



Results Driven Accountability

Assuring Compliance • Improving Results
Manual

Office of Special Programs
West Virginia Department of Education

September 2014



**WEST VIRGINIA BOARD OF EDUCATION
2014-2015**

Gayle C. Manchin, President
Michael I. Green, Vice President
Tina H. Combs, Secretary

Thomas W. Campbell, Member
Robert W. Dunlevy, Member
Lloyd G. Jackson II, Member
L. Wade Linger Jr., Member
William M. White, Member

Paul L. Hill, Ex Officio
Chancellor
West Virginia Higher Education Policy Commission

James L. Skidmore, Ex Officio
Chancellor
West Virginia Council for Community and Technical College Education

Foreword

Revolutionary changes in technology, the global marketplace and significant social, political and environmental issues dramatically affect what students today must know. The challenge to educators and parents is to provide instruction that is not only relevant and engaging but that also includes the world-class rigor necessary to prepare students to get a job in a culturally diverse, technologically complex and economically competitive world.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) gives each state the responsibility to have a system of general supervision that monitors the implementation of IDEA by local education agencies (LEAs). The primary focus is to improve educational results and functional outcomes for all children with disabilities.

The purpose of these procedures is to clearly outline the monitoring activities of LEAs for compliance with the requirements of IDEA and Policy 2419: *Regulations for the Education of Students with Exceptionalities*. The document articulates the relationship between monitoring and general supervision responsibilities of the state education agency. Furthermore, this document provides a transparent monitoring system, which delineates the responsibilities for LEAs as it relates to education programs for exceptional students.

Acknowledgements

The West Virginia Department of Education, Office of Special Programs (OSP), would like to thank the Mid-South Regional Resource Center for the ongoing technical assistance and support provided in the revisions of West Virginia's Monitoring system in 2010. In addition, the OSP thanks two local directors of special education for agreeing to participate in this process which provided a local perspective to these revisions.

The committee included the following individuals:

Pat Homberg, Executive Director	Office of Special Programs
Ghaski Browning, Assistant Director	Office of Special Programs
Sandra McQuain, Assistant Director	Office of Special Programs
Dr. G. Ronald Brown, Special Education Director	Berkeley County Schools
Lisa Martin, Special Education Director	Jackson County Schools
Nancy O'Hara, Technical Assistance Coordinator	Mid-South Regional Resource Center
Karen Martens, Consultant	Mid-South Regional Resource Center
Bruce Bull, Consultant	Mid-South Regional Resource Center
Deborah Ashwell, Coordinator	Office of Special Programs
Susan Beck, Coordinator	Office of Special Programs
Lorraine Ciambotti-Elswick, Coordinator	Office of Special Programs
Matthew Dotson, Coordinator	Office of Special Programs
Kathy Hudnall, Coordinator	Office of Special Programs
Anne Monterosso, Coordinator	Office of Special Programs
Allen Sexton, Coordinator	Office of Special Programs

Table of Contents

Foreword	i
Acknowledgements.....	ii
Table of Contents.....	iii
Chapter One • Overview	1
Chapter Two • Compliance and Results Monitoring	4
Chapter Three • Dispute Resolution System.....	20
Chapter Four • Fiscal Management.....	22
Chapter Five • Annual Desk Audit	26
Chapter Six • Enforcements and Sanctions.....	30



Chapter 1 • Overview

Each state has a responsibility, under federal statute and regulations, to have a system of general supervision that monitors the implementation of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) by Local Education Agencies (LEA). The state system is accountable for enforcing the requirements and for ensuring continuous improvement. As stated in Section 616 of the 2004 Amendments to the IDEA, the primary focus of Federal and state monitoring activities is to improve educational results and functional outcomes for all children with disabilities and ensure that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities. In addition, the West Virginia Code §18-20-1(Education of Exceptional Children) requires the West Virginia Department of Education (WVDE) to assure all students with exceptionalities receive an education in accordance with state and federal laws and regulations. The State and LEA must engage in monitoring activities as part of the general supervision requirements outlined in IDEA and the state code.

The purpose of this manual is to clearly outline the components of the Office of Special Programs' (OSP) integrated monitoring activities with regard to monitoring LEA for compliance with the requirements of IDEA, W.Va. State Code, and Policy 2419: *Regulations for the Education of Students with Exceptionalities*. The components of the West Virginia Compliance System Procedures (CSP) are explained in detail in this document. The terms LEA and district are used interchangeably throughout the document, in accordance with language from the IDEA, Policy 2419 and West Virginia Code.

State Performance Plan (SPP)/Annual Performance Report (APR)

The SPP/APR is a multi-year plan serving as an accountability mechanism for states and LEAs. Each of the SPP indicators provide a measureable indication of a state's performance in specific statutory priority areas under Part B free appropriate public education (FAPE), in the least restrictive environment (LRE), Disproportionality and Effective General Supervision, including Child Find and Effective Transitions. Whether the indicators are related to student results, compliance or timely and accurate data, the entire SPP/APR is designed with the purpose of ultimately improving outcomes for students with disabilities. Within the SPP/APR annually, measureable and rigorous targets are established with broad stakeholder input and specify the challenging levels of improved performance to be reached within a particular timeframe by the state and each LEA. State performance on the SPP targets is reported annually in the SPP/APR and the performance of each LEA is publicly reported.

Chapter 1

Policies, Procedures and Effective Implementation

The State has adopted policies, procedures and practices that align with and support implementation of the IDEA and has established an effective method for ensuring LEAs follow these policies, procedures and practices. The State, through its integrated monitoring procedures, examines each LEA's use of compliance practices. LEAs must be familiar with the following documents to ensure appropriate provision of services to children with exceptionalities:

- Federal Regulations
- Policy 2419: *Regulations for the Education of Students with Exceptionalities*
- State Performance Plan (SPP) and Annual Performance Report (APR)
- West Virginia State Code §18-20-1

Fiscal Management

IDEA funds are provided for the excess cost of special education and related services for students with disabilities. IDEA funds are intended to supplement, not supplant, state and local funds. The Education Department General Administrative Regulations (EDGAR), Parts 76 and 80 and Office of Management and Budget (OMB) Circulars A-87 and A-133 set forth the funding application and fiscal management requirements for state and subgrantees (LEA) receiving federal education funds. A compliance supplement to the OMB circulars and IDEA regulations further clarify requirements specific to IDEA funds. The state monitors and assures the IDEA program requirements and EDGAR requirements are met through the following processes:

- a) review and approval of annual LEA applications for IDEA entitlement funding, including budget, maintenance of effort compliance and excess cost assurances; b) approval of budget revisions and amendments to the approved application and budget; c) periodic review of LEA expenditures through Project Financial Reports; d) monitoring of LEA cash balances, obligation and liquidation of IDEA funds; e) review of LEA single audit reports and corrective actions and f) cyclical monitoring of time and effort, procurement and property management.

