

STATE PERFORMANCE PLAN / ANNUAL PERFORMANCE REPORT: PART B

for STATE FORMULA GRANT PROGRAMS under the Individuals with Disabilities Education Act

**For reporting on
FFY 2019**

West Virginia



**PART B DUE
February 1, 2021**

**U.S. DEPARTMENT OF EDUCATION
WASHINGTON, DC 20202**

Introduction

Instructions

Provide sufficient detail to ensure that the Secretary and the public are informed of and understand the State's systems designed to drive improved results for students with disabilities and to ensure that the State Educational Agency (SEA) and Local Educational Agencies (LEAs) meet the requirements of IDEA Part B. This introduction must include descriptions of the State's General Supervision System, Technical Assistance System, Professional Development System, Stakeholder Involvement, and Reporting to the Public.

Intro - Indicator Data

Executive Summary

Additional information related to data collection and reporting

West Virginia Governor Jim Justice announced the emergency closure of all West Virginia public schools on March 13, 2020 based on COVID-19. This extended through the remainder of the school year. Schools were allowed to return to in-person instruction on September 8, 2020. The emergency closure significantly impacted Indicators 3B, 3C, 11 and 12.

Indicators 8 and 14, that rely upon survey data, may have experienced increased response rates due to the pandemic and increased use of multiple means of communication. It is possible that the pandemic impacted the availability of students and parents to complete surveys.

It is expected that COVID-19 will impact the FFY20 SPP/APR indicator data to a greater extent and the Office of Special Education (OSE) will address those issues in the next submission.

Number of Districts in your State/Territory during reporting year

57

General Supervision System

The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.

The Results Driven Accountability General Supervision System is a document describing West Virginia's System and may be located on <http://wvde.state.wv.us/osp/ResultsDrivenAccountabilityGeneralSupervisionSystem.pdf>

This document addresses the eight (8) components of General Supervision as implemented in West Virginia.

Technical Assistance System

The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.

TECHNICAL ASSISTANCE (TA) UNIVERSAL

Technical Assistance is designed to provide information to educational personnel and parents.

Website-Resources

Special Education Administrators' Conferences

Webinars

Virtual meetings

Special Education Listservs

TeachIEP

West Virginia Board of Education (WVBE) Policy 2419: Regulations for the Education of Students with Exceptionalities Training

Standards-Based Individualized Education Program (6 hours) Training

State Performance Plan (SPP) Indicators

Local Education Agency Determinations – Meets Requirements

Family Engagement Resource Centers

WV Technical Assistance Centers:

Transition Technical Center

Behavior Mental Health Technical Assistance Center

TARGETED TECHNICAL ASSISTANCE (TTA) TARGETED

Targeted Technical Assistance provides more focused levels of support based on need.

Dispute Resolution

New Special Education Directors' Academies

State Performance Plan (SPP) Indicators – 4A, 4B, 9, 10

Coordinated Comprehensive Early Intervening Services (CCEIS)

Exceptionality Areas

Local Education Agency Determinations – Needs Assistance, Needs Intervention

Cyclical Compliance and Results Driven Monitoring

New Special Education Directors' Mentor Program

Exceptionality Fact Sheets

Fiscal Monitoring

Professional Development System

The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.

PROFESSIONAL LEARNING (DEVELOPMENT) INTENSIVE

Professional Learning includes systematic initiatives to build the capacity of individuals, schools, and LEAs to educate exceptional students.

Special Education Beginning Teacher Academy (SEBTA)

WVDE e-Learning for Educators

Accessible Educational Materials (AEM)
Schoolwide Positive Behavioral Interventions and Supports (PBIS)
Early Childhood Positive Behavioral Interventions and Supports (EC-PBIS)
Youth Mental Health First Aid
Teen Mental Health First Aid

Summer Academies (3-7 days):
Autism
Mathematics
Support for Specially Designed Instruction (SSDI)
PBIS (School Age, Early Childhood)
Co-Teaching

University Collaborative Courses:
Speech Language Pathology MA – Marshall University and WVU
Visually Impaired/Hearing Impaired Certification – Marshall University
Speech Language Pathology Graduate/Professional Learning Courses – West Virginia University
Autism Mentor Program – Autism Training Center (ATC) – Marshall University

OSEP Technical Assistance Centers:
National Technical Assistance Center on Transition (N-TACT)
National Center for Systemic Improvement (NCSI)
Positive Behavioral Interventions and Supports (PBIS)
IDEA Data Center (IDC)
Center for IDEA Fiscal Reporting (CIFR)
Center for the Integration of IDEA Data (CIID)

Stakeholder Involvement

The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System

<http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

Apply stakeholder involvement from introduction to all Part B results indicators (y/n)

YES

Reporting to the Public

How and where the State reported to the public on the FFY18 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2018 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2018 APR in 2020, is available.

WV Public SPP/APR and Annual Desk Audit for local education agency data are posted on the West Virginia Department of Education (WVDE) website. <https://wvde.us/special-education/data-and-public-reporting/> An introduction to the report explains the purpose of the public reporting and the data displayed compares district status to each SPP/APR target for the State.

Intro - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the State must report FFY 2019 data for the State-identified Measurable Result (SiMR). Additionally, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress in implementing the SSIP. Specifically, the State must provide: (1) a narrative or graphic representation of the principal activities implemented in Phase III, Year Five; (2) measures and outcomes that were implemented and achieved since the State's last SSIP submission (i.e., April 1, 2020); (3) a summary of the SSIP's coherent improvement strategies, including infrastructure improvement strategies and evidence-based practices that were implemented and progress toward short-term and long-term outcomes that are intended to impact the SiMR; and (4) any supporting data that demonstrates that implementation of these activities is impacting the State's capacity to improve its SiMR data.

OSEP notes that one or more of the attachments included in the State's FFY 2018 SPP/APR submission are not in compliance with Section 508 of the Rehabilitation Act of 1973, as amended (Section 508), and will not be posted on the U.S. Department of Education's IDEA website. Therefore, the State must make the attachment(s) available to the public as soon as practicable, but no later than 120 days after the date of the determination letter.

Response to actions required in FFY 2018 SPP/APR

Open items will be addressed in our SSIP submission due on April 1, 2021.

A fully 508 compliant SSIP from FFY18 reporting is located at https://wvde.us/wp-content/uploads/2021/01/WV_SSIIP_Phase3_Yr4_ACCESSIBLE_FINAL_2021-1.pdf.

Intro - OSEP Response

Intro - Required Actions

Indicator 1: Graduation

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of youth with Individualized Education Programs (IEPs) graduating from high school with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

Data Source

Same data as used for reporting to the Department of Education (Department) under Title I of the Elementary and Secondary Education Act (ESEA).

Measurement

States may report data for children with disabilities using either the four-year adjusted cohort graduation rate required under the ESEA or an extended-year adjusted cohort graduation rate under the ESEA, if the State has established one.

Instructions

Sampling is not allowed.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target. Provide the actual numbers used in the calculation.

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

Targets should be the same as the annual graduation rate targets for children with disabilities under Title I of the ESEA.

States must continue to report the four-year adjusted cohort graduation rate for all students and disaggregated by student subgroups including the children with disabilities subgroup, as required under section 1111(h)(1)(C)(iii)(II) of the ESEA, on State report cards under Title I of the ESEA even if they only report an extended-year adjusted cohort graduation rate for the purpose of SPP/APR reporting.

1 - Indicator Data

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2011 | 59.60% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------|--------|--------|--------|--------|--------|
| Target >= | 67.08% | 70.67% | 74.26% | 78.20% | 79.50% |
| Data | 70.25% | 69.23% | 76.85% | 75.68% | 76.86% |

Targets

| FFY | 2019 |
|-----------|--------|
| Target >= | 80.80% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

Prepopulated Data

| Source | Date | Description | Data |
|---|------------|---|--------|
| SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696) | 07/27/2020 | Number of youth with IEPs graduating with a regular diploma | 2,757 |
| SY 2018-19 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec FS151; Data group 696) | 07/27/2020 | Number of youth with IEPs eligible to graduate | 3,341 |
| SY 2018-19 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec FS150; Data group 695) | 07/27/2020 | Regulatory four-year adjusted-cohort graduation rate table | 78.70% |

FFY 2019 SPP/APR Data

| Number of youth with IEPs in the current year's adjusted cohort graduating with a regular diploma | Number of youth with IEPs in the current year's adjusted cohort eligible to graduate | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|--|---------------|-----------------|---------------|---------------------|-------------|
| 2,757 | 3,341 | 76.86% | 80.80% | 78.70% | Did Not Meet Target | No Slippage |

Graduation Conditions

Choose the length of Adjusted Cohort Graduation Rate your state is using:

4-year ACGR

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma. If there is a difference, explain.

As described in West Virginia Board of Education (WVBE) Policy 2510, Assuring the Quality of Education: Regulations for Education Programs, the graduation requirements for all WV youth (including those with IEPs) are the same - 22 total credits (12 prescribed and 10 personalized). The specific requirements are as follows: 4 credits (3 prescribed and 1 personalized) of English Language Arts; 4 credits (2 prescribed and 2 personalized) of Mathematics; 3 credits (2 prescribed and 1 personalized) of Science; 4 credits (3 prescribed and 1 personalized) of Social Studies ; 1 credit (prescribed) of Physical Education; 1 credit (prescribed) of Health; 1 credit (personalized) of Art, and; 4 credits (personalized) of Personalized Education Plan (PEP). Further, all courses needed for graduation require mastery of approved content standards (§126-42-6 High School Programming). All public secondary schools are required to offer Career and Technical Education programs of study, Computer Science, World Languages, Driver Education, a Social Emotional Advisory System for Student Success, and no less than 4 AP course offerings per school year.

Link to WVBE Policy 2510 (page 9): <https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=52997&Format=PDF>

Are the conditions that youth with IEPs must meet to graduate with a regular high school diploma different from the conditions noted above? (yes/no)

NO

Provide additional information about this indicator (optional)

Graduation data are lagged, therefore, a COVID-19 impact statement is not needed at this time.

1 - Prior FFY Required Actions

None

1 - OSEP Response

1 - Required Actions

Indicator 2: Drop Out

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))

Data Source

OPTION 1:

Same data as used for reporting to the Department under section 618 of the Individuals with Disabilities Education Act (IDEA), using the definitions in EDFacts file specification FS009.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

Measurement

OPTION 1:

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

OPTION 2:

Use same data source and measurement that the State used to report in its FFY 2010 SPP/APR that was submitted on February 1, 2012.

Instructions

Sampling is not allowed.

OPTION 1:

Use 618 exiting data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019). Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) received a certificate; (c) reached maximum age; (d) dropped out; or (e) died.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved, but are known to be continuing in an educational program.

OPTION 2:

Use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's Common Core of Data.

If the State has made or proposes to make changes to the data source or measurement under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012, the State should include a justification as to why such changes are warranted.

Options 1 and 2:

Data for this indicator are "lag" data. Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), and compare the results to the target.

Provide a narrative that describes what counts as dropping out for all youth and, if different, what counts as dropping out for youth with IEPs. If there is a difference, explain.

2 - Indicator Data

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2011 | 2.70% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------|-------|-------|-------|-------|-------|
| Target <= | 2.45% | 2.45% | 2.25% | 2.25% | 2.00% |
| Data | 1.73% | 1.22% | 1.16% | 0.99% | 0.87% |

Targets

| FFY | 2019 |
|-----------|-------|
| Target <= | 1.75% |

Targets: Description of Stakeholder Input

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Please indicate the reporting option used on this indicator

Option 2

Prepopulated Data

| Source | Date | Description | Data |
|---|------------|--|-------|
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a) | 1,903 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (b) | 220 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (c) | 23 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (d) | 141 |
| SY 2018-19 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/27/2020 | Number of youth with IEPs (ages 14-21) who exited special education as a result of death (e) | 6 |

Has your State made or proposes to make changes to the data source under Option 2, when compared to the information reported in its FFY 2010 SPP/APR submitted on February 1, 2012? (yes/no)

NO

Use a different calculation methodology (yes/no)

YES

Change numerator description in data table (yes/no)

YES

Change denominator description in data table (yes/no)

YES

If use a different calculation methodology is yes, provide an explanation of the different calculation methodology

Dropout Rate Calculation for Students with Disabilities:

Number of dropouts who are students with disabilities divided by the number of students with disabilities in grades 7-12 as reported through WVEIS enrollment records*

*Beginning in FFY 2008 (based on 2007-2008 data), West Virginia began using dropout data collected under the rules for determining dropout rate for all students, rather than using Section 618 data. Students who may have dropped out during the school year but return by October are not counted as dropouts for the All group and SWD subgroup. The number of students enrolled is based upon the second month enrollment for the ALL students group

and the SWD subgroup.*WV collects and reports an annual event dropout rate. This calculation is used for all students and students with disabilities in WV and includes grades 7-12.

FFY 2019 SPP/APR Data

| Number of youth with IEPs who exited special education due to dropping out | Total number of High School Students with IEPs by Cohort | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|--|---------------|-----------------|---------------|------------|-------------|
| 145 | 19,879 | 0.87% | 1.75% | 0.73% | Met Target | No Slippage |

Provide reasons for slippage, if applicable

Provide a narrative that describes what counts as dropping out for all youth

Any student who leaves school and does not enroll in another school or program that culminates in a high school diploma is considered to be a drop out.

West Virginia Board of Education Policy (WVBE) 4110: Attendance defines a drop out as an individual who was enrolled in school at some time during the previous school year and was not enrolled on October 1st of the current school year; or was not enrolled on October 1st of the previous school year although expected to be in membership (i.e., was not reported as a drop out the year before); and has not graduated from high school, obtained a High School Equivalency Diploma referred to as TASC (Test Assessing Secondary Completion, and/or HSEA High School Equivalency Assessment), or completed a state or district approved education program; and does not meet any of the following exclusionary conditions: (a) transfer to another public school district, private school, registered home school or state or district approved education program; (b) temporary school-recognized absence due to suspension or illness; or (c) death.

