

MEMORANDUM

TO: County Superintendents  
County Special Education Directors  
Executive Director OOEP  
WV Advisory Council for the Education of Exceptional Children  
RESA Special Education Administrators  
West Virginia Advocates

FROM: Lynn Boyer, Ph.D., Superintendent   
West Virginia Schools for the Deaf and the Blind

Pat Homberg, Executive Director  
Office of Special Programs 

RE: APPLICATION AND ADMISSION PROCEDURES FOR THE WEST  
VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND

DATE: April 5, 2013

West Virginia Code §18-17-2 provides deaf and/or blind residents of the state between the ages of five and twenty-three shall be enrolled in the WVSDDB on application to the superintendent until the schools are filled. Applicants are admitted on the basis of need and degree of impairment as determined by the schools' admissions committee subsequent to the application. Application to the superintendent may be made by a local educational agency (LEA) or the parent. Policy 2419: *Regulations for the Education of Students with Exceptionalities*, sets forth the required procedures for all LEAs, including WVSDDB, implementing special education in the state, in compliance with the Individuals with Disabilities Education Act (IDEA 2004). WV Code §18-17-3 provides all deaf and blind pupils are admitted to the schools without charge for board and tuition.

In February 2010, the WVDE, in collaboration with WVSDDB, issued a memorandum clarifying admissions to the schools. Additional issues have arisen since that time, for which this memorandum provides additional clarification.

**Procedures for Admission when an LEA Initiates Consideration of WVSDDB:**

1. These procedures apply following an initial evaluation or reevaluation conducted by the LEA. The LEA Eligibility Committee (EC) determines the student eligible under Policy 2419 as a student who is deaf, hard of hearing, deafblind, blind or has low vision.

2. When a student is identified with one or more of the above disabilities, Policy 2419 requires that the family be provided information regarding the services of WVSDB. If the parent or LEA anticipates placement at WVSDB may be one of the options the IEP Team considers after it develops the IEP, the LEA will request permission from the parent to invite a representative of WVSDB to attend the IEP Team meeting convened by the LEA. Attendance may occur in person, by video or by telephone conferencing. Inviting a representative does not imply predetermination of placement or acceptance of admission to the WVSDB.
3. The IEP Team in an LEA develops an IEP to meet the student's unique needs including the student's present levels of educational and functional performance, IEP considerations, goals and services to provide free appropriate public education (FAPE) to the student in compliance with Policy 2419.
4. When the IEP is completed, the IEP Team determines the placement in which the IEP will be implemented to meet the student's needs in the least restrictive environment (LRE), in consideration of a continuum of placement options. The IEP Team considers the needs of the student and the preference of the family and student in making placement and selects a placement in which FAPE in the LRE will be provided. A decision to make placement at WVSDB does not imply or require the LEA to establish that it cannot meet the student's needs within the district or that it cannot provide FAPE.
5. Within the continuum of placement options, the IEP Team should consider that the WVSDB may be the LRE for a student with hearing or vision loss in order for his or her education to include appropriate and full access to instruction based on the state's content standards, appropriate and necessary communication modalities, socialization with peers who use a common language, presence of professionals who understand their educational and social development, and the essential growth of self-identity.
6. The IEP Team considers transportation needs for the student and includes provision of transportation as appropriate.
7. When the IEP Team determines placement at WVSDB is appropriate, and a representative of WVSDB has been a member of the team, the IEP Team serves as the Code-required Admissions Committee (AC) for WVSDB.
8. Upon completion of the IEP and placement by the IEP Team serving as the Admissions Committee, the LEA makes application to the superintendent. The student is admitted and enrolled at the WVSDB.
9. In subsequent years following the student's admission and enrollment, WVSDB is responsible for the student's IEP development and implementation. When IEP Team meetings are convened, with parent consent, a representative of the district in which the student's parent resides (the sending LEA) will receive notice and be invited to the meeting. Any subsequent change of placement must include a representative of the district of residence and the WVSDB on the IEP Team. Attendance may occur in person, by video or by telephone conferencing.
10. When a parent withdraws the student from enrollment and/or the student is no longer attending WVSDB, within 10 days, WVSDB must notify the LEA in which the student would otherwise attend school that the student is no longer attending WVSDB. The LEA must ensure a student of compulsory attendance age is attending school in compliance with State Code.