Coordinated Early Intervening Services (CEIS)

The IDEA allows, and sometimes requires, LEAs to use funds provided under Part B of the IDEA for CEIS. This provision of the IDEA (20 U.S.C. 1413(f)) and the regulations in 34 CFR §300.226 permit LEAs to use Part B funds to develop and provide CEIS for students who are currently not identified as needing special education. The LEA and its implementing regulations permit LEAs to use not more than 15 percent of the amount the LEA receives under Part B of the IDEA, less any amount reduced by the LEA pursuant to 34 CFR §300.205 (adjustment to local fiscal efforts), to develop and implement CEIS. The provision of 34 CFR §300.646 requires an LEA to reserve the maximum amount of funds available for comprehensive CEIS if there is significant disproportionality based on race or ethnicity with respect to the identification of children with disabilities; the identification of children in specific disability categories; the placement of children with disabilities in particular educational settings; or the incidence, duration and type of disciplinary actions, including suspensions and expulsions.

Data on Processes and Results

As part of West Virginia's general supervision responsibilities, the following process is used for decision-making about program management and improvement: a) data collection and verification, b) examination and analysis of data, c) reporting of data, d) status determination and e) improvement planning. Data are collected and the submitter and OSP data manager will verify for accuracy. LEAs are required to correct error data. Then the data are examined and analyzed to identify patterns and trends as well as to identify connections between clusters of indicators. Data are then reported according to federal regulatory requirements. Data on the performance of each LEA on the SPP indicators are used to make LEA determinations status. Based on West Virginia's criteria, LEAs are categorized as Meets Requirements, Needs Assistance, Needs Intervention or Needs Substantial Intervention. Through the state improvement activities noted in the SPP and from examination of LEA performance, data are used for program improvement as well as progress monitoring.

Improvement, Correction, Incentives and Sanctions

The enforcement of the regulations, policies and procedures is required by IDEA, Policy 2419 and W.Va. State Code. Corrective action plans to address noncompliance and improvement plans to meet state targets are examples of these types of actions.

Effective Dispute Resolution

The timely resolution of complaints, mediations and due process actions is required for compliant dispute resolutions. Effective dispute resolution data enable the State to track identified issues to determine whether patterns or trends exist.

Targeted Technical Assistance and Professional Development

Technical assistance is directly linked to the SPP indicators. Targeted technical assistance and professional development from the OSP and Regional Education Service Agencies (RESA) are available for LEAs in need of improvement with compliance and/or performance indicators. The OSP has developed a number of tools, resources and activities to assist LEAs with program improvement.

Integrated Monitoring Activities

The IDEA emphasizes monitoring activities focusing primarily on two things: a) improving educational results and functional outcomes for all children with disabilities and b) ensuring compliance with Part B, with particular emphasis on those requirements most closely related to improving educational results for children with disabilities. Multiple data sources and methods are used to monitor each LEA annually. The data is reviewed and publicly reported annually in the APR. Specific SPP indicators require a review of data for all LEAs each year with subsequent reviews for LEAs failing to meet the state targets. Monitoring reviews may be conducted onsite or through a desk audit. Monitoring activities focus on improving performance as well as correcting noncompliance.

Chapter 2 • Compliance and Results Monitoring

The OSP places an equal focus on compliance requirements and the performance of students with exceptionalities. The OSP is explicit in the expectations while supporting LEA's efforts in the improvement process. The Compliance System Procedures (CSP) include various monitoring activities which occur either annually, or on a four-year cycle or as needs are identified. All LEAs are required to complete an annual District Self-Assessment for self-review and improvement planning. Although all SPP and WV Indicators are important, the OSP has determined monitoring priority Indicators for mandatory review during the Compliance Monitoring visit. The Annual Desk Audit (ADA) must be completed and submitted annually to the OSP, identifying findings of noncompliance and areas requiring program improvement. Four types of formal monitoring processes are conducted.

- Compliance Monitoring (Desk Review and On-Site activities)
- Annual Desk Audit (ADA)
- Focused Monitoring
- Dispute Resolution Process

Compliance and Results Driven Monitoring

Compliance Monitoring is a comprehensive monitoring occurring on a four-year cycle. Each LEA will receive a compliance monitoring no less than every four years and will participate in activities described in these procedures. This activity is conducted through an on-site visit including a desk review in selected districts. The monitoring team consists of OSP staff (Compliance and Results Coordinators) and other educators as determined by the Compliance Monitor. Districts selected for a Compliance Monitoring visit will engage in pre-monitoring activities, on-site monitoring activities and the correction and improvement process.

The WVDE is required to monitor local education agencies (LEAs) implementation of the requirements of Individuals with Disabilities Education Improvement Act (IDEA); West Virginia Code; and Policy 2419: *Regulations for the Education of Students with Exceptionalities* and must ensure when a district's noncompliance is identified, it is corrected as soon as possible and in no case later than one year after written notification. West Virginia Code §18-20-7 requires the WVDE to conduct random unannounced reviews at least every four years in each LEA for the purpose of reviewing identification procedures, complying with any or all applicable law and policies, delivering services, verifying enrollment and attendance reports, recommending changes and fulfilling other duties as may be established by the West Virginia Board of Education. The Compliance System Procedures (CSP) are completed in two phases: the desk review and the on-site visit.

Four Year Monitoring Cycle

Compliance On-Site Monitoring 2014-2015	Compliance On-Site Monitoring 2015-2016	Compliance On-Site Monitoring 2016-2017	Compliance On-Site Monitoring 2017-2018
<ul style="list-style-type: none"> • Brooke • Doddridge • Grant • Jackson • Jefferson • OIEP • Nicholas • Pleasants • Taylor • Wayne • Webster • Wetzel 	<ul style="list-style-type: none"> • Barbour • Braxton • Calhoun • Clay • Hampshire • Lewis • Marshall • Mercer • Mingo • Monroe • Pendleton • Pocahontas • Roane • Tucker 	<ul style="list-style-type: none"> • Cabell • Fayette • Gilmer • Greenbrier • Hancock • Kanawha • McDowell • Mineral • Morgan • Ohio • Preston • Randolph • Wirt • Wood • Wyoming 	<ul style="list-style-type: none"> • Berkeley • Boone • Hardy • Harrison • Lincoln • Logan • Marion • Mason • Monongalia • Putnam • Raleigh • Ritchie • Summers • Tyler • Upshur • WVSD

Compliance Monitoring Teams

The compliance monitoring team consists of the Compliance Coordinator, Results Coordinator and other educators. Other team members may include, but are not limited to, special education administrators, district administrators, coordinators or principals. The RESA Special Education Director serving the LEA being monitored, will attend the entrance and exit conference to support the improvement and technical assistance process required as a result of the monitoring. The Compliance Coordinator will develop the schedule, determine team member assignments and duties during the on-site visit.

Notification of Compliance Monitoring Review

The selected LEAs will receive an invitation to participate in a pre-monitoring technical assistance training session in preparation for the upcoming school year. A one-day workshop will be offered, which provides an overview of the monitoring activities and the expectations of the visit. The selected LEAs will be notified via a letter to the superintendent with a copy to the special education director at least two weeks prior to the on-site visit. The letter informs the LEA of the Compliance and Results Coordinators assigned, date of the on-site visit and agenda of activities. After the notification, the Compliance Coordinator contacts the special education director to begin planning the submission of the desk review documentation, the logistics of the visit, including the entrance and exit conference times, the school visitation schedule and the sequence of all other activities. The scheduled dates of the monitoring visit will not be changed except in extraordinary circumstances.

Chapter 2

Results Driven Accountability

West Virginia has revised the monitoring framework to focus on the educational results and functional outcomes for students with disabilities and balancing those results with the compliance requirements of IDEA. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements.