Link to WVBE Policy 4110: (page 2) <http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=49927&Format=PDF>

Is there a difference in what counts as dropping out for youth with IEPs? (yes/no)

NO

If yes, explain the difference in what counts as dropping out for youth with IEPs below.

Provide additional information about this indicator (optional)

Dropout data are lagged, therefore, a COVID-19 impact statement is not needed at this time.

2 - Prior FFY Required Actions

None

2 - OSEP Response

2 - Required Actions

Indicator 3B: Participation for Students with IEPs

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on statewide assessments:

- A. Indicator 3A – Reserved
- B. Participation rate for children with IEPs
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Data Source

3B. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS185 and 188.

Measurement

B. Participation rate percent = [(# of children with IEPs participating in an assessment) divided by the (total # of children with IEPs enrolled during the testing window)]. Calculate separately for reading and math. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3B: Provide separate reading/language arts and mathematics participation rates, inclusive of all ESEA grades assessed (3-8 and high school), for children with IEPs. Account for ALL children with IEPs, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

3B - Indicator Data

Reporting Group Selection

Based on previously reported data, these are the grade groups defined for this indicator.

| Group | Group Name | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Grade 12 | HS |
|-------|------------|---------|---------|---------|---------|---------|---------|---------|----------|----------|----------|----|
| A | Overall | X | X | X | X | X | X | X | X | X | X | X |

Historical Data: Reading

| Group | Group Name | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-------|------------|----------|-----------|--------|--------|--------|--------|--------|
| A | Overall | 2005 | Target >= | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| A | Overall | 97.80% | Actual | 97.57% | 98.28% | 97.98% | 98.18% | 97.95% |

Historical Data: Math

| Group | Group Name | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-------|------------|----------|-----------|--------|--------|--------|--------|--------|
| A | Overall | 2005 | Target >= | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| A | Overall | 97.70% | Actual | 97.51% | 98.26% | 97.93% | 98.17% | 97.91% |

Targets

| Subject | Group | Group Name | 2019 |
|---------|-------|------------|--------|
| Reading | A >= | Overall | 95.00% |
| Math | A >= | Overall | 95.00% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

FFY 2019 Data Disaggregation from EDFacts

Include the disaggregated data in your final SPP/APR. (yes/no)

NO

Data Source:

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS188; Data Group: 589)

Date:

Reading Assessment Participation Data by Grade

| Grade | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | HS |
|---|---|---|---|---|---|---|---|----|----|----|----|
| a. Children with IEPs | | | | | | | | | | | |
| b. IEPs in regular assessment with no accommodations | | | | | | | | | | | |
| c. IEPs in regular assessment with accommodations | | | | | | | | | | | |
| f. IEPs in alternate assessment against alternate standards | | | | | | | | | | | |

Data Source:

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS185; Data Group: 588)

Date:

Math Assessment Participation Data by Grade

| Grade | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | HS |
|--|---|---|---|---|---|---|---|----|----|----|----|
| a. Children with IEPs | | | | | | | | | | | |
| b. IEPs in regular assessment with no accommodations | | | | | | | | | | | |

| Grade | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | HS |
|---|---|---|---|---|---|---|---|----|----|----|----|
| c. IEPs in regular assessment with accommodations | | | | | | | | | | | |
| f. IEPs in alternate assessment against alternate standards | | | | | | | | | | | |

FFY 2019 SPP/APR Data: Reading Assessment

| Group | Group Name | Number of Children with IEPs | Number of Children with IEPs Participating | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|-------|------------|------------------------------|--|---------------|-----------------|---------------|--------|----------|
| A | Overall | | | 97.95% | 95.00% | | N/A | N/A |

FFY 2019 SPP/APR Data: Math Assessment

| Group | Group Name | Number of Children with IEPs | Number of Children with IEPs Participating | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|-------|------------|------------------------------|--|---------------|-----------------|---------------|--------|----------|
| A | Overall | | | 97.91% | 95.00% | | N/A | N/A |

Regulatory Information

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

Provide additional information about this indicator (optional)

West Virginia received a waiver from USDE to not administer the General Summative Assessment and Alternate Summative Assessment due to the COVID-19 pandemic. Students were not allowed to return to the classroom for the remainder of the school year, neither of the summative assessments were conducted. Therefore, there are no assessment data to report on Indicators 3B and 3C for FFY19.

3B - Prior FFY Required Actions

None

3B - OSEP Response

The State was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

3B - Required Actions

Indicator 3C: Proficiency for Students with IEPs

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on statewide assessments:

- A. Indicator 3A – Reserved
- B. Participation rate for children with IEPs
- C. Proficiency rate for children with IEPs against grade level and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Data Source

3C. Same data as used for reporting to the Department under Title I of the ESEA, using EDFacts file specifications FS175 and 178.

Measurement

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level and alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned)]. Calculate separately for reading and math. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

Instructions

Describe the results of the calculations and compare the results to the targets. Provide the actual numbers used in the calculation.

Include information regarding where to find public reports of assessment participation and performance results, as required by 34 CFR §300.160(f), i.e., a link to the Web site where these data are reported.

Indicator 3C: Proficiency calculations in this SPP/APR must result in proficiency rates for reading/language arts and mathematics assessments (combining regular and alternate) for children with IEPs, in all grades assessed (3-8 and high school), including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

3C - Indicator Data

Reporting Group Selection

Based on previously reported data, these are the grade groups defined for this indicator.

| Group | Group Name | Grade 3 | Grade 4 | Grade 5 | Grade 6 | Grade 7 | Grade 8 | Grade 9 | Grade 10 | Grade 11 | Grade 12 | HS |
|-------|------------|---------|---------|---------|---------|---------|---------|---------|----------|----------|----------|----|
| A | Overall | X | X | X | X | X | X | X | X | X | X | X |

Historical Data: Reading

| Group | Group Name | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-------|------------|----------|-----------|--------|--------|--------|--------|--------|
| A | Overall | 2017 | Target >= | 39.90% | 46.90% | 53.90% | 13.90% | 17.20% |
| A | Overall | 12.79% | Actual | 15.60% | 14.85% | 13.62% | 12.79% | 12.42% |

Historical Data: Math

| Group | Group Name | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-------|------------|----------|-----------|--------|--------|--------|--------|--------|
| A | Overall | 2017 | Target >= | 42.30% | 48.90% | 55.50% | 10.90% | 14.30% |
| A | Overall | 11.31% | Actual | 11.07% | 11.02% | 10.64% | 11.31% | 11.56% |

Targets

| Subject | Group | Group Name | 2019 |
|---------|-------|------------|--------|
| Reading | A >= | Overall | 20.50% |
| Math | A >= | Overall | 17.80% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia

Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

FFY 2019 Data Disaggregation from EDFacts

Include the disaggregated data in your final SPP/APR. (yes/no)

NO

Data Source:

SY 2019-20 Assessment Data Groups - Reading (EDFacts file spec FS178; Data Group: 584)

Date:

Reading Proficiency Data by Grade

| Grade | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | HS |
|---|---|---|---|---|---|---|---|----|----|----|----|
| a. Children with IEPs who received a valid score and a proficiency was assigned | | | | | | | | | | | |
| b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level | | | | | | | | | | | |
| c. IEPs in regular assessment with accommodations scored at or above proficient against grade level | | | | | | | | | | | |
| f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level | | | | | | | | | | | |

Data Source:

SY 2019-20 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

Date:

Math Proficiency Data by Grade

| Grade | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | HS |
|---|---|---|---|---|---|---|---|----|----|----|----|
| a. Children with IEPs who received a valid score and a proficiency was assigned | | | | | | | | | | | |
| b. IEPs in regular assessment with no accommodations scored at or above proficient against grade level | | | | | | | | | | | |
| c. IEPs in regular assessment with accommodations scored at or above proficient against grade level | | | | | | | | | | | |
| f. IEPs in alternate assessment against alternate standards scored at or above proficient against grade level | | | | | | | | | | | |

FFY 2019 SPP/APR Data: Reading Assessment

| Group | Group Name | Children with IEPs who received a valid score and a proficiency was assigned | Number of Children with IEPs Proficient | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|-------|------------|--|---|---------------|-----------------|---------------|--------|----------|
| A | Overall | | | 12.42% | 20.50% | | N/A | N/A |

FFY 2019 SPP/APR Data: Math Assessment

| Group | Group Name | Children with IEPs who received a valid score and a proficiency was assigned | Number of Children with IEPs Proficient | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|-------|------------|--|---|---------------|-----------------|---------------|--------|----------|
| A | Overall | | | 11.56% | 17.80% | | N/A | N/A |

Regulatory Information

The SEA, (or, in the case of a district-wide assessment, LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children: (1) the number of children with disabilities participating in: (a) regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments; and (b) alternate assessments aligned with alternate achievement standards; and (2) the performance of children with disabilities on regular assessments and on alternate assessments, compared with the achievement of all children, including children with disabilities, on those assessments. [20 U.S.C. 1412 (a)(16)(D); 34 CFR §300.160(f)]

Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

Provide additional information about this indicator (optional)

West Virginia received a waiver from USDE to not administer the General Summative Assessment and Alternate Summative Assessment due to the COVID-19 pandemic. Students were not allowed to return to the classroom for the remainder of the school year, neither of the summative assessments were conducted. Therefore, there are no assessment data to report on Indicators 3B and 3C for FFY19.

3C - Prior FFY Required Actions

None

3C - OSEP Response

The State was not required to provide any data for this indicator. Due to the circumstances created by the COVID-19 pandemic, and resulting school closures, the State received a waiver of the assessment requirements in section 1111(b)(2) of the ESEA, and, as a result, does not have any FFY 2019 data for this indicator.

3C - Required Actions

Indicator 4A: Suspension/Expulsion

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results Indicator: Rates of suspension and expulsion:

A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

Measurement

Percent = [(# of districts that meet the State-established n size (if applicable) that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State that meet the State-established n size (if applicable))] times 100.

Include State's definition of "significant discrepancy."

Instructions

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons:

- The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4A: Provide the actual numbers used in the calculation (based upon districts that met the minimum n size requirement, if applicable). If significant discrepancies occurred, describe how the State educational agency reviewed and, if appropriate, revised (or required the affected local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with applicable requirements.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

4A - Indicator Data

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2017 | 3.51% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------|-------|-------|-------|-------|-------|
| Target <= | 6.00% | 6.00% | 5.50% | 5.50% | 5.00% |
| Data | 5.26% | 3.51% | 3.51% | 3.51% | 3.51% |

Targets

| FFY | 2019 |
|-----------|-------|
| Target <= | 3.50% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West

Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System

<http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

FFY 2019 SPP/APR Data

Has the state established a minimum n-size requirement? (yes/no)

YES

If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.

0

| Number of districts that have a significant discrepancy | Number of Districts that met the State's minimum n-size | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|---|---------------|-----------------|---------------|---------------------|-------------|
| 2 | 57 | 3.51% | 3.50% | 3.51% | Did Not Meet Target | No Slippage |

Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))

Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State

State's definition of "significant discrepancy" and methodology

Indicator 4A: Rates of suspension and expulsion: Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Overview of Issue/Description of System or Process: West Virginia collects discipline data through WVEIS, which requires school-level personnel to enter individual student data regarding disciplinary offenses, actions taken and number of days. These data are compiled by the district into an electronic file, which is submitted to WVDE and is used to generate the Section 618 discipline report and suspension rates for the APR. Data are provided individually for all students for the reporting year July 1 through June 30. All data are verified by districts prior to and after submission to WVEIS.

Additionally, the OSE examined the data by school to ensure all schools were participating. The calculation includes the number of students with IEPs in a district as the denominator and the number of students suspended/expelled >10 days in a district as the numerator multiplied by 100.

Definition of Significant Discrepancy and Identification of Comparison Methodology:

West Virginia is comparing the rates of suspensions and expulsions greater than 10 days in a school year for children with IEPs (children with disabilities) among LEAs in the state. The state "bar" (two times the 09-10 state rate) using the 2009-2010 school year as the baseline, since all children with IEPs were suspended at a rate of 1.64% for suspensions/expulsions totaling greater than 10 days. The 1.64% state rate was multiplied by two to establish a static suspension/expulsion-rate bar for students with disabilities at 3.28%. Thus, a district is considered to have a significant discrepancy when its suspension/expulsion rate for children with IEPs meets or exceeds the rate of 3.28%.

State rate for all students with IEPs = (756 suspensions/expulsions greater than 10 days) X 100% (46,169 children with IEPs ages 3-21) = 1.64%

Significant Discrepancy Threshold = 1.64% x 2 = 3.28%

Minimum n-size: The minimum n-size of 20 for Indicator 4A is based on the number of children with IEPs in a district (LEA). All districts met the minimum n-size and no districts were excluded from the analysis.

Provide additional information about this indicator (optional)

This indicator involves lagged data, therefore, a COVID-19 impact statement is not needed at this time.

Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Two districts received a SEA level review of policies, procedures and practices based upon SY 2018-2019 discipline data for Indicator 4A, as part of the State's Annual Desk Audit (ADA). The SEA review of the LEAs that were identified as having significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs include: findings of districts self-review of discipline policies, procedures and practices including the development and implementation of IEPs; the use of positive behavioral interventions and supports, and procedural safeguards; progress in implementing corrective activities within the county's improvement plan for SPP Indicator 4; and discipline practices via interviews when appropriate. The OSE reviews districts completion of improvement plans and/or corrective action plans no later than May 15th, via the Annual Desk Audit (ADA).

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b).