**Procedures for Admission to WVSDB when a Parent Makes Direct Application:**

1. A parent may apply directly to the superintendent of WVSDB for admission.
2. The superintendent or designee notifies the LEA in which the student currently is enrolled of the application for admission. If the student is not currently enrolled in a county school district, with parent consent, the WVSDB notifies the LEA the student would otherwise attend.
3. WVSDB requests available records from the LEA, if any, including records pertaining to the identification, evaluation, placement and provision of special education and related services. The district in which the student was previously enrolled must take reasonable steps to respond within one school day to the request for records from the WVSDB.
4. WVSDB conducts an evaluation planning process in cooperation with the parent to review existing evaluation information and eligibility documentation. If the student has current eligibility in one of the applicable disabilities (deaf, hard of hearing, deafblind, blind or low vision), WVSDB proceeds with the IEP Team meeting.
5. If the student has not been determined eligible, or eligibility is not current (determined within three years), WVSDB conducts evaluation/reevaluation in accordance with Policy 2419 and convenes an EC to determine whether the student is eligible in one of the disabilities served by WVSDB. With parent consent, WVSDB will invite a representative of the LEA in which the student resides to attend the EC meeting.
6. The EC determines eligibility in accordance with criteria established in Policy 2419.
7. If the student is not eligible as a student with one of the aforementioned disabilities the LEA of residence will be notified. Responsibility for the student's IEP will remain with the LEA in which the student resides.
8. If the EC determines the student is eligible in one of the applicable categories, WVSDB will convene an IEP Team meeting, including the parent and a representative of the LEA, to write the student's IEP. Attendance may occur in person, by video or by telephone conferencing.
9. The IEP Team develops an IEP to meet the student's unique needs, including the student's present levels of educational and functional performance, IEP considerations, goals and services to provide FAPE to the student in compliance with Policy 2419.
10. When the IEP is completed, the IEP Team determines the placement in which the IEP will be implemented to meet the student's needs in the LRE, in consideration of a continuum of placement options. The IEP Team serving as the Admissions Committee considers the needs of the student and the preference of the family and student in making placement, and determines whether FAPE in the LRE will be provided at WVSDB. A decision to make placement at WVSDB does not imply, or require the LEA to establish, that it cannot meet the student's needs within the district or that it cannot provide FAPE.
11. Within the continuum of placement options, the IEP Team should consider that the WVSDB may be the LRE for a student with hearing or vision loss in order for his or her education to include appropriate and full access to instruction based on the state's instructional standards, appropriate and necessary communication modalities, socialization with peers who use a common language, presence of professionals who understand their educational and social development and the essential growth of self-identity.

12. The IEP Team considers transportation needs for the student and includes provision of transportation as appropriate.
13. Upon enrollment/admission, the student is dropped from enrollment in the LEA and becomes the responsibility of WVSDB.
14. In subsequent years following the student's admission and enrollment, WVSDB is responsible for the student's IEP development and implementation. When IEP Team meetings are convened, with parent consent, a representative of the district in which the student's parent resides (the sending LEA) will receive notice and be invited to the meeting.
15. When a parent withdraws the student from enrollment and/or the student is no longer attending WVSDB, within 10 days, WVSDB must notify the LEA in which the student would otherwise attend school that the student is no longer attending WVSDB. The LEA must ensure a student of compulsory attendance age is attending school in compliance with State Code.

For further information, please contact Pat Homberg at [phomberg@access.k12.wv.us](mailto:phomberg@access.k12.wv.us) or Dr. Lynn Boyer at [lboyer@access.k12.wv.us](mailto:lboyer@access.k12.wv.us).

PH:jv

Attachments

cc: Chuck Heinlein, Deputy Superintendent  
Robert Hull, Associate Superintendent  
Ms. Annette Carey, Low Incidence Coordinator

## LEA MAKES APPLICATION

LEA Eligibility Committee determines eligible as deaf, hard of hearing, deafblind, blind or low vision under Policy 2419.



Provide family with information on WVSDB services.



When parent or LEA anticipates placement at WVSDB LEA requests parent permission to invite WVSDB representative to IEP Team meeting.



IEP Team develops IEP to meet student's needs including PLEPs, considerations, goals and services.



When IEP is completed, the IEP Team determines placement in consideration of continuum of options. IEP Team considers needs of students and preference of family and student.



Placement at WVSDB does not require LEA to establish that it cannot meet student's needs within LEA.



The IEP Team considers and includes transportation.



IEP Team serves as Admissions Committee when membership includes representative of WVSDB and determines placement for student at WVSDB appropriate.



LEA makes application to the superintendent.



Student admitted and enrolled.



Upon enrollment/admission to WVSDB, student dropped from enrollment in the LEA.



Following WVSDB enrollment/admission of student WVSDB responsible for IEP development and implementation.



WVSDB, with parent consent, invites representative of LEA to subsequent IEP Team meetings.



WVSDB notifies LEA within 10 days when student withdraws from WVSDB.

## PARENT MAKES APPLICATION

Parent applies directly to WVSDB Superintendent for admission.



Superintendent notifies LEA in which student currently enrolled of application. If student not enrolled in county school district, with parent consent, WVSDB notifies LEA of residence.



WVSDB requests records from LEA.



WVSDB reviews records and if eligibility not current or not determined or records not available WVSDB conducts evaluation/reevaluation and convenes EC to determine eligibility as deaf, hard of hearing, deafblind, blind or low vision.



Student determined eligible.



Student determined not eligible under Policy 2419.



WVSDB requests parent permission to invite LEA representative to IEP Team meeting.

Parents referred to LEA of residence.



IEP Team develops IEP to meet student's needs including PLEPs, considerations, goals and services.



When IEP completed IEP Team determines placement in consideration of continuum of options. IEP Team considers needs of students and preference of family and student.



The IEP Team considers and includes transportation.



Placement at WVSDB does not require LEA to establish that it cannot meet student's needs within LEA.



IEP Team serves as Admissions Committee when membership determines placement for student at WVSDB appropriate.



Upon enrollment/admission to WVSDB, student dropped from enrollment in the LEA.



Following WVSDB enrollment/admission of student WVSDB responsible for IEP development and implementation.



WVSDB, with parent consent, invites representative of LEA to subsequent IEP Team meetings.



WVSDB notifies LEA within 10 days when student withdraws from WVSDB.