Prior to an on-site monitoring visit, the LEA will meet with their stakeholders which may be their Focus Assistance Support Team (FAST) to develop a theory of action plan to improve a student-identified measurable result (SIMR). The LEA must demonstrate how addressing this area of focus for improvement will build their schools capacity to improve the identified result for children and youth with disabilities. Within this plan, the LEA will provide documentation that connects the data analysis, infrastructure analysis and focus area for improvement. They will identify the measurable result for students, identify coherent improvement strategies and define desired results.

The data analysis component consists of identifying and analyzing key data, including data from the Annual Desk Audit (ADA) and Self-Assessment to determine the areas for improvement. The description should include information about how the data were disaggregated in order to identify areas for improvement and any concerns about the quality of the data and how the LEA will address their focus area(s). The description should include methods and timelines to collect additional data that may be needed to inform areas for improvement. As a part of the data analysis, the LEA should also determine if there are any compliance issues that present barriers to achieving improved results for children and youth with disabilities.

The following four types of education data will be helpful for LEAs to examine:

1. Demographic Data
 - Descriptors of students such as gender, ethnicity and socioeconomic status, and
 - Descriptors of the organization including enrollment and attendance.
2. Perceptual Data
 - Information on how stakeholders feel or what they observe about the organization and its activities (surveys or questionnaires and observations).
3. Performance Data
 - Information on how students are performing and on their education outcomes (types of assessments, grades and grade point averages, graduation and dropout rates, suspensions and expulsions, remediation rates, and college readiness).
4. Program Data
 - Descriptive information on how education and related activities are conducted within the organization (textbooks used, the levels of staffing or professional development at the school, the schedule of classes, curricular sequences, instruction strategies, the nature and frequency of assessments, extracurricular activities, and the school setting).

There are five steps in data-informed conversations that lead to strategic decision-making and action:

1. Setting the stage
 - What question is to be addressed in this data-informed conversation?
 - What information is needed to answer the question?
 - Is the information available?
2. Examining the data
 - What patterns do the data reveal, or what “snapshot” observations can be made about the question?
3. Understanding the findings
 - What are the possible causes for the patterns?
4. Developing an action plan
 - How can this data be used to create an effective plan for addressing the issue?
5. Monitoring progress and measuring success
 - How do we know whether progress is being made on the issue?

The infrastructure analysis describes how the LEA analyzed the capacity of its current system to support improvement and build capacity in their schools to implement, scale up, and sustain evidence-based practices to improve results for children and youth with disabilities. The LEA system components include: governance, fiscal, quality standards, professional development, data, technical assistance and accountability.

The description of the infrastructure analysis should include:

- Strengths of the system, how components of the system are coordinated, and areas for improvement within and across components of the system.
- Analysis of initiatives in the LEA, including initiatives in early interventions/general education and other areas beyond special education, which can have an impact on children and youth with disabilities.
- How decisions are made within the LEA systems and the representatives (e.g., agencies, positions, individuals) that must be involved in planning for systematic improvements in the LEA system.

The focus for improvement will lead to a measurable child-based result. The description of the focus for improvement should include how the data analysis led to the identification of the area on which the LEA will focus. In addition, the description should state how addressing this area of focus for improvement will build your schools’ capacity to improve the identified result for children and youth with disabilities.

Chapter 2

A good focus for improvement:

- is supported by the data;
- will make a significant impact on results;
- aligns with current priorities and initiatives;
- will (has potential to) leverage resources;
- addresses issues of disparate outcome;
- is supported by leadership;
- has the necessary commitment to change; and
- is feasible/doable (2-4 years).

The Theory of Action makes the connection between what you are doing (improvement strategy) and what you expect to happen (results). It focuses on how and why the program will produce the change, using “if-then” statements to generate a logical explanation (rationale) and reveal strategies and assumptions about how resources and activities are used.

Next it will be helpful to develop a logic model that shows the relationship between the activities and the outcomes that the LEA expects to achieve over a multi-year period. Logic models diagram identified problems, root causes and local conditions that facilitate concise and clear communication, planning and evaluation, and allow programs to critically analyze the progress they are making toward their goals. The logic model, in simple form, is a graphic representation that shows the logical relationship between the resources that go into the program (Inputs); the activities the program undertakes (Outputs); and the change or benefits that results (Outcomes).

Lastly, the LEA will develop and implement their Results Improvement Plan. The LEA will strengthen their infrastructure to support the plan, support schools in implementing evidence-based practices, and develop an evaluation plan. The LEA will conduct and review results of ongoing evaluation, determine the extent of progress, and revise the plan as needed.

Results Driven Data Analysis-SEA

Prior to the scheduled review, the Compliance and Results Coordinators will analyze the district's data and determine any area(s) of concern to be reviewed during the visit. In addition, the OSP will provide a District Data Review Summary which is the framework for the LEA to begin identifying performance targets to address area(s) for improvement planning.

Results Driven Data Analysis-LEA

Prior to the scheduled review, the LEA will utilize their stakeholders to closely examine their district data, specifically focusing on Indicator 1: Graduation (youth with IEPs graduating from high school with a regular diploma) and Indicator 3C: Assessment (performance of children with IEPs on statewide assessments in the areas of reading and mathematics).

Questions and activities on drill down sheets are designed to assist your stakeholders in taking a close look at what factors are negatively impacting results of students with exceptionalities. This does not include all the possible variables that may impact results, but provides a starting point from which to begin discussions with your staff, and stakeholders. The LEA shall present their preliminary findings and corresponding improvement plan activities during the entrance conference.

District Self-Assessment (DSA)/Annual Desk Audit (ADA)

LEAs are required to conduct an annual self-assessment of their special education programs. A local Steering Committee is established to assist in the self-assessment process to review data and determine the system's compliance and student performance.

Selection of the Steering Committee

It is the responsibility of the LEA to determine the membership of the Steering Committee and select a chairperson. The Steering Committee has required and suggested members which are as follows:

Required Members:

- Director of Special Education;
- Parents;
- General and special education teachers;
- Principal Representatives of each programmatic level;
- Principals of Priority and Focus Schools, if applicable;
- Title 1 Representative;
- Director of Curriculum and Instruction; and
- Vocational/technical school representative.

Suggested Members:

- Local board members;
- Other personnel from agencies such as Head Start, Division of Rehabilitation Services and Department of Health and Human Resources;
- County office personnel;
- Part C personnel; and
- Other individuals at the district's discretion.

Collection of Data

The Steering Committee will meet and consider a variety of sources of information when conducting the District Self-Assessment (DSA). A thorough analysis of aggregated and disaggregated data is required. The LEAs must conduct "drill down" activities to determine if there is a legitimate explanation for why the compliance and/or results indicators are not met. Careful review of all data elements in the self-assessment document is required.

Chapter 2

The following documents may be helpful in the data review:

- Section 618 reports (December 1 child count, LRE report, exit report, discipline report);
- Certification information;
- National Assessment of Educational Progress (NAEP) Results;
- Large-scale assessment, accountability and pre-reporting requirements of both IDEA and NCLB;
- LEA funding applications;
- IEP file review sample;
- School schematics;
- Transportation schedules with school bell to bell times;
- Other Self-Assessment documents (i.e., Title 1 Reviews);
- Office of Educational Performance Audits (OEPA) Reports;
- Suspension/expulsion data;
- County policies, procedures and practices;
- Policy 2419: *Regulations for the Education of Students with Exceptionalities*;
- Disproportionality data; and
- Audit reports.