If YES, select one of the following:

The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

When a district has been identified as having significant discrepancy in suspensions/expulsions greater than 10 days overall (4A) and/or by race/ethnicity (4B) for students with a disability, an on-site review is conducted by the Office of Special Education (OSE). The on-site review uses the District Review of Policies, Procedures and Practices Significant Discrepancy in Suspension and Expulsion Indicator 4A & 4B Review Form. The form can be viewed at <https://wvde.us/wp-content/uploads/2018/08/4a-and-4b-Review-Form-2-2015-Final.doc>. Up to 10 discipline records (or up to 20 in larger districts) are reviewed to determine if the disproportionality (significant disproportion) found is a result of the inappropriate implementation of WVBE policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:

- Copies of the specific students' current IEPs
- Positive Behavioral Interventions and Supports (PBIS);
- Functional Behavior Assessments (FBAs);
- Disciplinary Action Review Form (DARF);
- Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
- Documentation regarding the change of placement determination;
- Documentation verifying procedural safeguards were distributed, when the removal was considered a change of placement; and
- Individual discipline and attendance reports from WV Education Information System (WVEIS)

*Although WV DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b), because all districts have adopted WVBE Policy 2419 as their local procedures, revisions to policy was not required. Rather, appropriate implementation of existing practices and procedures was required.

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 2 | 2 | 0 | 0 |

FFY 2018 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

When a district has been identified as having significant discrepancy in suspensions/expulsions greater than 10 days overall (4A) and/or by race/ethnicity (4B) for students with a disability, an on-site review is conducted by the Office of Special Education (OSE). Up to 10 discipline records (or up to 20 in larger districts) are reviewed to determine if the discrepancy (significant discrepancy) found is a result of the inappropriate implementation of WVBE Policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:

- Copies of the specific students' current IEPs
- Positive Behavioral Interventions and Supports (PBIS);
- Functional Behavior Assessments (FBAs);
- Disciplinary Action Review Form (DARF);
- Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
- Documentation regarding the change of placement determination;
- Documentation verifying procedural safeguards were distributed, when the removal was considered a change of placement; and
- Individual discipline and attendance reports from WV Education Information System (WVEIS)

The review process that is conducted is outlined in the 4a4b State Review Form which can be found at <https://wvde.us/wp-content/uploads/2018/08/4a-and-4b-Review-Form-2-2015-Final.doc>. The onsite review provides feedback to the district on systemic noncompliance to inform the development of an improvement plan submitted with the Annual Desk Audit. Subsequent file reviews, after improvement plans have been implemented, determine

correction of noncompliance for each systemic issue identified. Ongoing feedback and technical assistance is provided by the OSE after each subsequent review. Upon completion of subsequent reviews, the State verified that both districts are correctly implementing the specific regulatory requirements in WVBE Policy 2419.

Describe how the State verified that each *individual case of noncompliance* was corrected

Individual files with noncompliance are verified as corrected upon submission of newly implemented procedural requirements that will provide verification of correction for the individual student noncompliance found during the onsite review and any individual student noncompliance found during subsequent reviews. All required documentation of correction of individual student noncompliance must be submitted to the OSE for review to determine individual correction of noncompliance. Upon submission and review of the requested updated data and information, the state verified that both districts corrected each instance of individual noncompliance consistent with regulatory requirements in WVBE Policy 2419.

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| | | | |
| | | | |
| | | | |

4A - Prior FFY Required Actions

None

4A - OSEP Response

4A - Required Actions

Indicator 4B: Suspension/Expulsion

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Compliance Indicator: Rates of suspension and expulsion:

B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

Measurement

Percent = [(# of districts that meet the State-established n size (if applicable) for one or more racial/ethnic groups that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State that meet the State-established n size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "significant discrepancy."

Instructions

If the State has established a minimum n size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n size. If the State used a minimum n size requirement, report the number of districts excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2019 SPP/APR, use data from 2018-2019), including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long-term suspensions and expulsions of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons

- The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- The rates of suspensions and expulsions for children with IEPs to nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

Indicator 4B: Provide the following: (a) the number of districts that met the State-established n size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) the number of those districts in which policies, procedures or practices contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If discrepancies occurred and the district with discrepancies had policies, procedures or practices that contributed to the significant discrepancy and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with the Office of Special Education Programs (OSEP) Memorandum 09-02, dated October 17, 2008.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for 2018-2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Targets must be 0% for 4B.

4B - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2017 | 7.02% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|-------|-------|-------|-------|-------|
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 8.77% | 5.26% | 7.02% | 7.02% | 5.26% |

Targets

| | |
|------------|-------------|
| FFY | 2019 |
| Target | 0% |

FFY 2019 SPP/APR Data

Has the state established a minimum n-size requirement? (yes/no)

YES

If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n size. Report the number of districts excluded from the calculation as a result of the requirement.

0

| Number of districts that have a significant discrepancy, by race or ethnicity | Number of those districts that have policies procedure, or practices that contribute to the significant discrepancy and do not comply with requirements | Number of Districts that met the State's minimum n-size | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|---|---|---------------|-----------------|---------------|---------------------|-------------|
| 3 | 2 | 57 | 5.26% | 0% | 3.51% | Did Not Meet Target | No Slippage |

Were all races and ethnicities included in the review?

YES

State's definition of "significant discrepancy" and methodology

West Virginia is comparing the rates of suspensions and expulsions greater than 10 days in a school year for children with IEPs in each race/ethnicity group among LEAs in the State. During baseline year 2009-2010 school year, all children with IEPs were suspended at a rate of 1.64% for suspensions/expulsions totaling greater than 10 days. Using school year 2009-2010 as the baseline year, the 1.64% State rate was multiplied by two to establish a static suspension/expulsion-rate bar at 3.28%. Thus, a district has a significant discrepancy when its suspension/expulsion rate for children with IEPs in any given race/ethnicity category exceeds 3.28%.
(46,169 children with IEPs ages 3-21)
= 1.64%

Significant Discrepancy Threshold = 1.64% x 2 = 3.28%

Minimum n-size: The minimum n size of 20 for Indicator 4B is based on the number of children with IEPs in a specific race/ethnicity in a district. Minimum cell size: The minimum cell size of 5 for Indicator 4B is based on the total count of children with IEPs suspended/expelled > 10 days within a specific race/ethnicity in a district. No districts were completely excluded from the calculations due to n or cell size.

Provide additional information about this indicator (optional)

These data are lagged, therefore, a COVID-19 impact statement is not needed at this time.

Review of Policies, Procedures, and Practices (completed in FFY 2019 using 2018-2019 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

a. Review Process: Three districts received a SEA level review of policies, procedures and practices based upon SY 2018-2019 discipline data. Indicator Reviews were conducted via onsite monitoring visits. The SEA review of the LEAs identified with significant discrepancies by race/ethnicity specifically involved the examination of: findings of district self-review of discipline policies, procedures and practices; progress in implementing corrective activities within the county's improvement plan for SPP Indicator 4; discipline practices via interviews when appropriate; a random sample of records (i.e., evaluations, IEPs, behavior intervention plans, and manifestation determinations) of SWD suspended for 10 or more days utilizing the adopted rubric; a review of general procedures for disciplinary removals including school and district suspension records; and data analyses at the district level to compare the suspension type, frequency and duration of all students with IEPs as compared to students with IEPs in the race/ethnicity category exceeding the state-bar.

b. Results of State's Review of LEA's policies, procedures and practices based on 2018-2019 data: Two of the districts identified as having a significant discrepancy were found to have noncompliance relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards to ensure these policies, procedures and practices complied with IDEA. The two districts with identified noncompliance received a letter of finding on May 30, 2020, delineating the specific findings. Findings of noncompliance were primarily the result of the LEAs failure to: 1) record discipline and attendance data accurately in WVEIS; 2) determine, on a case-by-case basis, if the student's suspension constituted a change of placement; 3) adequately address behavior through the use of positive behavior supports, interventions and strategies.

c. Because all districts have adopted WVBE Policy 2419 as their local procedures, revisions to policy and procedures were not required. Rather, appropriate implementation of existing policies and procedures was required:
The OSE reviewed district completion of improvement plans and/or corrective action plans by May 30, 2020. The OSE requested an updated sample of student records and determined whether the districts corrected individual student noncompliance and whether districts were correctly implementing regulatory requirements within one year of the initial notification of the findings of noncompliance. The OSE will report on correction of noncompliance in the FFY 2020 APR.

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b).

If YES, select one of the following:

The State DID ensure that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

Describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 09-02, dated October 17, 2008.

When a district has been identified as having significant discrepancy in suspensions/expulsions greater than 10 days overall (4A) and/or by race/ethnicity (4B) for students with a disability, an on-site review is conducted by the Office of Special Education (OSE). Up to 10 discipline records (or up to 20 in larger districts) are reviewed to determine if the discrepancy (significant disproportion) found is a result of the inappropriate implementation of WVBE Policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:

- Copies of the specific students' current IEPs
- Positive Behavioral Interventions and Supports (PBIS);
- Functional Behavior Assessments (FBAs);
- Disciplinary Action Review Form (DARF);
- Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
- Documentation regarding the change of placement determination;
- Documentation verifying procedural safeguards were distributed, when the removal was considered a change of placement; and
- Individual discipline and attendance reports from WV Education Information System (WVEIS)

*Although WV DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b), because all districts have adopted WVBE Policy 2419 as their local procedures, revisions to policy was not required. Rather, appropriate implementation of existing practices and procedures was required. The review process that is conducted is outlined on 4a4b State Review Form which can be found at <https://wvde.us/wp-content/uploads/2018/08/4a-and-4b-Review-Form-2-2015-Final.doc>.

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 3 | 3 | 0 | 0 |

FFY 2018 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

In FFY 2018, three districts were identified with significant discrepancies in the rate of suspensions and expulsions greater than 10 days in a school year. The three districts received a SEA level review of policies, procedures and practices to determine if after implementing the corrective actions listed in their Annual Desk Audit improvement plans, policies, procedures and practices are being implemented to comply with the IDEA pursuant to 34 CFR §300.170(b). Evidence was provided to verify the appropriate development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards.

The review process that is conducted is outlined in the 4a4b State Review Form located at <https://wvde.us/wp-content/uploads/2018/08/4a-and-4b-Review-Form-2-2015-Final.doc>. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:

- Copies of the specific students' current IEPs
- Positive Behavioral Interventions and Supports (PBIS);
- Functional Behavior Assessments (FBAs);
- Disciplinary Action Review Form (DARF);
- Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
- Documentation regarding the change of placement determination;
- Documentation verifying procedural safeguards were distributed, when the removal was considered a change of placement; and
- Individual discipline and attendance reports from WV Education Information System (WVEIS)

The onsite review provides feedback to the district on systemic noncompliance to inform the progress or completion of an improvement plan submitted with the Annual Desk Audit. Subsequent file reviews, after improvement plans have been implemented, determine correction of noncompliance for each systemic issue identified. Ongoing feedback and technical assistance is provided by the OSE after each subsequent review. Upon completion of subsequent reviews, the State verified all three districts are correctly implementing the specific regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b), and WVBE Policy 2419 and has corrected each individual case of noncompliance consistent OSEP Memo 09-02.

Describe how the State verified that each individual case of noncompliance was corrected

Individual files with noncompliance are verified as corrected upon submission of newly implemented procedural requirements that will provide verification of correction for the individual student noncompliance found during the onsite review and any individual student noncompliance found during subsequent reviews. All required documentation of correction of individual student noncompliance must be submitted to the OSE for review to determine individual correction of noncompliance. Upon submission and review of the requested updated data and information, the state verified all districts corrected each instance of individual noncompliance consistent with regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b), and WVBE Policy 2419 and has corrected each individual case of noncompliance consistent OSEP Memo 09-02.

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| FFY 2017 | 1 | 1 | 0 |
| | | | |
| | | | |

FFY 2017

Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements*

In FFY 2017, one district did not correct their noncompliance within one year. This district was identified with significant discrepancies in the rate of suspensions and expulsions greater than 10 days in a school year. The district received a SEA level review of policies, procedures and practices to determine if after implementing the corrective actions listed in their Annual Desk Audit improvement plans, policies, procedures and practices are being implemented to comply with the IDEA pursuant to 34 CFR §300.170(b). Evidence was provided to verify the appropriate development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards upon subsequent reviews.

The review process that is conducted is outlined in the 4a4b State Review Form located at <https://wvde.us/wp-content/uploads/2018/08/4a-and-4b-Review-Form-2-2015-Final.doc>. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:

- Copies of the specific students' current IEPs
- Positive Behavioral Interventions and Supports (PBIS);
- Functional Behavior Assessments (FBAs);
- Disciplinary Action Review Form (DARF);
- Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
- Documentation regarding the change of placement determination;
- Documentation verifying procedural safeguards were distributed, when the removal was considered a change of placement; and
- Individual discipline and attendance reports from WV Education Information System (WVEIS)

The onsite review provides feedback to the district on systemic noncompliance to inform the progress or completion of an improvement plan submitted with the Annual Desk Audit. Subsequent file reviews, after improvement plans have been implemented, determine correction of noncompliance for each systemic issue identified. Ongoing feedback and technical assistance is provided by the OSE after each subsequent review. Upon completion of subsequent reviews, the State verified the district is correctly implementing the specific regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b) and has corrected each individual case of noncompliance consistent OSEP Memo 09-02.

Describe how the State verified that each *individual case* of noncompliance was corrected

Individual files with noncompliance are verified as corrected upon submission of newly implemented procedural requirements that will provide verification of correction for the individual student noncompliance found during the onsite review and any individual student noncompliance found during subsequent reviews. All required documentation of correction of individual student noncompliance must be submitted to the OSE for review to determine individual correction of noncompliance. Upon submission and review of the requested updated data and information, the state verified that the district corrected each instance of individual noncompliance consistent with regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b) and has corrected each individual case of noncompliance consistent OSEP Memo 09-02.

Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements*

Describe how the State verified that each *individual case* of noncompliance was corrected

4B - Prior FFY Required Actions

None

4B - OSEP Response

4B- Required Actions

Indicator 5: Education Environments (children 6-21)

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Education environments (children 6-21): Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Data Source

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS002.

Measurement

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

Percent = [(# of children with IEPs aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)]times 100.

