## Documenting on the IEP

- The need for COVID-19 Recovery Services is supported by data, documentation and information throughout the IEP.
- By indicating these services separately on the Services Page, IEP Teams acknowledge the effort to make up for regression or lack of progress during the school closures.
- If a duration date for these recovery services is determined to be less than the length of the IEP, this should be indicated.

# COVID-19 Recovery Services

## Documenting on the IEP (continued)

- Documentation of progress should be provided to ensure these services are no longer needed.
- If this cannot be determined an IEP Team may amend or conduct a meeting to update services and/or the duration date not to exceed the length of the current IEP.
- The least restrictive environment (LRE) may change as a result of these increased services.

# COVID-19 Recovery Services

## Service Provision

When considering the provision of COVID-19 Recovery Services several factors should be considered, including:

- Least restrictive environment, and
- Direct instruction the student will miss due to receiving the COVID-19 Recovery Services.

# COVID-19 Recovery Services

## Service Provision (continued)

Careful consideration should be given as to when to provide the **COVID-19 Recovery Services**. These services can be provided:

- During the regular school day
- During weekends
- During the evening
- During school breaks
- Using intensive, targeted, individualized programs
- By outside service providers



# COVID-19 Recovery Services

## Writing the Plan

The IEP Team should create a **COVID-19 Recovery Services** Plan, using a district-designed format, to document the provision of the recovery services when the services are provided outside the school day.

Services provided outside the school day **cannot** be documented on the IEP due to the LRE determined by the calculation of minutes based on the bell-to-bell schedule.

# COVID-19 Recovery Services

## Writing the Plan

If recovery services are provided during the school day, the least restrictive environment (LRE) may or may not be altered due to the provision of the **COVID-19 Recovery Services**.

For example, a student who receives only speech therapy services for 30 minutes per week could receive an additional 15 minutes per week of **COVID-19 Recovery Services** without affecting the student's LRE.

# COVID-19 Recovery Services Parent Refusal

If the parent(s)/guardian refuses COVID-19 Recovery Services, this should be documented on the **Prior Written Notice (PWN)**.

This does **not** result in the revocation of all services on the current IEP.

The district has met its obligation by offering COVID-19 Recovery Services.

# COVID-19 Recovery Services Disagreement

- If the parent(s)/guardian disagrees with the student's final **COVID-19 Recovery Services/Plan**, they retain all rights afforded through IDEA Procedural Safeguards.
- A **Facilitated IEP (FIEP) Team** meeting may be a first option to gain agreement between the district and parent(s)/guardian.
- **Both** parties must agree to convene the FIEP Team meeting.
- If this is not a successful option, the dispute resolution process provides additional options. (I.e., mediation, state complaint or due process hearing)

# COVID-19 Recovery Services Disagreement (continued)

Whether the parent(s)/guardian agrees or disagrees, the district must provide PWN to document the IEP Team decision regarding **COVID-19 Recovery Services**.

The PWN should provide an explanation why the district is initiating/or refusing services and the basis for this decision in sufficient detail.

# Resources

*COVID-19 Recovery Services versus Compensatory Services,*  
West Virginia Department of Education Office of Special  
Education - [link to brochure.](#)





# West Virginia DEPARTMENT OF EDUCATION

## West Virginia Tiered System of Support (WVTSS): System of Support for ALL Students' Academic, Behavior, and Mental Health

Dawn Embrey-King, Coordinator

Office of Special Education

Joseph Mastracci, Coordinator

Office of Middle and Secondary Learning

Sara Hutchinson, Coordinator

Office of Early and Elementary Learning

Why? How? How? Why? How? Why? How? Why? How? Why? How? Why? How? Why? How?