The DSA forms are available in the monitoring handbook to assist the LEA in the self-assessment process:

- District Self-Assessment Assurance Statement
- District Self-Assessment Membership
- District Self-Assessment (DSA)/Annual Desk Audit (ADA) Workbook

Self-Assessment Drill Down Questions

Indicator 1-Graduation

1. Review the data related to your graduation rates. It is critical that each LEA collect, maintain and submit accurate data.
 - a. The source of this data is WWEIS (West Virginia Education Information System), which collects data reported by the LEA. Determine if the data for your LEA's special education students are reported accurately.
 - b. The graduation rates are based on a 4-year cohort, which represents a standard 4-year high school career, beginning with a student's first time enrollment in the ninth grade.
2. Compare the graduation rates for students in general education with the rates for students who received special education services. If the general education rate exceeds the special education rate, develop some working hypotheses as to the reasons for the difference. Investigate the hypotheses by interviewing students with disabilities who have not graduated with their cohort. Summarize the responses from the interviews.

3. Review the secondary transition plan for each student who received special education services but did not graduate. Determine if each transition plan contained the required components, such as transition assessments, measurable postsecondary goals, and transition services and activities. Document any interventions that were made to promote graduation for each student. Detail the results of this review. Determine what strategies, if any, were used to connect students (who later failed to graduate) with programs and/or agencies that support students who are at-risk.
4. Review the transcripts and courses of study for the students who did not graduate to determine if any patterns emerge from the review as to any specific group. Report the results of that review for any group of students with similar transcript history.
5. Describe how transition services were provided to each student who received special education services during the twelve months preceding the academic year for which numbers indicate an unusually low graduation rate. If transition services were provided to some students and not others, indicate what those services were and report how the provision of transition services correlated to the likelihood of a student's graduating.
6. Describe the LEA's participation in any schoolwide/districtwide initiative to increase the rate of graduation.
7. Describe any unique or special circumstances that the OSP needs to know in order to understand why your LEA's graduation rates for students with IEPs are low.

***Develop an improvement plan to address areas of concern with regard to the low graduation rate.**

Indicator 3C-Performance on Statewide Assessment-Reading

LRE Questions—Do you have the right service delivery system least restrictive environment (LRE) to serve your students well?

1. Analyze existing placements by disability to determine options/patterns of the LEA.
2. Cross check reading achievement by placement to determine if students in some placements are demonstrating higher achievement than in others with the same disability.
 - a. If so, identify factors contributing to such differences:
 - i. Impact of the severity of the disability.
 - ii. Continuum of services available at individual schools.
3. What types of assistive technology devices/services and other supports are available to the students and teachers to foster the greatest independence in the LRE?
4. Summarize the LEA's strengths and concerns with respect to LRE as it relates to reading achievement.

Chapter 2

Certification Questions—Do you have staff who are well qualified to teach reading?

5. Determine if there has been an increase or decrease in the percentage of fully certified special education teachers over the last three years.
 - a. If so, determine what factors contributed to the change.
 - b. Identify the activities the LEA has undertaken in the areas of hiring, retention, personnel development for credentialing and salary analysis to improve the percentages of certified special education teachers.
 - c. Identify the number of unfilled special education positions existing in your LEA during the current school year.
6. Determine the numbers/percent of teachers (both general education and special education) who are “highly qualified” to teach reading.
7. Develop an action plan to address improvement in the area of concern for certification.

Curriculum Questions—Do you have reading curricula that are sufficiently responsive to varied needs?

8. Identify the current reading curriculum used in the general education program. Does it address phonemic awareness, phonics, fluency, vocabulary and comprehension?
9. What supplemental materials/curricula are in use for special education students? To what degree do these materials meet the criteria with regard to “explicit and systematic instruction” and “coordination of phonics/word recognition activities with fluency building”?
10. What curriculum-based measures (CBM) are used with general education and special education students?
11. To what extent is the information from the CBM used to drive modifications to instruction?

***Develop an improvement plan to address areas of concern with regard to reading curriculum. Indicator 3C-Performance on Statewide Assessment-Math**

LRE Questions—Do you have the right service delivery system to serve your students well?

1. Analyze existing placements by disability to determine options/patterns of the LEA.
2. Cross check math achievement by placement to determine if students in some placements are demonstrating higher achievement than in others with the same disability.
 - a. If so, identify factors contributing to such differences:
 - i. Impact of the severity of the disability.
 - ii. Continuum of services available at individual school sites.
3. What types of assistive technology services/devices and other supports are available to the students and teachers to foster the greatest independence in the least restrictive environment (LRE)?
4. Summarize the LEA’s strengths and concerns with respect to LRE as it relates to math achievement.

Certification Questions—Do you have staff who are well qualified to teach math?

5. Determine if there has been an increase or decrease in the percentage of fully certified special education teachers over the last three years.
 - a. If so, determine what factors contributed to the change.
 - b. Identify the activities the LEA has undertaken in the areas of hiring, retention, personnel development for credentialing, and salary analysis to improve certification percentages.
 - c. Identify the number of unfilled special education positions existing in your LEA during the current school year.
6. Determine the numbers/percent of teachers (both general education and special education) who are “highly qualified” to teach math.
7. Develop an action plan to address improvement in the area of concern for certification.

Curriculum Questions—Do you have math curricula that are sufficiently responsive to varied needs?

8. Identify the current mathematics curriculum used in the general education program. Does it integrate problem solving, reasoning and proof, communication, representation, and connections?
9. What supplemental materials/curricula are in use for students who receive special education services? To what degree do these materials meet the criteria with regard to the mathematics standards and do they include the availability of a variety of tools?
10. What curriculum-based measures (CBM) are used with students in general education and students who receive special education services?
11. To what extent is the information from the CBM used to drive modifications to instruction?

***Develop an improvement plan to address areas of concern with regard to math curriculum.**

Desk Review

Prior to the on-site visit, the LEA is required to submit the following documentation: a) the name and telephone number of the district’s treasurer; b) copies of the five most recent purchase orders including requisitions, invoices and certified checks; c) current Finance Audit Report (pages only related to special education); d) private school consultation; e) WVEIS caseload reports; f) Certification Compliance Monitoring Tool; and g) school Bell to Bell schedules, and special education bus schedules. The Compliance and Results Coordinators assigned to your LEA will complete this phase of the review before the on-site visit. The LEA will be notified of any non-compliances and will have the opportunity to correct before the final report. Upon correction, document is resubmitted to the compliance coordinator for verification.