Instructions

Sampling from the State's 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA, explain.

5 - Indicator Data

Historical Data

| Part | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|----------|-----------|--------|--------|--------|--------|--------|
| A | 2005 | Target >= | 62.50% | 62.50% | 62.60% | 62.80% | 63.00% |
| A | 60.70% | Data | 63.88% | 64.46% | 64.65% | 64.64% | 63.56% |
| B | 2005 | Target <= | 8.90% | 8.90% | 8.90% | 8.90% | 8.89% |
| B | 8.90% | Data | 8.03% | 8.07% | 7.67% | 7.47% | 7.57% |
| C | 2005 | Target <= | 1.40% | 1.40% | 1.40% | 1.40% | 1.30% |
| C | 1.80% | Data | 1.74% | 1.72% | 1.49% | 1.60% | 1.60% |

Targets

| FFY | 2019 |
|-------------|--------|
| Target A >= | 63.80% |
| Target B <= | 8.88% |
| Target C <= | 1.30% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other

pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

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Prepopulated Data

| Source | Date | Description | Data |
|---|------------|---|--------|
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | Total number of children with IEPs aged 6 through 21 | 42,136 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day | 26,564 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day | 3,122 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c1. Number of children with IEPs aged 6 through 21 in separate schools | 79 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c2. Number of children with IEPs aged 6 through 21 in residential facilities | 172 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/08/2020 | c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements | 370 |

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

FFY 2019 SPP/APR Data

| Education Environments | Number of children with IEPs aged 6 through 21 served | Total number of children with IEPs aged 6 through 21 | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|---|--|---------------|-----------------|---------------|---------------------|-------------|
| A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day | 26,564 | 42,136 | 63.56% | 63.80% | 63.04% | Did Not Meet Target | No Slippage |
| B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day | 3,122 | 42,136 | 7.57% | 8.88% | 7.41% | Met Target | No Slippage |

| Education Environments | Number of children with IEPs aged 6 through 21 served | Total number of children with IEPs aged 6 through 21 | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|---|--|---------------|-----------------|---------------|---------------------|-------------|
| C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3] | 621 | 42,136 | 1.60% | 1.30% | 1.47% | Did Not Meet Target | No Slippage |

Use a different calculation methodology (yes/no)

NO

Provide additional information about this indicator (optional)

These data are lagged, therefore, a COVID-19 impact statement is not needed at this time.

5 - Prior FFY Required Actions

None

5 - OSEP Response

5 - Required Actions

Indicator 6: Preschool Environments

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Preschool environments: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

Data Source

Same data as used for reporting to the Department under section 618 of the IDEA, using the definitions in EDFacts file specification FS089.

Measurement

Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Instructions

Sampling from the State's 618 data is not allowed.

Describe the results of the calculations and compare the results to the target.

If the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA, explain.

6 - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

| Part | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|----------|-----------|--------|--------|--------|--------|--------|
| A | 2011 | Target >= | 29.80% | 31.30% | 31.80% | 32.30% | 32.30% |
| A | 29.80% | Data | 30.43% | 30.34% | 32.81% | 32.55% | 34.18% |
| B | 2011 | Target <= | 10.60% | 10.50% | 10.40% | 10.30% | 10.30% |
| B | 10.60% | Data | 7.16% | 7.55% | 7.48% | 8.53% | 8.39% |

Targets

| FFY | 2019 |
|-------------|--------|
| Target A >= | 32.80% |
| Target B <= | 10.20% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

Prepopulated Data

| Source | Date | Description | Data |
|--|------------|--|-------|
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | Total number of children with IEPs aged 3 through 5 | 5,142 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program | 2,036 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | b1. Number of children attending separate special education class | 497 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | b2. Number of children attending separate school | 3 |
| SY 2019-20 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613) | 07/08/2020 | b3. Number of children attending residential facility | 1 |

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

FFY 2019 SPP/APR Data

| Preschool Environments | Number of children with IEPs aged 3 through 5 served | Total number of children with IEPs aged 3 through 5 | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|--|---|---------------|-----------------|---------------|------------|-------------|
| A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program | 2,036 | 5,142 | 34.18% | 32.80% | 39.60% | Met Target | No Slippage |
| B. Separate special education class, separate school or residential facility | 501 | 5,142 | 8.39% | 10.20% | 9.74% | Met Target | No Slippage |

Use a different calculation methodology (yes/no)

NO

Provide additional information about this indicator (optional)

These data are lagged, therefore, a COVID-19 impact statement is not needed at this time.

6 - Prior FFY Required Actions

None

6 - OSEP Response

6 - Required Actions

Indicator 7: Preschool Outcomes

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Data Source

State selected data source.

Measurement

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes:

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1: Percent = [(# of preschool children reported in progress category (c) plus # of preschool children reported in category (d)) divided by (# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d))] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = [(# of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e)) divided by (the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e))] times 100.

Instructions

Sampling of **children for assessment** is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See [General Instructions](#) on page 2 for additional instructions on sampling.)

In the measurement include, in the numerator and denominator, only children who received special education and related services for at least six months during the age span of three through five years.

Describe the results of the calculations and compare the results to the targets. States will use the progress categories for each of the three Outcomes to calculate and report the two Summary Statements. States have provided targets for the two Summary Statements for the three Outcomes (six numbers for targets for each FFY).

Report progress data and calculate Summary Statements to compare against the six targets. Provide the actual numbers and percentages for the five reporting categories for each of the three outcomes.

In presenting results, provide the criteria for defining "comparable to same-aged peers." If a State is using the Early Childhood Outcomes Center (ECO) Child Outcomes Summary (COS), then the criteria for defining "comparable to same-aged peers" has been defined as a child who has been assigned a score of 6 or 7 on the COS.

In addition, list the instruments and procedures used to gather data for this indicator, including if the State is using the ECO COS.

7 - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

| Part | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|----------|-----------|--------|--------|--------|--------|--------|
| A1 | 2012 | Target >= | 78.00% | 78.00% | 78.00% | 78.50% | 79.00% |
| A1 | 78.50% | Data | 81.67% | 82.76% | 77.95% | 81.44% | 82.50% |
| A2 | 2012 | Target >= | 67.00% | 67.00% | 67.00% | 67.50% | 68.00% |

| | | | | | | | |
|----|--------|-----------|--------|--------|--------|--------|--------|
| A2 | 67.70% | Data | 67.37% | 67.46% | 61.70% | 64.34% | 63.32% |
| B1 | 2012 | Target >= | 78.00% | 78.00% | 78.00% | 78.50% | 79.00% |
| B1 | 78.20% | Data | 81.57% | 82.90% | 78.31% | 82.05% | 82.98% |
| B2 | 2012 | Target >= | 63.00% | 63.00% | 63.00% | 63.50% | 64.00% |
| B2 | 63.70% | Data | 63.44% | 63.06% | 59.34% | 62.79% | 61.51% |
| C1 | 2012 | Target >= | 79.00% | 79.00% | 79.00% | 79.50% | 80.00% |
| C1 | 79.40% | Data | 83.52% | 85.76% | 80.75% | 84.48% | 85.57% |
| C2 | 2012 | Target >= | 78.00% | 78.00% | 78.00% | 78.50% | 79.00% |
| C2 | 78.30% | Data | 77.87% | 76.50% | 72.88% | 74.41% | 73.72% |

Targets

| FFY | 2019 |
|--------------|--------|
| Target A1 >= | 79.50% |
| Target A2 >= | 68.00% |
| Target B1 >= | 79.50% |
| Target B2 >= | 64.00% |
| Target C1 >= | 80.50% |
| Target C2 >= | 80.00% |

Targets: Description of Stakeholder Input

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FFY 2019 SPP/APR Data

Number of preschool children aged 3 through 5 with IEPs assessed

2,076

Outcome A: Positive social-emotional skills (including social relationships)

| Outcome A Progress Category | Number of children | Percentage of Children |
|---|--------------------|------------------------|
| a. Preschool children who did not improve functioning | 29 | 1.40% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 218 | 10.50% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 494 | 23.80% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 849 | 40.90% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 486 | 23.41% |

| Outcome A | Numerator | Denominator | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|-----------|-------------|---------------|-----------------|---------------|---------------------|-------------|
| A1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i> | 1,343 | 1,590 | 82.50% | 79.50% | 84.47% | Met Target | No Slippage |
| A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. <i>Calculation: (d+e)/(a+b+c+d+e)</i> | 1,335 | 2,076 | 63.32% | 68.00% | 64.31% | Did Not Meet Target | No Slippage |

Outcome B: Acquisition and use of knowledge and skills (including early language/communication)

| Outcome B Progress Category | Number of Children | Percentage of Children |
|---|--------------------|------------------------|
| a. Preschool children who did not improve functioning | 25 | 1.20% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 251 | 12.09% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 494 | 23.80% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 903 | 43.50% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 403 | 19.41% |

| Outcome B | Numerator | Denominator | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|-----------|-------------|---------------|-----------------|---------------|---------------------|-------------|
| B1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. <i>Calculation: (c+d)/(a+b+c+d)</i> | 1,397 | 1,673 | 82.98% | 79.50% | 83.50% | Met Target | No Slippage |
| B2. The percent of preschool children who were functioning within age | 1,306 | 2,076 | 61.51% | 64.00% | 62.91% | Did Not Meet Target | No Slippage |

| Outcome B | Numerator | Denominator | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|-----------|-------------|---------------|-----------------|---------------|--------|----------|
| expectations in Outcome B by the time they turned 6 years of age or exited the program. Calculation: $(d+e)/(a+b+c+d+e)$ | | | | | | | |

Outcome C: Use of appropriate behaviors to meet their needs

| Outcome C Progress Category | Number of Children | Percentage of Children |
|---|--------------------|------------------------|
| a. Preschool children who did not improve functioning | 24 | 1.16% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 172 | 8.29% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 325 | 15.66% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 908 | 43.74% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 647 | 31.17% |

| Outcome C | Numerator | Denominator | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|-----------|-------------|---------------|-----------------|---------------|---------------------|-------------|
| C1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. Calculation: $(c+d)/(a+b+c+d)$ | 1,233 | 1,429 | 85.57% | 80.50% | 86.28% | Met Target | No Slippage |
| C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. Calculation: $(d+e)/(a+b+c+d+e)$ | 1,555 | 2,076 | 73.72% | 80.00% | 74.90% | Did Not Meet Target | No Slippage |

Does the State include in the numerator and denominator only children who received special education and related services for at least six months during the age span of three through five years? (yes/no)

YES

| Sampling Question | Yes / No |
|--------------------|----------|
| Was sampling used? | NO |

Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COS) process? (yes/no)

YES

List the instruments and procedures used to gather data for this indicator.

WV's Child Outcomes Summary (COS) process is a part of the WV Early Learning Reporting System (ELRS). The Early Learning Reporting System or the ELRS is the online platform where all Universal Pre-K program and child assessment data is maintained, including preschool special education and the COS process. The program data includes school and classroom data, annual WV Universal Pre-k Health and Safety Checklist results, county collaborative early childhood core team information, and the Child Outcome Summary data. Child assessment data include child assessment checkpoints and child outcome summary forms for special education reporting requirements. Through data input, the ELRS, Pre-k provides output reports for individual child support and instruction, classroom, school and program continuous quality improvement planning. The system includes a process for students eligible for preschool special education that identifies that student with an Individual Education Program (IEP) and generates the online COS rating form. The primary assessments used in WV are broad based and look at the whole child for functioning a being successful in the home, school and community and to function at the level of their typically-developing, same-age peers.

The focus is on functioning and the interrelation among areas of development and not specific to developmental domain areas. The assessments used for the Child Outcomes Summary process include the following for all county school districts:

Creative Curriculum for Preschool;
High Scope Curriculum and Child Observation Record;

Early Learning Scale (ELS);
Played Based Authentic Assessment;
Work Sampling System (WSS); and
Parent Information and Reports

All local education agencies and our Universal Pre-K collaborative partners are required to use one of the state approved curriculum based assessments. The approved curriculum based primary assessments are Creative Curriculum and High Scope. The anchor assessment is the Early Learning Scale for the Early Learning Reporting System and is used for all students, including preschool special needs. The other assessments include play based authentic assessments, the Work Sampling System and parent input and or report information. The Early Learning Scale and the Child Outcome Summary data are entered during the check point periods that occur three times per each school year. The Early Learning Scale and other assessments are completed as part of the on-going formative assessment process and entered into the Early Learning Reporting System three times per year during checkpoint periods. The Child Outcome Summary form is also completed as part of the process to assist with on-going teacher driven instruction for all students. The Child Outcomes Summary form is completed after it is determined that the child qualifies for special education. The team members for Eligibility and/or the IEP team can review all the information that was presented to determine the initial ratings. It is also recommended that a team representative review this information with the preschool receiving teacher if they were not at the meeting to enter the summary form information into the Early Learning System. The ratings should be completed by a team of individuals who have experience and/or knowledge of the students' functioning across a variety of settings and situations. Information available to the team can include but need not be limited to: age reference assessments (standardized, norm-referenced); observations; and, portfolios, service provider notes interviews and/or information from other partner such as WV Birth to Three (WVBTT) and or related service personnel. To complete the ratings the team should use multiple sources of information which are typically collected as part of the IEP planning for a student. The purpose is to gather the information to get an overall picture of how the child functions across a variety settings in his or her life. The initial rating is required before the student is exited from the program. The exit data for the COS process is determined as that child exits early childhood preschool special education and/or transitions into kindergarten, if the child moves out of the state and/or enrolls in a private school.

Provide additional information about this indicator (optional)

Data are correct and do not require change. The clarification is for the narrative. The sentence, "these data are lagged, therefore, a COVID-19 impact statement is not needed at this time," was inadvertently included and needed to be removed. Although minimal, there is the possibility that COVID-19 impacted these data. Specifically, many students entering and exiting preschool programs during the Spring of 2020 had to be evaluated/assessed virtually. The virtual format, while adequate, has limitations for observing younger students. Therefore, we maintain that the data are complete, valid and reliable while recognizing the limitations of our mitigating solution which was to collect a body of evidence for evaluation, assessment and progress through a virtual setting from the time of mandated school closures in mid-March to the end of the reporting period in June 2020.