# WVTSS: A Collaborative Effort

Office of Early and Elementary Education  
Office of Middle and Secondary Education  
Office of Special Education  
Other WVDE Offices and Divisions

# Session Objectives

WVTSS Overview (Academics, Behavior, Mental Health)

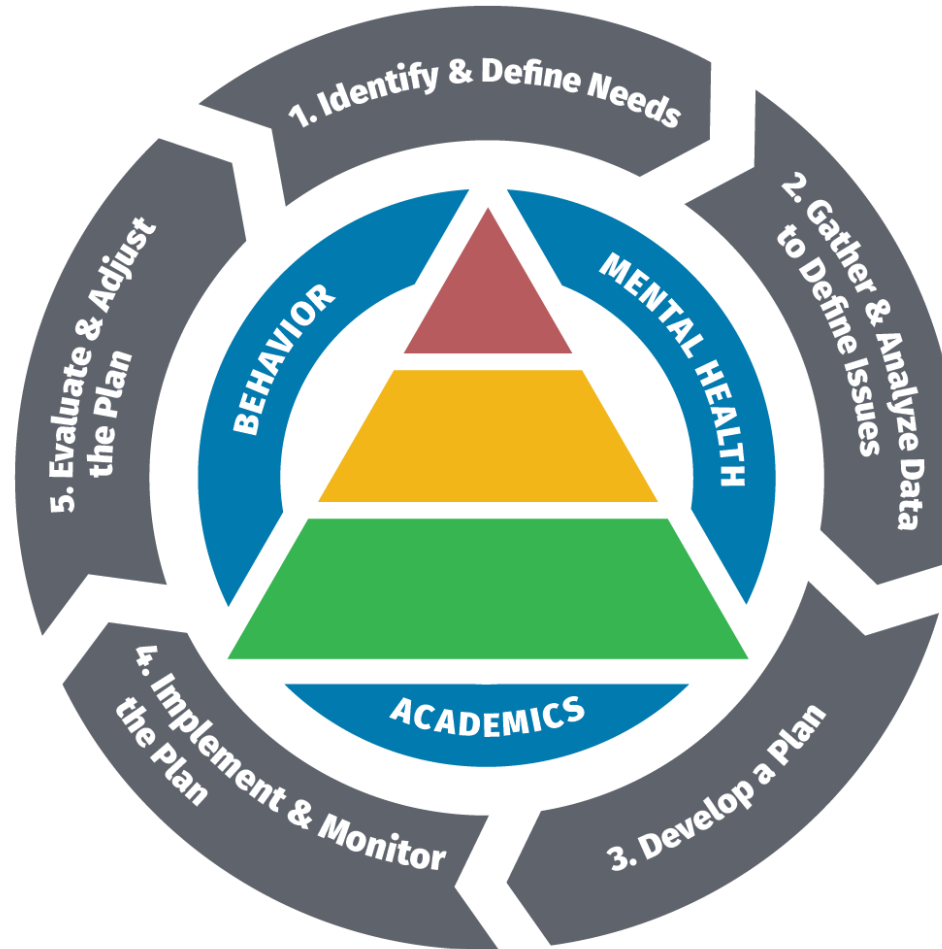
WVTSS Tiers (Universal, Targeted, Intensive)

Special Education Implications

WVTSS Resources

WVTSS in a Virtual Setting

# WVTSS Overview



# Academic Support

**Universal-** All students received instruction and demonstrate learning of the WV College and Career-Readiness Standards.

**Targeted-** Eliminate gap between present achievement and grade-level standards and between instruction and students' needs.

**Intensive-** Eliminate or narrow gap between present achievement and grade-level standards and between instruction and students' needs.



# Behavioral Support

**Universal-** Policy 2520.19, West Virginia College- and Career-Readiness Dispositions and Standards for Student Success for Grades K-12 are integrated into daily classroom expectations and instruction. Effective school-wide behavior supports such as PBIS are provided.

**Targeted-** Specialized, targeted positive behavior supports are provided.

**Intensive-** Specialized and intensified positive behavior supports are provided. May include an assessment of student behaviors; Functional Behavior Assessment (FBA), and the development of specialized Behavior Intervention Plans (BIP).



*West Virginia*  
Behavior/Mental Health  
Technical Assistance Center

# Projects

- Early Childhood PBIS
- School-wide PBIS
- AWARE/Mental Health First Aid
- Regional Behavior Support Specialists



# Mental Health Support

**Universal-** Mental health support refers to all activities that foster positive social, emotional and behavioral skills and well-being of all students, regardless of whether they are at risk for mental health problems.