Chapter 2

On-Site Review

The scheduling for the on-site review will be based on the location and size of the LEA. Larger systems can expect a visit of 4 to 5 days; smaller systems may only require 2-3 days. A sample schedule for the visit is as follows:

Day 1: Central Office

- Monitoring Team Arrival
- Entrance Conference/LEA Data Analysis Presentation on Indicators 1 and 3C.
- Central Office Interviews
- Student File Reviews
- Administrative Review
- Monitoring Team Meeting

Days 2-4: School Visits

- Staff Interviews
 - *Administrator(s)*
 - *Special Educator(s)*
 - *General Educator(s)*
- Service Verification
- School Walk-Through
- Parent Focus Group (one high school per district)
- Student Focus Group (one high school per district)
- Mid-week Conference with Special Education Director
- Monitoring Team Meeting

Final Day

- Complete Monitoring Activities (based on need)
- Exit Conference

Entrance Conference with District Staff

A brief meeting is scheduled on the first day of the on-site visit with the district superintendent, special education director and any additional staff at the district's discretion. School principals are encouraged to attend the Entrance Conference. The Compliance Coordinator introduces the monitoring team and outlines the procedures and team activities for the visit. The LEA will present data analysis during the Entrance Conference. The presentation should include:

- A summary of the results of the stakeholders, identifying both areas of strength and weakness; and
- Established target(s) for improvement, anticipated timelines and improvement plan.

Additionally, the district is invited to present a brief overview of current improvement efforts for students with exceptionalities and ask any questions regarding the visit.

School Selection

The Compliance and Results Coordinators will select a maximum of ten (10) schools and a minimum of three (3) schools to visit within a district. Schools will be identified in the schedule provided to the district.

The number and type of schools selected will be based on the following factors:

- Minimum: 1 high, 1 middle and 1 elementary school;
- Student enrollment and special education enrollment;
- Performance data; and
- Other needs as identified.

Student File Reviews

Student file reviews are an essential component of the monitoring process. Student file reviews assist the team in determining the system's strengths and weaknesses with the implementation of IDEA and applicable state policies, procedures and practices.

The file sample is 1% of the special education enrollment with a maximum of 40 student files. Files shall be randomly selected across the programmatic levels of elementary, middle and secondary and proportionate to the population by category. In addition to the general file review, transition and discipline files will be reviewed. The Compliance Coordinator may determine a further oversample is needed based on data and/or interview information. The district will not be required to complete a self-review of transition files for the ADA if an on-site visit has been conducted within the school year. If there are special circumstances regarding Indicator 13, your Compliance Coordinator will assist the district as needed. Transition student files will be randomly selected by the OSP. The transition files reviewed during the on-site will be uploaded to the Annual Desk Audit (ADA) for Indicator 13. Discipline procedures and practices will be reviewed through completion of the Discipline File Review protocol for students with disabilities suspended for greater than 10 school days or expelled from school. The chart below provides the file sampling rule.

File Review Procedures

District Enrollment (Students with Exceptionalities)	General	Transition Indicator 13	Discipline
A. (0-1500): All counties with the exception of those listed below as Category B or C.	15	10	Max. 10
B. (1501-2000): Cabell, Harrison, Putnam and Wood	20	15	Max. 10
C. (2001-3000): Berkeley and Kanawha.	25	20	Max. 10

General file review: 1) One-third from each programmatic level; 2) across all exceptionalities; and 3) at least two (2) initial EC/IEP.

Chapter 2

Interviews

Interviews will be conducted with central office staff and school personnel as part of the verification process. The Compliance Coordinator will assign specific team members to conduct interviews. Interviews conducted at the central office may include the special education director, finance administrator and other personnel as determined by the Compliance Coordinator. Interviews held at the schools will include the school administrator(s), general education teachers, special education teachers and other personnel as determined by the Compliance Coordinator. The school administrator will need to have a location available in which to conduct the interviews.

The interviews are scheduled to provide sufficient time for the monitoring team members to complete the interviews and write summary notes prior to the next interview. Interviews are considered confidential. At no time is the process to be rushed, even if it means returning the next day to complete the interviews.

Mid-Week Conference with Special Education Director

During the monitoring week, the Compliance Coordinator will maintain communication with the LEA special education director. At a minimum, a mid-week conference will be scheduled with the Special Education Director. The Compliance Coordinator reviews the information gathered to this point, identifies preliminary findings and provides the district an opportunity for discussion. If appropriate, the Compliance Coordinator will clarify preliminary findings of noncompliance and ask additional questions to guide the monitoring process.

Focus Groups

Focus Groups are an important component of the on-site visit providing the OSP information regarding the parent and student perspectives on the district's special education programs, procedures and practices. The Special Education Director, in collaboration with the Compliance Coordinator, schedules the appropriate time and location of the meetings (approximately one hour). The Special Education Director coordinates the selection and invitation process for parents of students with exceptionalities and students participating in focus groups. Districts are encouraged to distribute a press release inviting any interested parents of students with exceptionalities to the focus groups. A meeting reminder or telephone call to the invited parents is provided the day before by the special education director or designee.

School Walk-through and Classroom Observations

The school walk-through and classroom observations assist monitors by providing a snap shot of instruction, behavior management, lesson planning, groupings of students and use of materials and technology. In addition, the school walk-through provides information to verify: (1) close proximity of classrooms to same age peers; (2) adequate and comparable special education classrooms and (3) appropriate grouping of students for instruction.

Exit Conference with the District

At the completion of the monitoring visit, an exit conference is scheduled with the superintendent, Special Education Director, RESA special education director and other administrative staff at the district's discretion. The Compliance Coordinator reviews the information gathered, identifies preliminary findings and provides the district an opportunity for discussion. If appropriate, the Compliance Coordinator will clarify findings of noncompliance, which may be corrected prior to the issuance of the monitoring report. The district will be allowed up to 10 days to make the identified corrections. The district may request follow up technical assistance at this time.

Final Report

The Compliance Coordinator prepares a written report to be issued within 60 calendar days of the exit conference.

Each report shall include:

- Administrative Findings
- Results Driven Accountability Targets
- File Review Summary
- Individual Student Corrections
- Correction Key

The noncompliance(s) must be corrected as soon as possible but no later than one year from the date of the written report. Correction of noncompliance is achieved as follows:

- Student-Level findings of noncompliance must be corrected as soon as possible but no later than one year from written notification. Documentation supporting the correction must be submitted to the OSP and the correction verified by the SEA within the year.
- Administrative noncompliance outside of student file review protocol will be identified and the district should address the findings of noncompliance prior to Prong Two Review.

Appeal of Monitoring Finding

If within 30 calendar days of receipt of the monitoring report, the LEA concludes the evidence of a finding is inaccurate, the LEA may file a written appeal requesting reconsideration of a specific finding. Documentation substantiating the finding in question must be submitted to the OSP. The OSP will review the appeal and if the facts contained in the report are refuted by evidence submitted, the finding will be withdrawn. Request for reconsideration of a finding or for technical assistance will not delay Prong Two verification.

Chapter 2

Focused Monitoring Process

Focused Monitoring is a monitoring process where an LEA may receive a visit based on an identified need or other data source (i.e. an LEA receiving three or more complaints on a specific issue) brought to the attention of the OSP. In addition, the OSP may resolve a complaint regarding alleged violations that occurred outside the one-year timeline through the focus monitoring process. This process may occur concurrently with a Compliance Monitoring or independently. A Focused Monitoring will drill down within the LEA's data to identify root causes and solutions to an on-going issue of compliance, performance or both. Each Focused Monitoring is individualized to the district and one more following situations:

- performance levels and distance from SPP/APR targets;
- trend data;
- demographics of district;
- annual determination status;
- student enrollment and special education enrollment;
- issues identified through state complaints and/or Due Process Hearings; and/or
- high risk LEA.