7 - Prior FFY Required Actions

None

7 - OSEP Response

OSEP cannot determine whether the data are valid and reliable for this indicator because the State reported in its narrative regarding additional information, "[t]hese data are lagged, therefore, a COVID-19 impact statement is not needed at this time." However, the data for this indicator are from the July 1, 2019 through June 30, 2020 reporting period. Therefore, OSEP cannot determine whether the State met its target.

As noted in the FFY 2019 SPP/APR instructions, if data collection was impacted specifically by COVID-19, the State must include in the narrative for that indicator: (1) the impact on data completeness, validity and reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State's ability to collect the data for the indicator; and (3) any steps the State took to mitigate the impact of COVID-19 on the data collection. OSEP notes that the State did not include any information about the impact of COVID-19 in any of its indicators.

7 - Required Actions

Indicator 8: Parent involvement

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Data Source

State selected data source.

Measurement

Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

Instructions

Sampling of parents from whom response is requested is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates. (See [General Instructions](#) on page 2 for additional instructions on sampling.)

Describe the results of the calculations and compare the results to the target.

Provide the actual numbers used in the calculation.

If the State is using a separate data collection methodology for preschool children, the State must provide separate baseline data, targets, and actual target data or discuss the procedures used to combine data from school age and preschool data collection methodologies in a manner that is valid and reliable.

While a survey is not required for this indicator, a State using a survey must submit a copy of any new or revised survey with its SPP/APR.

Report the number of parents to whom the surveys were distributed.

Include the State's analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services. States should consider categories such as race and ethnicity, age of the student, disability category, and geographic location in the State.

If the analysis shows that the demographics of the parents responding are not representative of the demographics of children receiving special education services in the State, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State distributed the survey to parents (e.g., by mail, by e-mail, on-line, by telephone, in-person through school personnel), and how responses were collected.

States are encouraged to work in collaboration with their OSEP-funded parent centers in collecting data.

8 - Indicator Data

| Question | Yes / No |
|---|----------|
| Do you use a separate data collection methodology for preschool children? | NO |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System

<http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More

information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>
 January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2005 | 28.00% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------|--------|--------|--------|--------|--------|
| Target >= | 33.00% | 35.00% | 36.00% | 38.00% | 38.00% |
| Data | 39.68% | 34.37% | 36.67% | 38.04% | 37.63% |

Targets

| FFY | 2019 |
|-----------|--------|
| Target >= | 38.50% |

FFY 2019 SPP/APR Data

| Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities | Total number of respondent parents of children with disabilities | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|--|---------------|-----------------|---------------|------------|-------------|
| 1,589 | 3,577 | 37.63% | 38.50% | 44.42% | Met Target | No Slippage |

The number of parents to whom the surveys were distributed.

13,841

Percentage of respondent parents

25.84%

Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.

Please see the 508 compliant survey report at <https://wvde.us/wp-content/uploads/2021/01/WVDE-IDEA-Indicator-B-8-Parent-Survey-Final-Report-2019-2020.pdf> which includes procedures, methodology and validity.

| Sampling Question | Yes / No |
|---|----------|
| Was sampling used? | YES |
| If yes, has your previously-approved sampling plan changed? | NO |

Describe the sampling methodology outlining how the design will yield valid and reliable estimates.

Please see the 508 compliant survey report at <https://wvde.us/wp-content/uploads/2021/01/WVDE-IDEA-Indicator-B-8-Parent-Survey-Final-Report-2019-2020.pdf> which includes procedures, methodology and validity.

| Survey Question | Yes / No |
|---|----------|
| Was a survey used? | YES |
| If yes, is it a new or revised survey? | NO |
| The demographics of the parents responding are representative of the demographics of children receiving special education services. | NO |

If no, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics.

The WVDE measures Indicator B-8 ("the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities") by surveying approximately one-third of the total population of our parents of students with disabilities every three years. Three cohorts of school districts exist for surveying purposes. Thus, over a three-year period all of WV's 57 school districts are surveyed.

During the 2019-2020 school year, WVDE's vendor mailed approximately 13,800 surveys to parents of students with disabilities residing in 20 school districts. The school districts comprising each three-year cohort were chosen based on the number of students with disabilities in counties.

In the 2019-2020 administration of the survey, parents of children with a "Specific Learning Disability" were significantly underrepresented (-4.2%) in the sampled districts. Similarly, in 2017 (or the last time the same districts were surveyed), there was an underrepresentation (-4.2%) of parents of children

with a "Specific Learning Disability." Though our survey results may indicate an underrepresentation of parents of students with a Specific Learning Disability, the surveys were distributed to all parents of students with disabilities within this cohort covering all demographics represented in our December 1 Child Count, conducted for the 2019-2020 school year.

To address the underrepresentation of specific disability groups, we will work with our vendor to implement tools to track responses by disability groups in each school district. With that data, we will be able to support the districts in finding ways to bolster responses.

Despite the underrepresentation of the group of parents, our statewide response rate for this cohort increased from 21% during their last survey administration to 26% during this administration. This is an indication that our efforts to increase our response rate have been effective. Those strategies include:

Using tools to facilitate participation and track responses:

Surveyed county school district special education directors regarding their need for Indicator B-8 technical assistance and responded to their input
Additional support from vendor to track responses and send additional reminders directly to parents via mail and email
A 16-week timeline for mail-in or online surveys to be completed

Technical support to county school districts that includes:

Increased pre-notifications to parents with reminders of what to look for in the mail and the time when surveys would arrive
Facilitating survey discussions during various parent meetings
Assistance from the WV Parent Training and Information, Inc.
Webinars for county and school family engagement personnel pertaining to this survey

An in-house online folder that provides resources, such as:

Samples of the surveys
Parent meeting agendas that highlight Indicator B-8 survey reminders and importance
Parent handouts and educator handouts that explain the survey's importance and how the survey results are used
A WV Indicator-8 resource guide for special education directors

As a result of our technical support and county personnel efforts, our overall state average rose from 36.3% (2017) to 44.4% (2020) of our families reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. When those same school districts were surveyed in 2017, 35% (7/20) of those districts met the required percentage. During this cycle of the survey administration, 80% (16/20) of those same counties met or exceeded the required percentage. Additionally, 90% of those school districts increased their response rate from 2017.

We are excited about the gains we are making in parent involvement. We look forward to mitigating underrepresentation in our next survey administration.

Include the State's analyses of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

Please see the 508 compliant survey report at <https://wvde.us/wp-content/uploads/2021/01/WVDE-IDEA-Indicator-B-8-Parent-Survey-Final-Report-2019-2020.pdf> which includes reports on representativeness.

Provide additional information about this indicator (optional)

The Coronavirus pandemic has had wide-ranging impacts on the lives and well-being of individuals and households. Researchers have found that survey operations themselves have also been affected by the pandemic (Rothbaum & Bee, 2020). While the WVDE has not conducted a scientific study as to how the pandemic impacted the response rates of this year's reported survey, the data show a notable increase in the statewide responses at or above the standard.

Statewide Response Rates

The response rates have fluctuated between 17% and 26% since 2013. From 2013 to 2019 the difference between each cohort's administration response rates varied between 3% to 4% points. However, the difference between 2016-2017 to 2019-2020 was slightly higher (5%). Significantly, 90% of those school districts increased their response rate from their 2016- 2017 to their 2019-2020 administration.

Statewide Responses At or Above the Standard

When this year's school districts were surveyed in 2017, 35% (7/20) of those districts met the target percentage rate at or above the standard. During this cycle of the survey administration, 80% (16/20) of those same counties met or exceeded the target. The increase of the response rate at or above the standard is 7.7 percentage points higher than the last administration and the highest since 2014-2015.

It is unclear if and how the pandemic may have impacted the WVDE survey response rates, differences between respondents and non-respondents, or the responses at or above the standard. We surmise that the new normal of working from home or being unemployed between April 2020 and August 2020 may have contributed to parents' willingness to participate in the survey. In general, researchers found that survey participation rose while fraudulent responses decreased during the pandemic (Russonello & Lyall, 2020).

According to a New York Times article, "Response rates have even risen among people in typically tough-to-reach demographics, such as young people and those without college degrees.... Pollsters have reported an increase in participation among cellphone users — particularly in the daytime, when in the past many respondents would most likely have been at work and unwilling to answer a call from an unknown number" (Russonello & Lyall, 2020). The article goes on to suggest that the increase may not only be because respondents were home and had time to respond but may also be due to the need for interaction.

As well, we believe that our Indicator B-8 technical assistance to our county school districts which have increased in quality and intensity also contributed to improved response rate outcomes.

Sources:

Rothbaum, J., & Bee, A. (2020, September 15). Coronavirus Infects Surveys, Too: Nonresponse Bias. U. S. Census Bureau, Social, Economic, and Housing Statistics Division. Washington D.C.: Census.gov Library.

Russonello, G., & Lyall, S. (2020, September 18). Surprising Poll Results: People Are Now Happy to Pick Up the Phone. Retrieved from The New York Times: <https://www.nytimes.com/2020/04/17/us/politics/polling-coronavirus.html>

8 - Prior FFY Required Actions

In the FFY 2019 SPP/APR, the State must report whether its FFY 2019 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

Response to actions required in FFY 2018 SPP/APR

Prior FFY required actions listed above are in the FFY19 submission based on the FFY19 data, which is included in the narrative addressing representativeness of survey responses. No FFY18 required actions are identified to be addressed.

8 - OSEP Response

8 - Required Actions

Indicator 9: Disproportionate Representation

Instructions and Measurement

Monitoring Priority: Disproportionality

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2018, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

Instructions

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken. If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

9 - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2017 | 0.00% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|-------|-------|-------|-------|-------|
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |

Targets

| FFY | 2019 |
|--------|------|
| Target | 0% |

FFY 2019 SPP/APR Data

Has the state established a minimum n and/or cell size requirement? (yes/no)

YES

If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.

0

| Number of districts with disproportionate representation of racial and ethnic groups in special education and related services | Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification | Number of Districts that met the State's minimum n-size | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|---|---|---------------|-----------------|---------------|------------|-------------|
| 0 | 0 | 55 | 0.00% | 0% | 0.00% | Met Target | No Slippage |

Were all races and ethnicities included in the review?

YES

Define "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

The state's current definition of disproportionate representation is two part: 1) a weighted risk ratio (WRR) of 2.0 or higher with a minimum n/cell size of 20 for overrepresentation and 2) a subsequent finding of statistical significance through the application of Z-Tests of Two Proportions and/or Chi-Square Tests. In 2010, the WVDE added a test of statistical significance to the procedures for determining disproportionate representation after consulting with the OSEP state contact for West Virginia. Therefore, beginning with the analyses of the December 1, 2009 child count data (for the February 1, 2011 APR submission), the WVDE applied the Z-Tests of Two Proportions and/or Chi-Square Tests to the data for any district identified in the initial analysis. Minimum n Size: The minimum n size of 20 for Indicators 9 & 10 is based on the number of children with IEPs in a district (9) and the number of children with IEPs based on race/ethnicity. No districts were excluded from calculating disproportionate representation for not meeting the minimum n-size. Although the state has 57 districts, two districts, WV Schools for the Deaf and Blind and the Office of Diversion and Transition Programs (institutional education) are excluded as they, unlike the other 55 county based districts, do not identify students for special education services. Therefore, 55 districts were included in the calculations for disproportionate representation.

Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.

Provide additional information about this indicator (optional)

These data were not impacted by the COVID-19 pandemic.

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 0 | 0 | 0 | 0 |

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| | | | |
| | | | |
| | | | |

9 - Prior FFY Required Actions

None

9 - OSEP Response

9 - Required Actions

Indicator 10: Disproportionate Representation in Specific Disability Categories

Instructions and Measurement

Monitoring Priority: Disproportionality

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for FFY 2019, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2019 reporting period (i.e., after June 30, 2020).

Instructions

Provide racial/ethnic disproportionality data for all children aged 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts that met that State-established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

10 - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2017 | 0.00% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|-------|-------|-------|-------|-------|
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |

Targets

| FFY | 2019 |
|--------|------|
| Target | 0% |

FFY 2019 SPP/APR Data

Has the state established a minimum n and/or cell size requirement? (yes/no)

YES

If yes, the State may only include, in both the numerator and the denominator, districts that met the State-established n and/or cell size. Report the number of districts excluded from the calculation as a result of the requirement.

0

| Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories | Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification | Number of Districts that met the State's minimum n-size | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|---|---|---------------|-----------------|---------------|------------|-------------|
| 3 | 0 | 55 | 0.00% | 0% | 0.00% | Met Target | No Slippage |

Were all races and ethnicities included in the review?

YES

Define "disproportionate representation." Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Minimum Cell Requirement: All districts were included in the data analyses for each disability category with the exception of WV School for the Deaf and Blind (low incident sensory impairments) and Institutional Education programs across the state; Office of Diversion and Transition Programs. All fifty-five districts met the minimum cell requirement of 20 for at least one disability category (see table below). Data include seven race/ethnicities categories. To meet the minimum cell requirement for disproportionate representation, a district must have at least 20 students with disabilities in a given disability category and in the given racial/ethnicity category. Although the state has 57 districts, two districts, WV Schools for the Deaf and Blind and the Office of Diversion and Transition Programs (institutional education) are excluded as they, unlike the other 55 county based districts, do not identify students for special education services. Therefore, 55 districts were included in the calculations for disproportionate representation.