The West Virginia College- and Career-Readiness Dispositions and Standards for Student Success for Grades K-12 and social-emotional Learning/SEL (teaching students to manage emotions, set and achieve positive goals, feel and show empathy, maintain positive relationships, make responsible decisions, etc.) are integrated into daily classroom expectations and instruction.

Positive school climate is regularly monitored and assessed.

# Mental Health Support

**Targeted services and/or strategies** are designed to address mental health concerns for students who have been identified through a systematic, equitable process as experiencing mild distress or being at-risk for a given condition or concern.

**Targeted supports** may also be used for students to address targeted needs, low-intensity classroom supports such as check-in/check-out, increased instruction with self-regulation and social skills are emphasized and provided to small groups of students.

Outside mental health professionals may provide services within the school setting (Expanded School Mental Health, School-Based Health Centers).

# Mental Health Supports

**Intensive services** and support interventions are designed to address mental health concerns for students who have not been successful with targeted interventions or who are already experiencing significant distress and impaired functioning.

Specialized and intensified mental health support which may include group, individual, or family therapy and/or wrap-around services for identified students. Continuous collaboration with the school supports individual student needs.

Outside mental health professionals may provide services within the school setting (Expanded School Mental Health, School-Based Health Centers).



# Universal

Group Size	Whole-group and small-group instruction. Flexible, fluid grouping allows students to move between groups as appropriate.
Time	Provide sufficient time to master required content and expected behaviors.
Assessments	<b>Screening</b> -Beginning of school year for all students and/or as needs indicate.  <b>Interim</b> -Middle and end of school year for all students and/or as needs indicate.  <b>Formative</b> -Ongoing progress for all students.
Personnel	General education classroom teacher with support from other building staff to reinforce learning
Location	General education classroom

# Targeted

Group Size	Small, flexible, fluid groups of students with similar skills and needs.
Time	<p>Time allotted is data-driven and based on individual student progress.</p> <p>Suggestions for academics include 15-30-minute sessions, three to five times a week in addition to Universal, for 9 weeks.</p> <p>Suggestions for behavior and mental health is determined by student need, and in addition to Universal supports.</p>
Assessments and Progress Monitoring	<p>Continuous use of <b>Formative Classroom Assessment</b> processes and <b>Progress Monitoring</b> to measure and compare student learning and to adjust instruction and support.</p> <p>Suggestions for frequency include every 2-3 weeks.</p> <p><b>Diagnostic</b>-when more information is needed for program planning.</p>
Personnel	General education classroom teacher or specialist (e.g. Title I, Special Educator) or other staff to reinforce learning.
Location	Small group in general education classroom or another appropriate setting within school; before, during or after school, and summer, or interim session.

# Intensive

Group Size	Individual or very small, flexible, fluid groups of students with narrowly--focused skill needs.
Time	<p>Time allotted is data driven and based on individual student progress.</p> <p>Suggestions for academics include 30-60 in addition to Universal 3-5 times per week for 9 weeks.</p> <p>Suggestions for behavior and mental health is determined by student need, and in addition to Universal and Targeted supports.</p>
Assessments/Progress Monitoring	<p>Continuous use of <b>Formative Classroom Assessment</b> processes and <b>Progress Monitoring</b> to measure and compare student learning and to adjust instruction and support.</p> <p>Suggestions for frequency include every 1-2 weeks.</p> <p><b>Diagnostic</b>-when more information is needed for program planning.</p>
Personnel	General education classroom teacher or specialist (e.g. Title I, Special Educator) or other staff to reinforce learning.
Location	Appropriate setting within school; may be pull-out, before school, after school, summer, or interim session.

# **WVTSS**

## **Not a Pathway to Special Education**

# Parental Involvement and Professional Learning

	Universal	Targeted	Intensive
Parental Involvement	Information about student progress provided to parents via report cards and other various parent contact methods; parents must be informed of the WVTSS framework implementation.	Ongoing, frequent communication with parents regarding progress on target skill(s); parents participate in decision-making	Ongoing, frequent communication with parents regarding progress on target skill(s); parents participate in decision making.
Professional Learning	Focused, intentional, and ongoing to provide relevant support based on the needs of students and school staff.	Focused, specialized, intentional, and ongoing to provide training in supplemental instructional/behavioral/mental health strategies and supports.	Focused, specialized, intentional, and ongoing to provide training in intensive instructional/behavioral/mental health strategies and supports.