Notification of Focused Monitoring Review

Selected LEAs will be notified via a letter to the superintendent with a copy to the Special Education Director no less than two (2) weeks prior to a Focused Monitoring visit. The letter informs the district of the purpose of the visit, Compliance Coordinator assigned, date of the on-site visit and agenda of activities. After the notification, the Compliance Coordinator contacts the special education director to begin planning the logistics of the visit, including the entrance and exit conference times, the school visitation schedule (if needed) and the sequence of all other activities. In addition, a Focused Monitoring may occur in conjunction with an on-site compliance monitoring visit. The scheduled dates of the monitoring visit will not be changed except in extraordinary circumstances.

Entrance Conference with District Staff

A brief meeting is scheduled on the first day of the on-site visit with the district superintendent, special education director and any additional staff at the district's discretion. The Compliance Coordinator introduces the monitoring team and outlines the procedures and team activities for the visit. The district may ask questions or present a brief overview of current improvement efforts in the area of focus identified in the letter.

Exit Conference

At the completion of the Focused Monitoring visit, an exit conference is scheduled with superintendent, special education director, RESA special education director and other administrative staff at the district's discretion. The Compliance Coordinator reviews the information gathered, identifies preliminary findings and provides the district an opportunity for discussion. The district may request follow-up technical assistance at this time.

Final Report

The Compliance Coordinator prepares a written report to be issued within 60 days of the exit conference. Reports may include;

- Identification of Individual Student-Level Noncompliance;
- Identification of Systemic Noncompliance; and
- Identification of Administrative Noncompliance.

The noncompliance(s) must be corrected as soon as possible but no later than one year from the date of the written report. Correction of noncompliance is achieved as follows:

- **Student-Level** Documentation supporting the correction must be submitted to the OSP and the correction verified by the SEA within the year.
- **Administrative** or **Systemic** Noncompliance outside of student file review protocol will be identified and the district should address the findings of noncompliance prior to Prong Two Review.

Appeals of Monitoring Findings

If within 30 calendar days of receipt of the monitoring report, the LEA concludes the evidence of a finding is inaccurate, the LEA may file a written appeal requesting reconsideration of a specific finding. Documentation substantiating the finding in question must be submitted to the OSP. The OSP will review the appeal and if the facts contained in the report are refuted by evidence submitted, the finding will be withdrawn. Request for reconsideration of a finding or for technical assistance will not delay Prong Two verification.

Chapter 3 • Dispute Resolution Monitoring

State Complaint

The parent or any individual may file a state special education complaint alleging a violation of an IDEA, Part B requirement by the school district, the WVDE or other public agency. The OSP must investigate and resolve a state complaint in writing within 60 calendar days of receipt unless the timeline is properly extended or the parent and district use the early resolution process to resolve the issues. The OSP notifies the complainant and the school district of the allegations in the complaint and conducts an investigation through a review of records, documentation and interviews. Upon completion of the complaint investigation, the OSP issues a Letter of Findings, which is a report of the final results and identifies a noncompliance for any violation of state or federal special education law or regulation. If violations have occurred, the county school district or public agency must submit documentation to the OSP to verify that the required corrective activities have been implemented. The case is closed when the documentation is approved by the OSP.

Due Process Hearing

A parent or the school district may request a due process hearing on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a student or the provision of FAPE. A due process hearing officer's decision on whether a student received a free, appropriate public education (FAPE) must be based on evidence and arguments directly relating to FAPE. In matters alleging a procedural violation a due process hearing officer may find that the student did not receive FAPE only if the procedural inadequacies:

1. Interfered with the student's right to FAPE;
2. Significantly interfered with the parent's opportunity to participate in the decision-making process regarding the provision of FAPE to the student; or
3. Caused a deprivation of an educational benefit.

When a parent requests a due process hearing, the district must provide an opportunity for a resolution meeting to discuss the concerns and the facts forming the basis of the due process hearing complaint and provide an opportunity to resolve the concerns. The first meeting must occur within fifteen (15) calendar days of the date of the due process hearing received or seven (7) calendar days in case of an expedited hearing. The meeting need not occur if both the parent and the district agree in writing to: participate in mediation to resolve the due process request, or waive the resolution process completely and proceed to hearing. The OSP monitors the resolution meeting timelines through a tracking form at the conclusion of the resolution session which is submitted to the OSP and hearing officer. In the event, the district does not implement the Resolution Session requirements the OSP will issue a notice of noncompliance to the district to demonstrate correction of the policy and practices related to the resolution session.

After the decision is rendered the OSP will notify the parties in writing of the procedures used to monitor the implementation of the order when identification of noncompliance has occurred. The OSP reviews the submitted documentation, and if it is acceptable the OSP will close the case. If the documentation is not acceptable the OSP issues a status letter including technical assistance. If at any time either party believes the hearing officer's order has not been appropriately implemented, specific information may be submitted in writing to the OSP with an explanation of the actions allegedly not implemented appropriately. An investigation will be initiated upon receipt of the written information through the complaint process.

Appeal of Due Process Hearing Decisions

A decision made in a due process hearing (including a hearing relating to IDEA disciplinary procedures for students with disabilities) is final; except that any party involved in the hearing may appeal the decision by bringing a civil action in court. The action may be brought in a state court of competent jurisdiction (a state court that has authority to hear this type of case) or in a federal district court without regard to the amount in dispute. The party bringing the action has ninety (90) calendar days from the date of the decision of the due process hearing officer to file a civil action.

Chapter 4 • Fiscal Management

Fiscal Management and Monitoring Procedures for All IDEA Funds

IDEA funds are provided for the excess cost of special education and related services for students with disabilities. IDEA funds are intended to supplement, not supplant state and local funds. The Education Department General Administrative Regulations (EDGAR), Parts 76 and 80 and Office of Budget and Management (OBM) Circulars A-87 and A-133 set forth the funding application and fiscal management requirements for state and subgrantees (LEA) receiving federal education funds. Compliance supplements to the OMB Circulars and IDEA regulations further clarify requirements specific to IDEA funds. The WVDE monitors local educational agencies (LEA), who are subgrantees, using the following processes to ensure requirements are met.

1. Review and approval of the Local Educational Agency Application and WVEIS budget for IDEA and state entitlement funds.
2. Issuance of grant awards specifying purpose of funds, grant award period and assurances certified by the subgrantee when the award is signed.
3. Review and approval of Budget Revision Requests, which serve as changes to the approved plan, when required by EDGAR and WVDE/OSP budget revision procedures.
4. Periodic review of online LEA project financial data reports extracted monthly from the WVEIS financial management system for IDEA and state entitlement funds to ensure expenditures correspond to the approved budget and are coded as expenditures for students with disabilities (or for gifted, if state aid) or for Coordinated Early Intervening Services (CEIS) as approved in the original application. Notification is provided to the subgrantee when anomalies are found, and correction is required within a specified timeline.
5. Monitoring of expenditure of funds and notifications to subgrantees prior to end of the obligation and liquidation period to ensure funds are spent.
6. Collection of data and reports from subgrantees as needed to meet specific federal requirements including Maintenance of Effort (MOE), CEIS and Section 618 reports.
7. Collection, review and verification of child count data.
8. District self-assessment monitoring of its own fiscal management requirements and periodic on-site monitoring by OSP staff.