The state's current definition of disproportionate representation is two part: 1) a weighted risk ratio (WRR) of 2.0 or higher with a minimum cell size of 20 for disproportionate representation and 2) a subsequent finding of statistical significance through the application of Z-Tests of Two Proportions and/or Chi-Square Tests. In 2010, the WVDE added a test of statistical significance to the procedures for determining disproportionate representation after consulting with the OSEP state contact for West Virginia. Therefore, beginning with the analyses of the December 1, 2009 child count data (for the February 1, 2011 APR submission), the WVDE applied the Z-Tests of Two Proportions and/or Chi-Square Tests to the data for any district identified in the initial analysis.

Describe how the State made its annual determination as to whether the disproportionate overrepresentation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

The OSE assigned a random sampling of individual student files in the disproportionate specific disability categories for a self-review to verify that the district is correctly implementing the specific regulatory requirements using the Disproportionality File Review Checklist for Overrepresentation (Indicators SPP 9 and SPP 10) which can be found at https://wvde.us/wp-content/uploads/2021/01/Indicators-910_District_File_Review_Checklists-Updated.pdf. The OSE verified all three districts followed correct procedures and employed appropriate identification methods upon review of the completed checklists provided by the districts.

Provide additional information about this indicator (optional)

These data were not impacted by the COVID-19 pandemic.

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 0 | 0 | 0 | 0 |

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| | | | |
| | | | |
| | | | |

10 - Prior FFY Required Actions

None

10 - OSEP Response

10 - Required Actions

Indicator 11: Child Find

Instructions and Measurement

Monitoring Priority: Effective General Supervision Part B / Child Find

Compliance indicator: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Data Source

Data to be taken from State monitoring or State data system and must be based on actual, not an average, number of days. Indicate if the State has established a timeline and, if so, what is the State's timeline for initial evaluations.

Measurement

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).
Account for children included in (a), but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

Instructions

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Note that under 34 CFR §300.301(d), the timeframe set for initial evaluation does not apply to a public agency if: (1) the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) a child enrolls in a school of another public agency after the timeframe for initial evaluations has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability. States should not report these exceptions in either the numerator (b) or denominator (a). If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in b.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

11 - Indicator Data

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2005 | 82.50% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|--------|--------|--------|--------|--------|
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 96.33% | 97.24% | 98.57% | 97.46% | 96.70% |

Targets

| FFY | 2019 |
|--------|------|
| Target | 100% |

FFY 2019 SPP/APR Data

| (a) Number of children for whom parental consent to evaluate was received | (b) Number of children whose evaluations were completed within 60 days (or State-established timeline) | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|--|---------------|-----------------|---------------|---------------------|-------------|
| 10,014 | 9,876 | 96.70% | 100% | 98.62% | Did Not Meet Target | No Slippage |

Number of children included in (a) but not included in (b)

138

Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Range of Days Timelines were Exceeded 1 – 251

A total of 138 individual findings of noncompliance across 21 districts were found, when the initial evaluation was not completed within the 80-day timeline, and an unacceptable Reason Code was used. . Beginning with the 2014-2015 school year, WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities, was revised to include Reason Late Code 01 (Extenuating circumstances resulting in school closure; state of emergency determined by the governor of West Virginia, weather conditions determined by the county superintendent, and summer break) as an acceptable late code. For acceptable reason code 01, the timeline will be extended directly proportional to the duration of the state of emergency, weather, or summer break.

**Reason Late Code 01 was verified using the District and State closure reports provided to the Part B data manager by West Virginia Department of Education. If the Reason Late Code 01 was not utilized appropriately, the district special education director was notified, and corrections were required in the WV Education Information System (WVEIS) where all initial evaluations are recorded. Beginning with the 2017-2018 school year, WVBE Policy 2419 was revised to include Reason Late Code 07 in alignment with OSEP guideline's [34CFR§300.301(d)]; when the student changes district of enrollment during evaluation process. The exception only applies if the subsequent district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent district agree to a specific time when the evaluation will be completed [34CFR§300.301(e)]. Written documentation of the agreed upon timeline between parent and district is to be developed.

Reasons for Exceeding Timelines**Indicator 11 Measurement Totals******Acceptable reasons**

1. **Extenuating circumstances-disaster or inclement weather resulting in school closure 1,397
2. Excessive student absences 2
3. Student medical condition delayed evaluation 1
4. ** Parent failure to produce the student for evaluation during vacation or otherwise interrupting evaluation process 107
5. Eligibility committee meeting exceeded timelines due to documented parent request for rescheduling 10
6. Eligibility committee reconvened at parent request to consider additional evaluations 5
7. **Student transferred into district during the evaluation process 10
8. **Student transferred out of district 128
9. WV BTT failed to provide notification 90 days or more before third birthday 0
10. WV BTT 90 day face-to-face meeting exceeded timeline or did not occur 0
11. 90 day face-to-face meeting exceeded timeline due to documented parent request to reschedule 0
12. IEP meeting exceeded timeline due to documented parent request to reschedule 0
13. District Error 120

Other (provide justification) No longer an acceptable reason

No reason specified 0

TOTAL Late 1,780

TOTAL Acceptable Reasons Late 1,642

TOTAL Unacceptable Reasons Late 138

Indicate the evaluation timeline used:

The State established a timeline within which the evaluation must be conducted

What is the State's timeline for initial evaluations? If the State-established timeframe provides for exceptions through State regulation or policy, describe cases falling within those exceptions and include in (b).

Per WVBE Policy 2419, West Virginia uses an 80 calendar day timeline by which the initial evaluation must be completed.

What is the source of the data provided for this indicator?

State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The West Virginia Education Information System (WVEIS) special education record provides a database for entering individual referral and evaluation information, including dates for tracking timelines for referral, consent, eligibility and individualized education program (IEP) development. Data entry is mandatory and is typically completed by the LEA special education office. A new application within WVEIS, INI.EVAL, gives districts direct access to their initial evaluation data at any given time. This access to the initial evaluation data assists districts in monitoring their data entry and making corrections as needed. In addition, starting with the 2016-2017 school year, districts are required to review, edit, and submit the most current data in an effort to decrease errors and enable the Office of Special Education (OSE) to report accurate data to OSEP. The mandatory process includes three review points within the school year, Dec. 15th, March 15th, and finally June 15th. Districts can enter custom dates, review for entry errors or incompletions, and then click a link indicating that the data is as up to date and correct as possible at each review point. These periodic data reviews serve to promote accurate data entry throughout the year and is used to verify subsequent correction of noncompliance identified based on the prior year's final data collection. Between district reviews, the OSE further verifies that data entries are accurate by also creating custom reports and reviewing each districts data at least three times during the year and/or pulling the statewide data into a spreadsheet for error review. The OSE Part B Data Manager notifies each district special education director of any additional missing and/or data errors that need to be corrected. A final pull of the 2019-2020 school year data was used for determination of compliance and reporting Indicator 11. The pull includes all children receiving parental consent and the results of each evaluation, as well as evaluations not completed within the 80 calendar day timeline and the reason late codes.

Provide additional information about this indicator (optional)

Page 18 of the WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities includes specific scenarios when the initial evaluation timeline will not apply to a district, including the following: "Districts are closed due to circumstances resulting in a state of emergency determined by the Governor of West Virginia. The timeline will be extended directly proportional to the duration of the state of emergency." Summer break also does not apply. Both of these scenarios are included in late reason code 01. WVBE Policy 2419 is available at <https://wvde.us/special-education/policies-and-compliance/policy-2419/>.

The governor announced an emergency school closure based on COVID-19 on March 13, 2020 which extended through the remainder of the school

year. Schools were reopened statewide after summer break by the governor on September 8, 2020. Per WVBE Policy 2419 regulations, a total of 1,272 evaluations were extended resulting from the COVID-19 emergency closure that fall under last reason code 01. All of these evaluations have been verified as completed.

The OSE provided guidelines for evaluating students in person including personal protective equipment, social distancing and other mitigating measures. In some districts the local health departments had to approve any plans for in-person ESY and evaluations. Some districts were not authorized to conduct in-person evaluations based on health department restrictions. OSE provided training on telehealth requirements and restrictions. WV School Psychology Association and the WV Board of Examiners of Psychologists produced a joint statement regarding standardized evaluations through virtual options. This joint statement reflected language from National Association of School Psychologists position statement on virtual assessments. At that time there was no clear evidence or research available on validity and reliability of these standardized assessments being conducted through virtual means. Both school psychologists and speech pathologists are exploring ways to provide these assessments for future use if deemed reliable and valid.

The equitable access to reliable Internet connectivity remains a barrier across our state. This is now a statewide initiative to alleviate this long-standing systemic issue.

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 24 | 24 | 0 | 0 |

FFY 2018 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

Districts identified as non-compliant on the Annual Desk Audit (ADA) are required to do a self-review of initial evaluation files to determine systemic reasons for unacceptable timeline extensions. As a result of this review, the district must submit an improvement plan that is reviewed by the OSE. The OSE provides feedback to the district and the district revises the plans as needed. Quarterly monitoring of the statewide initial evaluation application on WVEIS provides subsequent data pulls of initial evaluations for districts identified as noncompliant. Technical assistance and feedback are provided both verbally and in writing to each district after each quarterly pull. Districts verified as compliant with all initial timelines within the 3-month timeframe, as monitored, are provided notification of this correction of noncompliance. Subsequent data pulls, and technical assistance is provided until all districts are verified as corrected of their noncompliance. Closure letters are sent to the district upon correction of noncompliance. The following District Annual Determination gives credit for the timely correction of noncompliance within the given timeframe (one year from notification of noncompliance). The regulatory requirements are reviewed as part of the Annual Desk Audit submission that drives the District Annual Determination.

Describe how the State verified that each individual case of noncompliance was corrected

The OSE uses a statewide data system (WVEIS) for districts (LEA) to report initial evaluation data from the date of parental consent. Within the system, LEAs are required to enter data, including the completion of every individual initial evaluation whether within the state's timeline or not. OSE requires LEAs to enter a reason late code for any evaluation not completed within the state's timeline. By monitoring the Initial Evaluation Timeline Application within WVEIS and providing feedback and technical assistance, completion of all individual initial evaluations is verified and documented as well as accurate reason late codes. For FFY18, every individual evaluation that did not meet the timeline was verified as completed prior to or by the end of the school year unless the student transferred out of the state of WV. When a student transferred to another LEA in WV, the evaluation was also completed, as evidenced in the statewide data system (WVEIS) that follows the student based on their student identification number.

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| FFY 2017 | 1 | 1 | 0 |
| FFY 2016 | 1 | 1 | 0 |
| | | | |

FFY 2017

Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

The one district that did not have three consecutive months of initial evaluations completed within state timeline are reported as non-compliant within the state determinations and an additional review of subsequent initial evaluations are required with three consecutive months of 100% compliance. It should be noted, that the district was required to complete each individual initial evaluation and enter a reason late code. When correcting for non-compliance, districts must have 3 consecutive months where an unacceptable reason late code was used. The district which had not corrected noncompliance developed an improvement plan. This included filling of school psychologist vacancies. OSE provided data desk monitoring via (WVEIS) throughout the year. Subsequent data pulls, and technical assistance were provided until the district was verified as correcting noncompliance.

Describe how the State verified that each individual case of noncompliance was corrected

The OSE uses a statewide data system (WVEIS) for districts (LEA) to report initial evaluation data from the date of parental consent. Within the system, LEAs are required to enter data, including the completion of every individual initial evaluation whether within the state's timeline or not. OSE requires LEAs to enter a reason late code for any evaluation not completed within the state's timeline. By monitoring the Initial Evaluation Timeline Application within WVEIS and providing feedback and technical assistance, completion of all individual initial evaluations is verified and documented as well as accurate reason late codes. For FFY17, every individual evaluation that did not meet the timeline was verified as completed prior to or by the end of the school year unless the student transferred out of the state of WV. When a student transferred to another LEA in WV, the evaluation was also completed, as evidenced in the statewide data system (WVEIS) that follows the student based on their student identification number.

FFY 2016

Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the *regulatory requirements*

The one district that did not have three consecutive months of initial evaluations completed within state timeline are reported as non-compliant within the state determinations and an additional review of subsequent initial evaluations are required with three consecutive months of 100% compliance. It should be noted, that the district was required to complete each individual initial evaluation and enter a reason late code. When correcting for non-compliance, districts must have 3 consecutive months where an unacceptable reason late code was used. The district which had not corrected noncompliance developed an improvement plan. This included filling of school psychologist vacancies. OSE provided data desk monitoring via (WVEIS) throughout the year. Subsequent data pulls, and technical assistance were provided until the district was verified as correcting noncompliance.

Describe how the State verified that each *individual case of noncompliance* was corrected

The OSE uses a statewide data system (WVEIS) for districts (LEA) to report initial evaluation data from the date of parental consent. Within the system, LEAs are required to enter data, including the completion of every individual initial evaluation whether within the state's timeline or not. OSE requires LEAs to enter a reason late code for any evaluation not completed within the state's timeline. By monitoring the Initial Evaluation Timeline Application within WVEIS and providing feedback and technical assistance, completion of all individual initial evaluations is verified and documented as well as accurate reason late codes. For FFY16, every individual evaluation that did not meet the timeline was verified as completed prior to or by the end of the school year unless the student transferred out of the state of WV. When a student transferred to another LEA in WV, the evaluation was also completed, as evidenced in the statewide data system (WVEIS) that follows the student based on their student identification number.

11 - Prior FFY Required Actions

None

11 - OSEP Response

11 - Required Actions

Indicator 12: Early Childhood Transition

Instructions and Measurement

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Data Source

Data to be taken from State monitoring or State data system.

Measurement

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.
- f. # of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option.

Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e - f)] times 100.