## **HELPFUL RESOURCES TO COME INCLUDE:**

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**THE WEST VIRGINIA TIERED SYSTEM OF SUPPORT: AN OVERVIEW DOCUMENT**

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**WVTSS QUICK REFERENCE GUIDE**

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**DESIGNING A SYSTEM OF SUPPORT DOCUMENT**

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**WEBSITE HUB WITH ACADEMIC, BEHAVIOR, AND MENTAL HEALTH RESOURCES**

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**INFORMATIVE VIDEOS ON WVTSS IMPLEMENTATION**

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**SELF-REFLECTION TOOLS FOR THE STATE, DISTRICT, SCHOOL, AND CLASSROOM**

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**SUPPORT FOR PROFESSIONAL LEARNING COMMUNITIES (PLCs)**

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# Presentation Resources

- [WVTSS One Pager](#)
- [Check- in Check- out](#)
- [Expanded School Mental Health](#)
- [YouTube- Expanded School Mental Health](#)
- [WV PBIS](#)

# WVTSS in a Virtual/Blended Setting



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# WVTSS in a Virtual/Blended Environment

- High quality, research-based **instructional supports** that align with students' individual needs.
- Universal data **assessments** to identify students that that may need additional supports.
- **Multiple tiers of supports** consisting of increasing levels of intensity.
- Use of **collaborative problem solving** in order to develop, implement, and monitor interventions.

# WVTSS in a Virtual/Blended Environment cont.

- Continuous and frequent **monitoring** of student progress.
- Continuous **data collection** to identify appropriate interventions in order to improve learning for all students and to measure the efficacy of the supports in order to make meaningful decisions.
- **Follow-up** to ensure that the instruction/interventions are implemented as planned.
- **Involvement of the entire team**, including the parent, student (if appropriate), teachers and other necessary school staff throughout the entire process.

# Action Steps/Conclusion

Problem Solving Process

Policy 2520.19- West Virginia College- and Career-  
Readiness Dispositions and Standards for Student Success

PBIS

Functional Behavior Assessment/ Behavior Intervention Plans

Check-in/Check-out

WV Expanded School Mental Health

Professional Learning (PLCs)

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# West Virginia DEPARTMENT OF EDUCATION

## Preventing Parent Disputes

Sheila Paitsel, Manager  
Teresa Brown, Coordinator  
Lisa Carden, Coordinator  
Office of ESEA/IDEA



# Legal Issues

- What legal issues will emerge as a result of the pandemic?
- Does a school district's inability to provide in-person instruction violate a student's right to receive FAPE? Does remote learning deprive a student of educational benefit? Courts will be deciding these types of issues.
- The provision of FAPE (i.e., face to face, virtually, blended model and/or remotely) and reaching agreement on how FAPE can be provided on alternative platforms.
- The Compensatory Education Question

# Situations to Avoid

- Failing or refusing to communicate with parents when a problem arises.
- Failing to respond to parental requests in writing and in a timely manner.
- Ignoring data reports from independent evaluators.
- Failing to implement an IEP.
- Failing to modify an IEP that is not working.
- Taking a defensive attitude toward parents.
- Failing to address transition services or failure to align services with the Personalized Education Plan (PEP).

# More Situations To Avoid

- Failing to observe procedural timelines and notice requirements, for example:
  - notifying the parents within the required timeline (i.e., 8 days for EC & IEP meetings),
  - Providing PWN with all required components
  - notifying the parents who will attend the meeting,
  - scheduling timely meetings at the parent's request (i.e., 21 days), or providing PWN of refusal,
  - allowing parents the opportunity to reschedule or use alternate means to participate,
  - providing the IEP with PWN to the parents immediately following the meeting.