Additionally, each LEA meeting the funding threshold for an A-133 single audit of IDEA funds is audited annually by independent auditors. The audit reports and the LEA's corrective action plans for correcting any audit findings are submitted to WVDE for review and approval by the OSP and Office of School Finance. Audit findings must be corrected by September 30 of the next fiscal year (e.g., FY09 findings are corrected by September 30, 2010.) OSP monitoring teams review audit reports and verify correction of audit findings during on-sites.

Local Educational Agency Application

Through the annual application, budget spreadsheet and the LEAs budget submitted through the WVEIS financial management system, the OSP ensures the fiscal requirements of IDEA are met as follows:

- Data analysis, program goals, action steps, subtasks, professional development plan and the budget for IDEA 611 and 619 funds, as well as state aid for exceptional children, are approved.
- The district inputs private school child count and enrollment data, and an online calculator determines the proportionate share of IDEA 611 and 619 funds required to be budgeted and expended for students parentally-placed in private schools based on the IDEA entitlement amounts for the fiscal year to which the application applies.
- An online calculator pulls financial and enrollment data and calculates the district's excess cost in accordance with 34 CFR §300.
- An online calculator pulls financial data and calculates the allowable reduction in MOE due to an increase in federal funds and the allowable 15% set aside for CEIS and compares expenditures for compliance and current fiscal year budgeting purposes.
- Additional compliance sections are provided to assist districts in completing plans specific to the following as applicable: itemization of equipment, construction, CEIS plan and reporting, and explanation of reduction in MOE due to increased federal funds, including a budget for use of "freed- up" funds in accordance with the Elementary and Secondary Education Act (ESEA).
- As a condition of plan approval, districts are required to complete and maintain documentation of the private school consultation process and to adopt local procedures (Policy 2419).

Grant Award

The grant award provides the applicable Catalog of Federal Domestic Assistance (CFDA) number, grant award period, including obligation and liquidation periods, use of funds and assurances, which are certified by the local Superintendent by signing.

Budget Revision Process

The required budget revision process is set forth in a memorandum from the Executive Director, OSP (appendix or attachment) and parallels the process required by WVDE. Budget and project revisions are submitted as required by EDGAR to the OSP for approval. Required forms are posted at <http://wvde.state.wv.us/finance> under the forms section.

Chapter 4

Project Financial Reports

The online Project Financial Report System, which pulls and posts district budgets and expenditures monthly, is accessed and budgets and expenditures are reviewed by WVDE staff to ensure the following:

- WVEIS budgets match approved LEA application budgets and have appropriate budget codes from the Chart of Accounts, <http://wvde.state.wv.us/finance/manuals/charts.pdf>, applicable to allowable expenditures. The Chart of Accounts, required account codes for LEAs, provides specific codes to track special education expenditures, private school proportionate share, indirect costs, CEIS, Medicaid and “freed-up” funds resulting from a reduction in MOE due to increase in federal funds in the previous fiscal year.
- Expenditures match the original budget categories or the current budget reflecting approved budget revisions where required.
- Required expenditures and amounts for private school proportionate share, indirect costs and CEIS, if applicable, are evident.
- Funds are obligated and liquidated in a timely manner and within the grant award period, including the Tydings period.

The following requirements are monitored through the desk audit and on-site monitoring:

Private School Proportionate Share

The method for maintaining a count of eligible students parentally-placed in private schools and documentation of the consultation process with a representative of private schools will be reviewed during on-site monitoring. Services provided will be verified through review of Service Plans, logs, contracts and interviews with public and private school personnel may be conducted to ensure the district has met requirements.

Purchasing

All districts are required to implement a purchasing system in compliance with Policy 8200, <http://wvde.state.wv.us/finance> under the policy section. During on-site monitoring, documentation of district expenditures, including contracts and time documentation for contracted services, purchase orders and invoices will be reviewed to ensure expenditure is consistent with the approved plan.

Time and Effort

All employees paid from IDEA funds must complete time and effort documentation. This documentation is reviewed through the single audit process. Employees working on a single cost objective, that is employees paid 100% from an IDEA grant award for activities allowable under IDEA, may complete a semi-annual form certification. Employees paid from more than one federal grant award (e.g. IDEA School Age and Preschool) or from a combination of state and IDEA funding must complete hourly documentation of time spent on each cost objective. This documentation is reviewed quarterly by the supervisor, and the employee's salary is adjusted accordingly. At the end of the year, the salary funding sources must be reconciled to match the percentage of time for each reflected in the time and effort documentation.

Property Management

All equipment purchased with IDEA funds must be properly managed and control must be maintained by the district as required by EDGAR Sec. 80.32(b) and Policy 8200. Documentation must include an updated equipment list, including a description, serial number, acquisition date, funding source, purchase price, location, use and condition of the equipment. Equipment is defined as tangible personal property with a useful life of more than one year and an acquisition cost of five-thousand dollars or more. Therefore, the district also should be able to account for "easily pilfered" items, such as digital cameras, iPods and netbooks purchased with federal funds. Inventory documentation is reviewed during the on-site monitoring process.

Chapter 5 • Annual Desk Audit (ADA)

Districts are required to conduct an annual self-assessment of their special education programs utilizing the District Self-Assessment (DSA)/Annual Desk Audit (ADA) which includes both State Performance Plan (SPP) and West Virginia indicators. The ADA is submitted electronically each year on April 30, and is a review of both compliance and results SPP Indicators. Districts with less than 100% on compliance indicators will receive written notice of noncompliance on or before May 31. Each ADA indicator determined Not Met requires completion of an improvement plan to be reviewed and accepted by the OSP.

The WVDE has developed an Annual Desk Audit (ADA) to address the SPP/APR performance and compliance indicators. (<http://wveis.k12.wv.us/nclb/county/ose/signonose.cfm>) The data-driven system creates a relationship between monitoring and improvement planning. The SPP/APR defines state targets for performance indicators. Districts not meeting state targets are required to develop an improvement plan. Compliance indicator targets of 100% are set by the Office of Special Education Programs (OSEP). Districts not meeting the compliance indicator targets in the ADA will receive a letter within 45 calendar days of submission identifying each noncompliance. The provisions outlined in 34 CFR§300.600 direct states to issue findings based on compliance indicators only. The compliance indicators which are included in this process are:

- Indicator 4 Suspension (0%)
- Indicator 9 Disproportionality-All Disabilities (0%)
- Indicator 10 Disproportionality-Specific Disabilities (0%)
- Indicator 11 Child Find (100%)
- Indicator 12 Early Childhood Transition (100%)
- Indicator 13 Secondary Transition (100%)

State Performance Plan Indicator 4 – Suspension

The OSP is required to assure performance/compliance with Indicator 4a/4b. Indicator 4 has two components:

- **Indicator 4a:** Districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for students with disabilities are reviewed by the OSP. The result of the review determines a district's status on the ADA. When a violation of policy, procedure or practice has occurred, a finding of noncompliance will be issued. However, if no violation of policy, procedure or practice exists, an improvement plan will be required and no finding will be issued.
- **Indicator 4b:** 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 students with disabilities are subject to an on-site or desk review by the OSP. If upon review, the district's policies, procedures or practices are found to contribute to the significant discrepancy, a finding of noncompliance is issued. The LEA must revise the policies, procedures and practice to comply with applicable requirements 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. However, if no violation of policy, procedure or practice exists, no finding will be issued.