Instructions

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Category f is to be used only by States that have an approved policy for providing parents the option of continuing early intervention services beyond the child's third birthday under 34 CFR §303.211 or a similar State option.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

12 - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2005 | 90.40% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|---------|---------|---------|---------|---------|
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |

Targets

| FFY | 2019 |
|--------|------|
| Target | 100% |

FFY 2019 SPP/APR Data

| | |
|---|-------|
| a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination. | 1,051 |
| b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday. | 124 |

| | |
|---|-----|
| c. Number of those found eligible who have an IEP developed and implemented by their third birthdays. | 745 |
| d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied. | 114 |
| e. Number of children who were referred to Part C less than 90 days before their third birthdays. | 54 |
| f. Number of children whose parents chose to continue early intervention services beyond the child's third birthday through a State's policy under 34 CFR §303.211 or a similar State option. | |

| Measure | Numerator (c) | Denominator (a-b-d-e-f) | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|---------------|-------------------------|---------------|-----------------|---------------|---------------------|----------|
| Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. | 745 | 759 | 100.00% | 100% | 98.16% | Did Not Meet Target | Slippage |

Provide reasons for slippage, if applicable

In WV more than 9,000 fewer students have enrolled in WV public schools for the 2020-21 school year. The decrease in students is mostly attributed to the impact of the COVID-19 pandemic on the school system. This impact on the early childhood system has been significant too since of that 9,000 fewer student, almost 3,900 of that reduction is in the WV Pre-k system. Because of the COVID-19 pandemic, five counties were unable to complete the evaluation process within the third birthday timeline. Also, many of the families of preschoolers withdraw from school, as well as, the special education evaluation process. This is indicated with the increase in the number of parents not providing consent for services and delaying the special education process for transition until later in the year.

Number of children who served in part C and referred to Part B for eligibility determination that are not included in b, c, d, e, or f
14

Account for children included in (a), but not included in b, c, d, e, or f. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Range of days beyond third birthday was 5-162. Two districts involved delays for staff emergency absences and inadequate summer staff. Other delays were related to COVID emergency closures.

Attach PDF table (optional)

What is the source of the data provided for this indicator?

State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The lead agency for Part C, WV Birth to Three (WVBTT), is the Department of Health and Human Resources. As a result, the data system for each organization is distinct and separate. During 2015-2016, the effective data collection plan continued to be implemented by WVBTT, WVDE and local districts. WVDE continues to require districts to maintain referral dates, referral sources, eligibility status, exceptionality, eligibility dates and IEP dates for all students within the WVEIS electronic student record system. Districts are contacted individually to verify and complete missing information as needed. Data are extracted at least annually and examined to verify compliance with transition requirements. Additionally, Child Notification Forms, containing the allowable demographic information, were sent to each school district six months prior to the child turning three. Procedures require the LEA representative to contact the family to discuss potential services. The LEA representative then completed the individual child forms and returned them to the WVDE for data entry, verification and follow-up. WV BTT and WVDE collaborated in data comparison and tracking to ensure all students referred by WVBTT were followed, and districts were in compliance with timelines. Also, to assist in meeting the Part C regulations for transition timelines for timely reporting, the WVDE in conjunction with WV BTT developed an online e-mail portal that allows for the Child Notification form to be uploaded and sent directly to the state and local education agency by the Regional Administrative Unit (RAU) providers. The RAUs are responsible for sending the Child Notification for those children whose initial eligibility occurs 150 days or closer to the third birthday. The form indicates if the notification is less than 45 days prior to the child's third birthday. An additional new form was added for children transferring and families moving out of the district to better assist LEAs in keeping track of families and children that may potentially eligible for transition from Part C. This process and procedure is still being utilized as part of the data collection for transition.

The Revised Transition Procedures from C to B were implemented and are reviewed annually. The procedures are posted on the WV Birth to Three Website (http://www.wvdhhr.org/birth23/trans_proc/Transition_Procedures_C_B.pdf). The Question and Answer document was revised and distributed regarding the Child Find Notification process. The document was distributed to WV Birth Three and county special education directors to clarify responsibilities regarding this process. Districts were contacted to investigate the reasons why timelines are not being met and to ascertain whether systemic issues were causing delays in timelines and if technical assistance is needed. As part of WV Birth to Three Inter-agency Advisory Committee (ICC) the transition committee completed a transition guidance booklet for families. The guidance booklet is available for distribution to families and professionals (http://www.wvdhhr.org/birth23/wvbtt_trans_flip/#p=1).

Provide additional information about this indicator (optional)

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 0 | 0 | 0 | 0 |

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| | | | |
| | | | |
| | | | |

12 - Prior FFY Required Actions

None

12 - OSEP Response

12 - Required Actions

Indicator 13: Secondary Transition

Instructions and Measurement

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: Secondary transition: Percent of youth with IEPs aged 16 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 services 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.

(20 U.S.C. 1416(a)(3)(B))

Data Source

Data to be taken from State monitoring or State data system.

Measurement

Percent = [(# of youth with IEPs aged 16 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 services 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) divided by the (# of youth with an IEP age 16 and above)] times 100.

If a State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16, the State may, but is not required to, choose to include youth beginning at that younger age in its data for this indicator. If a State chooses to do this, it must state this clearly in its SPP/APR and ensure that its baseline data are based on youth beginning at that younger age.

Instructions

If data are from State monitoring, describe the method used to select LEAs for monitoring. If data are from a State database, include data for the entire reporting year.

Describe the results of the calculations and compare the results to the target. Describe the method used to collect these data and if data are from the State's monitoring, describe the procedures used to collect these data. Provide the actual numbers used in the calculation.

Targets must be 100%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP's response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2019 SPP/APR, the data for FFY 2018), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

13 - Indicator Data

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2009 | 95.00% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|--------|--------|--------|--------|--------|--------|
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 96.86% | 94.75% | 99.67% | 99.15% | 99.49% |

Targets

| FFY | 2019 |
|--------|------|
| Target | 100% |

FFY 2019 SPP/APR Data

| Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition | Number of youth with IEPs aged 16 and above | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|---|---------------|-----------------|---------------|---------------------|-------------|
| 609 | 610 | 99.49% | 100% | 99.84% | Did Not Meet Target | No Slippage |

What is the source of the data provided for this indicator?

State monitoring

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

OSE collected Indicator 13 data through a blended approach. File review data from the IEPs of transition age students were obtained during cyclical monitoring by Office of Federal Programs (OFP) staff for the LEAs that were monitored. Additionally, Indicator 13 data for the remaining LEAs were obtained through the Annual Desk Audit (ADA) self-assessment desk audit process, wherein OSE randomly selects a sample of transition age students IEPs for review by the LEA. The transition file review document used for both self-review and cyclical monitoring can be found at <https://wvde.us/wp-content/uploads/2019/09/Transition-File-Review-19.docx>.

| Question | Yes / No |
|--|----------|
| Do the State's policies and procedures provide that public agencies must meet these requirements at an age younger than 16? | YES |
| If yes, did the State choose to include youth at an age younger than 16 in its data for this indicator and ensure that its baseline data are based on youth beginning at that younger age? | YES |
| If yes, at what age are youth included in the data for this indicator | 14 |

Provide additional information about this indicator (optional)

WVBE Policy 2419 was revised effective August 14, 2017 to include students who turn 15 years-old by July 1, 2018. Additionally, students who are 14 years-old by July 1, 2019 were also required to have transition services and be included in the sample of transition students pulled for Indicator 13. Therefore, in the SPP/APR FFY19, 14 years-old students were included in the data. WVBE Policy 2419 can be found at the link: <https://wvde.us/special-education/policies-and-compliance/policy-2419/>. Upon investigation the school closures from COVID-19 did not impact this indicator.

Correction of Findings of Noncompliance Identified in FFY 2018

| Findings of Noncompliance Identified | Findings of Noncompliance Verified as Corrected Within One Year | Findings of Noncompliance Subsequently Corrected | Findings Not Yet Verified as Corrected |
|--------------------------------------|---|--|--|
| 3 | 3 | 0 | 0 |

FFY 2018 Findings of Noncompliance Verified as Corrected

Describe how the State verified that the source of noncompliance is correctly implementing the regulatory requirements

Districts with identified noncompliance submitted an improvement plan to correct the deficiency in their Annual Desk Audit (ADA) which was reviewed and approved by the OSE. Compliance with specific regulatory requirements was verified by requesting an updated sample of transition-age IEPs from districts previously identified with findings of noncompliance. These findings were identified either through cyclical on-site monitoring or through the annual desk audit (ADA) submission of indicator 13 from the self-assessment of a sample of transition-age students. IEP/transition documentation using updated individual student files for each district was reviewed and determined compliant by OSE staff to be (1) correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data; and (2) has corrected each individual case of noncompliance, unless the child was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

Describe how the State verified that each individual case of noncompliance was corrected

Districts with identified noncompliance submitted an improvement plan to correct the deficiency in their Annual Desk Audit (ADA) which was reviewed and approved by the OSE. Individual student files identified with noncompliance, during an on-site visit or on the ADA were reviewed by OSE to verify correction of noncompliance. During this process, OSE provided written communication to the special education director that the IEP was or was not corrected. OSE provided verbal and written communications to special education directors regarding the status of correction and further instructions as needed. For students reported by LEAs as no longer in the district, OSE verified that the students exited (moved, graduated, or dropped out) through WVEIS student enrollment records to ensure correction of the noncompliance was no longer required. The OSE verified all three findings of individual noncompliance were corrected consistent with OSEP Memo 09-02.

Correction of Findings of Noncompliance Identified Prior to FFY 2018

| Year Findings of Noncompliance Were Identified | Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2018 APR | Findings of Noncompliance Verified as Corrected | Findings Not Yet Verified as Corrected |
|--|--|---|--|
| | | | |
| | | | |
| | | | |

13 - Prior FFY Required Actions

None

13 - OSEP Response

13 - Required Actions

Indicator 14: Post-School Outcomes

Instructions and Measurement

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Results indicator: Post-school outcomes: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

Enrolled in higher education within one year of leaving high school.

Enrolled in higher education or competitively employed within one year of leaving high school.

Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Data Source

State selected data source.

Measurement

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

Instructions

Sampling of youth who had IEPs and are no longer in secondary school is allowed. When sampling is used, submit a description of the sampling methodology outlining how the design will yield valid and reliable estimates of the target population. (See [General Instructions](#) on page 2 for additional instructions on sampling.)

Collect data by September 2020 on students who left school during 2018-2019, timing the data collection so that at least one year has passed since the students left school. Include students who dropped out during 2018-2019 or who were expected to return but did not return for the current school year. This includes all youth who had an IEP in effect at the time they left school, including those who graduated with a regular diploma or some other credential, dropped out, or aged out.

I. Definitions

Enrolled in higher education as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two-year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

Competitive employment as used in measures B and C: States have two options to report data under “competitive employment” in the FFY 2019 SPP/APR, due February 2021:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Option 2: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

Enrolled in other postsecondary education or training as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two-year program).

Some other employment as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

II. Data Reporting

Provide the actual numbers for each of the following mutually exclusive categories. The actual number of “leavers” who are:

1. Enrolled in higher education within one year of leaving high school;
2. Competitively employed within one year of leaving high school (but not enrolled in higher education);
3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed);
4. In some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).

“Leavers” should only be counted in one of the above categories, and the categories are organized hierarchically. So, for example, “leavers” who are enrolled in full- or part-time higher education within one year of leaving high school should only be reported in category 1, even if they also happen to be employed. Likewise, “leavers” who are not enrolled in either part- or full-time higher education, but who are competitively employed, should only be reported under category 2, even if they happen to be enrolled in some other postsecondary education or training program.

III. Reporting on the Measures/Indicators

Targets must be established for measures A, B, and C.

Measure A: For purposes of reporting on the measures/indicators, please note that any youth enrolled in an institution of higher education (that meets any definition of this term in the Higher Education Act (HEA)) within one year of leaving high school must be reported under measure A. This could include youth who also happen to be competitively employed, or in some other training program; however, the key outcome we are interested in here is enrollment in higher education.

Measure B: All youth reported under measure A should also be reported under measure B, in addition to all youth that obtain competitive employment within one year of leaving high school.

Measure C: All youth reported under measures A and B should also be reported under measure C, in addition to youth that are enrolled in some other postsecondary education or training program, or in some other employment.

Include the State's analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. States should consider categories such as race and ethnicity, disability category, and geographic location in the State.

If the analysis shows that the response data are not representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, describe the strategies that the State will use to ensure that in the future the response data are representative of those demographics. In identifying such strategies, the State should consider factors such as how the State collected the data.

14 - Indicator Data

Historical Data

| Measure | Baseline | FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|---------|----------|--------------|--------|--------|--------|--------|--------|
| A | 2009 | Target >= | 16.00% | 17.00% | 18.00% | 19.00% | 20.00% |
| A | 19.49% | Data | 13.65% | 16.78% | 19.22% | 16.42% | 18.03% |
| B | 2009 | Target >= | 50.00% | 51.00% | 52.00% | 53.00% | 54.00% |
| B | 48.84% | Data | 44.25% | 51.44% | 58.88% | 58.62% | 45.69% |
| C | 2009 | Target >= | 65.00% | 66.00% | 67.00% | 68.00% | 69.00% |
| C | 63.57% | Data | 67.56% | 65.34% | 69.09% | 69.31% | 70.51% |

FFY 2019 Targets

| FFY | 2019 |
|-------------|--------|
| Target A >= | 21.00% |
| Target B >= | 55.00% |
| Target C >= | 70.00% |

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR

historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

FFY 2019 SPP/APR Data

| | |
|--|-------|
| Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school | 1,808 |
| 1. Number of respondent youth who enrolled in higher education within one year of leaving high school | 359 |
| 2. Number of respondent youth who competitively employed within one year of leaving high school | 454 |
| 3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed) | 95 |
| 4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed). | 329 |

| Measure | Number of respondent youth | Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|--|----------------------------|--|---------------|-----------------|---------------|---------------------|-------------|
| A. Enrolled in higher education (1) | 359 | 1,808 | 18.03% | 21.00% | 19.86% | Did Not Meet Target | No Slippage |
| B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2) | 813 | 1,808 | 45.69% | 55.00% | 44.97% | Did Not Meet Target | No Slippage |
| C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4) | 1,237 | 1,808 | 70.51% | 70.00% | 68.42% | Did Not Meet Target | Slippage |

| Part | Reasons for slippage, if applicable |
|------|--|
| C | Slippage in 14C is most likely attributable to the COVID-19 pandemic. The pandemic has increased unemployment rates, decreased higher education enrollment numbers, and forced many schools and training programs to temporarily close. Moreover, some families may be opting to keep their children out of school and/or work while the pandemic continues. |

Please select the reporting option your State is using:

Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

| Sampling Question | Yes / No |
|--------------------|----------|
| Was sampling used? | NO |

Describe the sampling methodology outlining how the design will yield valid and reliable estimates.

| Survey Question | Yes / No |
|--|----------|
| Was a survey used? | YES |
| If yes, is it a new or revised survey? | NO |

Include the State’s analyses of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

As part of the annual Indicator 14 data review, the WVDE Office of Special Education (OSE) performed analysis to measure representativeness of former students responding to the One-year Follow-up Survey (the measurement tool used for Indicator 14). To measure the magnitude of the representativeness OSE compares the percentage point difference between survey respondents and the students who exited in school year 2018-2019. Any data that exhibit 2.0 percentage points or greater difference indicates areas of over or under representativeness. The following results indicate, with very few exceptions, the survey responses are representative of all students who had IEPs when they exited school during 2018-2019.