# How to Minimize Conflict

- Respond to parent's phone calls, emails & texts in a timely manner.
- Consider parental requests at an IEP Team meeting and/or provide PWN within 5 days.
- Make sure all teachers are aware of their responsibilities for implementing the IEP and **keep documentation** of IEP implementation.
- Reconvene IEP Team meeting if student is not making progress, exhibiting behavioral issues, or at parent request.
- Review the discipline procedures in Policy 2419 before making any decisions.

# Preventing Disputes

- Ensure school & itinerant personnel are trained in Policy 2419.
- Provide compliance training to school and itinerant staff.
- Address parent concerns/issues with school personnel.
- Offer to meet with the parents to discuss concerns.
- Offer to convene an IEP Team meeting to address the issues.

# Parental Input on the IEP Team

- ✓ “Meaningful Participation” – what does that look like?
  - **Consider** parents’ input and suggestions and document in the present levels
  - “Consider” does not mean “giving in”
  - Consider suitable alternatives, if there are disagreements.
  - Incorporate parents’ ideas to the extent appropriate.
- ✓ Consensus
  - Not a majority vote.
  - General agreement by most members of the IEP Team.

# Procedures to follow when consensus cannot be reached at IEP Team Meeting

- ✓ Team members communicate, **as equal participants**, to make joint informed decisions regarding services.
- ✓ Expectation is that all members will **work toward consensus**.
- ✓ The district representative makes the final decisions if the Team cannot reach consensus;
- ✓ Parents may exercise their right to a written state complaint, mediation or a due process hearing regarding the decision.



# Dispute Prevention

## Facilitated IEP Team Meeting

A voluntary early dispute prevention option utilizing an impartial facilitator to guide the IEP process during the meeting and to assist members of the IEP Team to communicate effectively.

Facilitation is the process of helping the IEP Team complete a task, solve a problem or come to agreement to the mutual satisfaction of the participants.

# IEP Facilitator

- Trained in effective facilitation techniques.
- Included on the WVDE-maintained list of qualified individuals.
- Impartial, which means the facilitator:
  - ✓ Cannot be an employee of the district involved in the dispute or an employee of the WVDE
  - ✓ Cannot have a personal or professional interest that conflicts with the facilitator's objectivity
  - ✓ Does not make decisions for the team or act as a compliance monitor

# Requesting a Facilitated IEP Team Meeting

- District or parent/adult student must submit a written request to the WVDE-OFP.
- Both parties must agree to use the Facilitated IEP process.
- Request must be received at least 2 weeks prior to the scheduled IEP Team meeting.
- At no cost to either party.

# Dispute Resolution Options

State  
Complaint

Mediation

Due Process  
Complaint  
Request

Early  
Resolution

Resolution  
Session

# State Complaint

**A written complaint includes the following components:**

- a signed written statement by an individual or organization which
- alleges that the Department, district or participating public agency has violated a requirement of a Federal or State law or regulation that applies to Part B of the IDEA or WV Code 18-20; and
- includes the facts upon which the allegation(s) is based.

# Complaint Process

WVDE receives written letter of complaint

- Define the allegations.
- Notify the district.
- Complete the initial letters to parent & district.
- Conduct investigation within 60 days.
- If violations are found, determine corrective action.
- Initiate enforcement, if necessary.

# Early Resolution Option

- Parent and district must agree to voluntarily engage in resolution.
- A conference is scheduled by the district.
- If resolution is reached on any or all allegations within 15 days of receipt of the state complaint, the school district need not submit its written response to the allegations, and the complaint is considered resolved.
- The district provides the signed Verification of Early Resolution form to WDE.
- Allegations not resolved will be investigated using the State Complaint Investigation procedures.





# Preparing the Complaint Response Form (CRF)

- Submit **each** requested document.
- Organize the documents to present your case.
- District's opportunity to describe the who, what, when, where and why as they apply to each allegation.
- If you know the allegation is valid, admit it, correct the violation, and provide documentation of the corrective action.