LEA Data Review

Districts identified with a significant discrepancy in suspensions of greater than 10 days for students with disabilities will receive an on-site or desk review.

For any LEA identified as having a significant discrepancy in the rate of suspension and expulsion, a file review of students suspended or expelled for greater than ten (10) days will be conducted by the OSP team. The files will be selected by the OSP during the review of all students' files, with a maximum of ten (10) files reviewed. The team will also review the following: a) administration of policies, procedures and practices pertaining to the development and implementation of IEPs; b) use of positive behavioral interventions and supports; and c) provision of procedural safeguards.

Based on the analysis of the data and verification review, the OSP will identify student specific or systemic noncompliance.

State Performance Plan Indicator 9 – Disproportionality All Disabilities

The WVDE identifies LEAs with data showing *disproportionate representation* of racial/ethnic groups in special education and related services that is a result of inappropriate identification. A LEA is identified with disproportionate representation in all disabilities when the data indicate a weighted risk ratio (WWR) of 2.0 or higher with a cell size of 20. Each LEA identified must conduct a review of its policies, practices and procedures to determine if the disproportionate representation is a result of inappropriate identification.

State Performance Plan Indicator 10 – Disproportionality in Specific Disability Categories

The WVDE identifies LEAs with data showing *disproportionate representation* of racial/ethnic groups in specific disability categories that is a result of inappropriate identification. A LEA is identified with disproportionate representation when the data indicate a weighted risk ratio (WWR) of 2.0 or higher with a cell size of 20 in a specific category of disability. Each LEA identified must conduct a review of its policies, practices and procedures to determine if the disproportionate representation is a result of inappropriate identification.

Any LEA identified with overrepresentation by race/ethnicity as designated on the Data Summary Sheet for Indicators 9 and 10 is required to conduct a review for the ADA utilizing the designated form. The purpose of the review checklist is to assist LEAs in determining whether inappropriate identification has occurred through the examination of general and special education policies, procedures and practices pertaining to the identification, evaluation and/or eligibility of students for special education. To the maximum extent possible, the district must select students from a variety of school settings whose files contain a recent eligibility committee determination (initial or reevaluation). If the district has been identified with disproportionate representation in the previous year in the specific race/ethnicity and disability category(ies), exclude files of students previously reviewed. The OSP provides technical assistance to districts required to complete this review. For the Office of Institutional Education Programs (OIEP) and the West Virginia Schools for the Deaf and Blind (WVSDDB), select only those students who have been reevaluated while attending one of the LEA's school facilities.

Chapter 5

A summary of the LEA's review is to be submitted to the OSP for verification. Identification of noncompliance for SPP Indicators 9 and/or 10 will be based on the collective results of the file reviews for overrepresentation.

State Performance Plan Indicator 11 – Child Find

Indicator 11 is the percent of children who were evaluated within 80 days of written receipt of parental consent for initial evaluation. The OSP collects data entered by each LEA from the West Virginia Education Information System (WVEIS) database. Data is analyzed to determine possible data entry errors. The OSP notifies each LEA of specific student records with missing and/or error data requiring correction. This process occurs three (3) times per year giving the LEAs an opportunity to correct data entry errors. Final compliance status is based on a data pull following the last correction window. The data is sorted to remove the following:

- entries which have been duplicated;
- entries outside the specific federal fiscal year (FFY);
- entries containing documented parental refusal to evaluate;
- entries with no parental consent and no EC date; and
- entries with error data.

The data is sorted based on the total number of days from district receipt of parental consent to scheduled eligibility committee meeting. Those evaluations exceeding 80 days are sorted based on the reason code entered by the LEA. Acceptable reasons for exceeding the 80-day timeframe as delineated in federal and state policies are:

- Code 4: Parent failure to produce the student for evaluation during vacation or otherwise interrupting evaluation process, and
- Code 8: Student transferred out of district during the evaluation process.
- Districts are closed due to weather conditions determined by the county superintendent. The timeline will be extended directly proportional to the duration of the weather conditions. Days missed must be clearly documented in the student's file to accurately record the interruption.
- Summer break.

Finding(s) of noncompliance are determined by the OSP and are based on a review of WVEIS data.

State Performance Plan Indicator 12 – Early Childhood Transition

Indicator 12 is the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have IEPs developed and implemented by their third birthdays. The OSP collects and monitors referrals from Part C for completion of evaluations, eligibility committee meetings held, and implementation of IEPs by the third birthday for students found eligible. This is done in collaboration with the West Virginia Department of Health and Human Resources (WVDHHR) through documentation submitted to the OSP by the LEAs.

Findings of noncompliance are made using the data provided by the OSP.

State Performance Plan Indicator 13 – Secondary Transition

Percentage of youth with IEPs aged 16 and above 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 the annual IEP goals related to the student's transition services needs. Data for this indicator are collected through the ADA process and the on-site monitoring review. For the districts self-review, the OSP draws a random sample of students from the most recent December child count file posted for LEA access within the ADA system and includes approximately 10 percent (minimum of 5 per district/maximum of 25 per district). The LEA completes the transition file review and determines compliance. For the LEAs that are scheduled for an on-site monitoring review, the OSP draws a random sample of students from the most recent December child count and conducts the transition file review and the OSP determines compliance.

Chapter 6 • Enforcement and Sanctions

Failure to Meet Compliance

IDEA provides that each State Education Agency is responsible for ensuring that the requirements of the Act are met. This responsibility also extends to the correction of identified violations of IDEA. When an LEA fails to implement necessary corrective action, enforcement measures must be taken immediately and need to involve the imposition of graduated sanctions. The OSP will administer a range of sanctions in the following graduated order:

Level Two Enforcement Sanctions

LEA(s) with uncorrected noncompliance beyond two (2) years from the written notification will receive a Notice of Level Two Enforcement Sanctions with required corrective action plans.

Level Three Enforcement Sanctions

The OSP may use any of the following sanctions alone or in combination as a means of enforcement for LEAs with continuous uncorrected noncompliance:

1. Withhold all funds until the deficiencies are corrected;
2. Withhold any administrative funds, maintained by the OSP and used for the salary of the special education director;
3. Redirect funds (e.g., earmark funds for specific activities);
4. Remove the LEA's ability to apply for any discretionary funds established by the OSP;
5. Cease funding for all subsequent years until deficiencies are corrected if the LEA is currently involved in a grant project maintained by the OSP;
6. Request an audit be conducted of the LEA's financial records;
7. Direct the administration of the LEA's special education programs; and/or
8. Fine the LEA on a daily and/or monthly basis until the deficiencies are corrected.

Right to a Hearing

The OSP shall provide written notice and reasons for enforcement sanctions to the LEA's superintendent, the school board's president and the special education director, as well as provide written notice of the LEA's right to request a hearing. This constitutes giving reasonable notice and an opportunity for a hearing required by 34 CFR §300.197.

If the LEA requests a hearing, the OSP shall conduct the hearing in accordance with the fair hearing procedures established in W.Va. Code §18-3-4 and shall reach a final decision of compliance or noncompliance within thirty (30) calendar days of the request for a hearing.

Notes

Notes