The response rate, nearly 75%, proves large enough to be representative of the 2018-2019 cohort when examining the demographic characteristics of gender, race/ethnicity, exit reason, primary exceptionality codes, socio-economic status, and geographic location. The WVDE with the assistance of LEAs collected more one-year follow-up surveys than in any previous year (1,808 surveys of 2,416 exiting students).

Among males and females, those who responded to the survey were nearly identical to their peers who exited school during the 2018-2019 school year. Even though females were slightly overrepresented, and males were slightly underrepresented in the survey data, the difference was less than one percentage point. Likewise, when examining race/ethnicity data, survey respondents were representative of their peers. While racial and ethnic diversity is increasing, West Virginia remains relatively homogeneous. The state, and our student body are predominantly white, with black being the second most common race/ethnicity. White students were overrepresented by 1.3 percentage points, and black students were underrepresented by 1.4 percentage points.

The primary exceptionality codes were equitably represented by the survey responders. Two of the three most common exceptionality codes were highly representative (Specific Learning Disability and Mild Intellectual Disability). The third most common code, Other Health Impairment, was slightly overrepresented (by 0.74 percentage points). All other exceptionality codes were representative (with differences ranging from 0.01 to 0.59 percentage points).

Representativeness by exit type was examined for those exiting with a standard diploma, with a modified diploma, reaching the maximum age of 21, and for drop outs. Students who graduated with a standard diploma were overrepresented in the survey data (by 2.85 percentage points) while those who dropped out of school were underrepresented (by 3.11 percentage points). This result is expected as contacting students who dropped out of school is challenging.

Students who were not considered Low-SES are overrepresented in the survey data (by 3.06 percentage points). Conversely, students considered to be Low-SES were underrepresented in the survey data by the same 3.06 percentage points. These data suggest additional difficulty in locating and making contact with students who are Low-SES.

West Virginia has 57 school districts, 55 that are county based, one is the West Virginia Schools for the Deaf and Blind, and one represents students who are in diversion and transition programs. Of the 57 school districts, 56 participated in the One-year Follow-up Survey. Additionally, only one district (the states largest urban school district) exhibited underrepresentation (by 3.30 percentage points). All other districts were highly representative (with differences ranging from 0.01 to 0.97 percentage points)

The OSE will continue to work with districts to support the collection of representative survey data. Strategies include providing LEAs with additional guidance on notifying students who drop out (and their families) that a survey will be available to them one-year after they leave school, asking students (and their families) for their current contact information at the time of exiting, and creative ways to locate students (or their families) after they leave public school.

| Question | Yes / No |
|--|----------|
| Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school? | YES |

Provide additional information about this indicator (optional)

The Coronavirus pandemic has had wide-ranging impacts on the lives and well-being of individuals and households. It is possible that the pandemic may be attributed to the slippage experienced in 14C as well as the increased response rates in the One-year Follow-up Survey.

Researchers have found that survey operations themselves have also been affected by the pandemic (Rothbaum & Bee, 2020). While the WVDE has not conducted a scientific study as to how the pandemic impacted survey response rates, the data exhibit a greater response rate, 74.8%, than in any previous year. It is possible that the new normal of working from home or being unemployed between April 2020 and August 2020 may have contributed students' and or their families' willingness to participate in the survey. In general, researchers found that survey participation rose while fraudulent responses decreased during the pandemic (Russonello & Lyall, 2020).

According to a New York Times article, “Response rates have even risen among people in typically tough-to-reach demographics, such as young people and those without college degrees . . . pollsters have reported an increase in participation among cellphone users — particularly in the daytime, when in the past many respondents would most likely have been at work and unwilling to answer a call from an unknown number” (Russonello & Lyall, 2020).

The article goes on to suggest that the increase may not only be because respondents were home and had time to respond but may also be due to the need for interaction.

Further, we believe that our TA provided by the WVDE along with intensified efforts on the part of LEAs to gather survey responses also contributed to improved response rates.

Sources

Rothbaum, J., & Bee, A. (2020, September 15). Coronavirus Infects Surveys, Too: Nonresponse Bias. U. S. Census Bureau, Social, Economic, and Housing Statistics Division. Washington D.C.: Census.gov Library.

Russonello, G., & Lyall, S. (2020, September 18). Surprising Poll Results: People Are Now Happy to Pick Up the Phone. Retrieved from The New York Times: <https://www.nytimes.com/2020/04/17/us/politics/polling-coronavirus.html>

14 - Prior FFY Required Actions

None

14 - OSEP Response

14 - Required Actions

Indicator 15: Resolution Sessions

Instructions and Measurement

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results Indicator: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. (20 U.S.C. 1416(a)(3)(B))

Data Source

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the EDFacts Metadata and Process System (EMAPS)).

Measurement

Percent = (3.1(a) divided by 3.1) times 100.

Instructions

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State's data under IDEA section 618, explain.

States are not required to report data at the LEA level.

15 - Indicator Data

Select yes to use target ranges

Target Range not used

Prepopulated Data

| Source | Date | Description | Data |
|---|------------|--|------|
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/04/2020 | 3.1 Number of resolution sessions | 12 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/04/2020 | 3.1(a) Number resolution sessions resolved through settlement agreements | 9 |

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

Spring-Summer 2014: During the spring and summer of 2014, OSP professional development presentations included data review relative to state and local student demographics and results. The intent of this data review was to develop statewide awareness of the performance, placement and composition of West Virginia's SWD population.

August 19, 2014: On August 19, 2014, a comprehensive stakeholder group was convened to review historical data and set targets for SPP Indicators 1-16. The 65 stakeholders represented selected agencies, LEAs, RESAs, institutions of higher education (IHE), parent organizations, the West Virginia Council of Administrators of Special Education (CASE), various offices within the West Virginia Department of Education (WVDE) as well as West Virginia's Special Education Advisory Panel, the West Virginia's Advisory Council for the Education of Exceptional Children (WVACEEC). Personnel from OSP presented on the new requirements of the State Performance Plan (SPP) and Annual Performance Report (APR). The stakeholders reviewed previous targets and set proposed targets for the current Performance Indicators and suggested improvement activities.

In proposing preliminary targets for the next six years, the WVDE OSP gathered data, looked at historical SWD data and compared data for SWDs to the data for all students and students without disabilities (SWOD) where applicable. Along with the historical and projected trend data, OSP considered other pertinent information, including compliance data requirements and evidence-based practices that have already been implemented at state or local levels. In proposing improvement activities, the OSP primarily referred to the FFY12 Annual Performance Report (APR) for 2012-13 which included continuing activities, many of which had been developed to build capacity.

September 8-9, 2014: In an effort to gain input, the September 8 and 9, 2014 Special Education Leadership Conference focused on the review of APR historical data and SPP proposed targets for the next six years. An overview of the State's General Supervision System <http://wvde.state.wv.us/osp/SPP.html> and Results Driven Accountability Compliance Monitoring System relative to the SPP/APR was presented to participants. The 110 participants met in RESA groups to review achievement, compliance and graduation data, including state level, RESA level and individual LEA data.

September 12, 2014: September 11-12, 2014 a meeting of West Virginia's State Advisory Panel was held and the SPP was presented and approved. The OSP develops its policies and procedures by utilizing the IDEA B State Advisory Panel. West Virginia's IDEA B State Advisory Panel for special

education (WVACEEC) serves as an advisory group to OSP on issues involving special education and related services for students with exceptionalities (34 CFR §300.167). The WVACEEC is the primary stakeholder group responsible for ongoing review of the SPP and APR. WVACEEC is established under West Virginia Code Section 18-20-6 and receives ongoing financial support from OSP. Members are appointed by the State Superintendent of Schools and serve three-year terms. Members represent a spectrum of groups and agencies with an interest in special education, including parents of children with exceptionalities, individuals with disabilities, public and private school administrators, teachers, IHEs and others as required by law. More information can be found at <https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/>

January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2005 | 100.00% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------|---------|---------|---------|--------|--------|
| Target >= | 75.00% | 75.00% | 75.00% | 75.00% | 75.00% |
| Data | 100.00% | 100.00% | 100.00% | 90.00% | 90.00% |

Targets

| FFY | 2019 |
|-----------|--------|
| Target >= | 75.00% |

FFY 2019 SPP/APR Data

| 3.1(a) Number resolutions sessions resolved through settlement agreements | 3.1 Number of resolutions sessions | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|------------------------------------|---------------|-----------------|---------------|------------|-------------|
| 9 | 12 | 90.00% | 75.00% | 75.00% | Met Target | No Slippage |

Provide additional information about this indicator (optional)

15 - Prior FFY Required Actions

None

15 - OSEP Response

15 - Required Actions

Indicator 16: Mediation

Instructions and Measurement

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Data Source

Data collected under section 618 of the IDEA (IDEA Part B Dispute Resolution Survey in the ED Facts Metadata and Process System (EMAPS)).

Measurement

Percent = $(2.1(a)(i) + 2.1(b)(i))$ divided by 2.1 times 100.

Instructions

Sampling is not allowed.

Describe the results of the calculations and compare the results to the target.

States are not required to establish baseline or targets if the number of resolution sessions is less than 10. In a reporting period when the number of resolution sessions reaches 10 or greater, develop baseline, targets and improvement activities, and report on them in the corresponding SPP/APR.

States may express their targets in a range (e.g., 75-85%).

If the data reported in this indicator are not the same as the State's data under IDEA section 618, explain.

States are not required to report data at the LEA level.

16 - Indicator Data

Select yes to use target ranges

Target Range not used

Prepopulated Data

| Source | Date | Description | Data |
|---|------------|---|------|
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1 Mediations held | 3 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1.a.i Mediations agreements related to due process complaints | 2 |
| SY 2019-20 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/04/2020 | 2.1.b.i Mediations agreements not related to due process complaints | 1 |

Select yes if the data reported in this indicator are not the same as the State's data reported under section 618 of the IDEA.

NO

Targets: Description of Stakeholder Input

December 9-10, 2013: Stakeholder involvement for the State Performance Plan (SPP) regarding data analysis began at the statewide Special Education Leadership Conference held December 9-10, 2013. Attendees, primarily local education agency (LEA) and regional education service agency (RESA) special education directors, reviewed existing data related to achievement of students with disabilities (SWD) in reading and mathematics, graduation rate, dropout rate and post school outcomes and provided feedback through surveys and/or facilitated discussions regarding their analysis of the data. The Special Education Leadership Conference held in conjunction with a statewide ESEA Title 1 Conference provided an opportunity for the West Virginia Department of Education (WVDE) Office of Special Programs (OSP) to begin collecting broad stakeholder input to establish the targets for the State Performance Plan (SPP). The OSP led LEAs through a review of their local data compiled by OSP prior to the meeting. Data relative to state and local student demographics and results were provided to support LEA leadership teams in beginning the process of identifying the root causes of low performance in their district.

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January 22, 2020: The West Virginia special education director's stakeholder group participated in the setting of the FFY19 targets electronically via email. The special education directors had the opportunity to provide feedback for consideration in setting the targets. West Virginia has extended its targets to represent the same rule percentages as previous years for each individual target.

Historical Data

| Baseline Year | Baseline Data |
|---------------|---------------|
| 2005 | 66.70% |

| FFY | 2014 | 2015 | 2016 | 2017 | 2018 |
|-----------|---------|--------|--------|--------|--------|
| Target >= | 75.00% | 75.00% | 75.00% | 75.00% | 75.00% |
| Data | 100.00% | 90.00% | 61.54% | 75.00% | 57.14% |

Targets

| FFY | 2019 |
|-----------|--------|
| Target >= | 75.00% |

FFY 2019 SPP/APR Data

| 2.1.a.i Mediation agreements related to due process complaints | 2.1.b.i Mediation agreements not related to due process complaints | 2.1 Number of mediations held | FFY 2018 Data | FFY 2019 Target | FFY 2019 Data | Status | Slippage |
|---|---|-------------------------------------|------------------|-----------------|------------------|------------|-------------|
| 2 | 1 | 3 | 57.14% | 75.00% | 100.00% | Met Target | No Slippage |

Provide additional information about this indicator (optional)

16 - Prior FFY Required Actions

None

16 - OSEP Response

The State reported fewer than ten mediations held in FFY 2019. The State is not required to meet its targets until any fiscal year in which ten or more mediations were held.

16 - Required Actions

Certification

Instructions

Choose the appropriate selection and complete all the certification information fields. Then click the "Submit" button to submit your APR.

Certify

I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.

Select the certifier's role:

Designated by the Chief State School Officer to certify

Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.

Name:

Amber Stohr

Title:

Coordinator

Email:

astohr@k12.wv.us

Phone:

(304)558-2696

Submitted on:

04/27/21 2:54:45 PM