# Investigative Procedures

- Conduct interviews & review submitted documentation
- Determine if violations have occurred, including additional violations related to a free, appropriate public education (FAPE)
- Develop the Letter of Findings (LOF)
- Issue letter(s)



# Corrective Actions

- Due in **15 calendar days** unless otherwise specified.
- Extensions may be requested for completing corrective actions, if necessary.
- Requests for technical assistance to the WVDE/OFP
- Corrective Actions Status Letters
- Letter of Closure

# Mediation Process

- Mediation is available independent of or subsequent to a due process hearing request.
- Mediation is voluntary on the part of the parties.
- Mediation may not be used to deny or delay a parent's right to a due process hearing or any other rights.

# Mediation Process

- Mediation is conducted by an impartial mediator selected on a rotational basis.
- The WVDE bears the cost of the mediation.
- Parties in the mediation may be assisted by persons with special knowledge or training with respect to the student.

# Mediation Process

- Mediation must be scheduled in a timely manner and held in a location convenient to the parties.
- The agreement reached by the parties must be set forth in a written agreement or documentation of non-agreement.
- The discussions that occur during the mediation are confidential and may not be used as evidence in any due process hearings or civil proceedings.

# Mediation Process

## A mediator may not be:

- An employee of a district or state agency receiving IDEA funds,
- An employee of a state education agency,
- An attorney or advocate who represents boards of education or parents against boards of education, or
- a person having a personal or professional conflict of interest.



# Mediation Process

- If successful, the mediation session will result in a written agreement signed by the parties.
- Parties who sign mediation agreements are expected to implement them voluntarily. Mediation agreements are enforceable in state and federal courts.
- If this does not occur, the parties have the right to a due process hearing or a state complaint regarding violations of Policy 2419 or IDEA.

# Mediation Benefits

- Assists parties to better understand differing points of view.
- Resolved more quickly than traditional litigation procedures.
- Less costly.
- Potential to repair damaged relationships while focusing attention on the needs of the child.
- Mutual agreements result in greater satisfaction for all parties.

# Due Process Hearings

A due process hearing request must be in writing, signed by the parent or the parent's attorney, or the district's representative, and submitted to the WVDE and/or district superintendent.

# Resolution Session Process

Within 15 calendar days of receiving the due process complaint from the parent, and prior to initiating a due process hearing, the district must convene a meeting with the parent to discuss the due process complaint so the district has the opportunity to resolve the dispute.

When filed by a district, resolution session is not required.

The district's attorney **will not attend** the resolution session unless an attorney will accompany the parent.

# Resolution Process

The resolution meeting need not be held if:

- Parties agree in writing to waive the resolution meeting, or
- Parties agree to participate in mediation.

If district is unable to obtain the participation of the parent (after reasonable efforts have been made and documented), the district may at the end of the 30-day resolution period, request that a hearing officer dismiss the parent's due process complaint.

# Resolution Session

- If not resolved to the satisfaction of the parent within 30 days, the due process hearing may occur.
- The timeline a hearing decision begins at the expiration of the 30-day resolution period.
- If resolution is reached regarding the issues, the district representative and the parent sign a legally binding document that is enforceable in state and federal court or through state complaint process.
- Either party may void this agreement within 3 business days of signing the agreement.

# Due Process Hearings

The WVDE:

- assigns due process hearing officers on a rotating basis,
- informs the parties of resolution session and mediation options,
- provides information regarding any free or low-cost legal, and other relevant services in the area,
- ensures that all required timelines for resolution sessions and due process hearings are met; and
- makes any decisions from due process hearings available to the public.



# Due Process Hearings

- Each party to a due process hearing may be represented by an attorney.
- Parties are required to disclose information used in the hearing to all parties 5 business days prior to the hearing.
- Burden of proof is on the party seeking relief.
- Parents have the right to have the due process hearing open or closed to the public.
- Parents have the right to have the student attend the due process hearing.

# Due Process Hearings

The hearing officer will conduct the hearing and issue a final decision within 45 calendar days of expiration of the 30 resolution period, if issues are not resolved through resolution or mediation.

A due process hearing decision is final, except that either party may appeal the decision through civil action within 90 calendar days of the issuance of the hearing decision

# Questions?

WVDE/OFPS

304-558-7805

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# Thank you for joining us today!



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