



Annual Compliance Report 2016-2017

*Division of Support & Accountability
Office of Federal Programs*

December 2017



**West Virginia Board of Education
2017-2018**

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Introduction

The West Virginia Department of Education (WVDE), Office of Federal Programs (OFP) and Office of Special Education (OSE), share the responsibility for ensuring that educational services are provided to all eligible students with exceptionalities. The Individuals with Disabilities Education Improvement Act 2004 (IDEA) and Policy 2419: Regulations for the Education of Students with Exceptionalities ensure that all students with exceptionalities have available a free appropriate public education (FAPE).

This annual compliance report includes data on monitoring activities, facilitated Individualized Education Programs (IIEP), written complaints, due process hearings, including the resolution process and mediations that were requested during the 2016-2017 school year and documents the Department's efforts to meet the requirements under IDEA and Policy 2419 pertaining to:

- administering the monitoring system, IIEP process, written complaints, due process hearings, including the resolution process and mediation, and;
- identifying findings and making decisions based on the on-site monitoring, the annual desk audit (ADA), annual LEA determinations, written complaints and due process hearings, in addition to making data from these processes available to the public.

Monitoring System

The Office of Federal Programs (OFP) is responsible for ensuring West Virginia's compliance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and its implementing regulations and West Virginia Code §18-20 (Education of Exceptional Children) that require the West Virginia Department of Education to adopt and use procedures to assure public agencies are providing a free appropriate public education to students with exceptionalities. Furthermore, IDEA guarantees the free appropriate public education (FAPE) of children with disabilities in the least restrictive environment (LRE).

To meet the needs of students with disabilities, the OFP has developed a continuous improvement monitoring process which places focus on both compliance requirements and the performance of students with exceptionalities. The Compliance Monitoring System includes various monitoring activities which occur either annually or on a four-year cycle. In addition, all local educational agencies (LEAs) are required to complete annually a District Self-Assessment for self-review and improvement planning which is overseen by the Office of Special Education (OSE). Four types of formal monitoring processes are conducted by the West Virginia Department of Education.

- Compliance Desk Audit & On-Site Monitoring
- Annual Desk Audit (ADA)
- Focused Monitoring
- Dispute Resolution Process

Compliance Monitoring

Compliance On-site Monitoring is a comprehensive monitoring activity occurring on a four-year cycle. Each LEA receives on-site 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 in selected districts. The monitoring team during the 2016-17 school year consisted of Office of Federal Programs (OFP) staff and additional individuals as determined by the Lead Monitor. Districts selected for a Compliance On-Site Monitoring engaged in pre-monitoring activities, submission of data for a desk audit focusing on various compliance indicators, on-site monitoring activities and the corrective improvement process.

Fifty-seven (57) LEAs are monitored within a four year cycle as required by the West Virginia Code §18-20-1 (Education of Exceptional Children). In addition, the state has the responsibility to have a system for enforcing the requirements of the Individuals with Disabilities Education Act of 2004 (IDEA). The table that follows provides the four year 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 • Wetzell 	<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

Annual Desk Audit (ADA)

The ADA is submitted electronically each year and is a review of both compliance and results State Performance Plan (SPP) Indicators. Districts that do not meet the target on compliance indicators will receive written notice of noncompliance from the Office of Special Education (OSE). Each ADA indicator determined “Not Met” requires completion of an improvement plan to be reviewed and accepted by the OSE. The ADA must be completed and submitted annually to the OSE to identify findings of noncompliance and areas requiring program improvement.

Focused Monitoring

Focused Monitoring is a monitoring process conducted by the OFP whereby an LEA may receive a visit based on an identified need or other data source (i.e., an LEA receiving a large number of complaints on a specific issue). 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 conducted is individualized to the district and the situation.

Dispute Resolution Process

Policy 2419: Education of Students with Exceptionalities and/or federal law require that all parents of or adult students with exceptionalities have available a process to file written complaints, due process complaints, or to request mediation and facilitated IEPs. This important procedural safeguard for parents provides assurance that the rights of students with exceptionalities are being protected. Effective dispute resolution data can enable the State to track identified issues to determine whether patterns or trends exist and the effectiveness of the resolution process.

Office of Special Education Programs (OSEP) 09-02 Memorandum

The United States Department of Education, Office of Special Education Programs (OSEP) issued a memorandum (OSEP 09-02 Memorandum of Correction) to states on October 17, 2008 clarifying expectations for correction of noncompliance by the LEA and the verification of that correction by the state. The principles in this memorandum are the standards by which the OFP reports noncompliance and correction for the State Performance Plan/Annual Performance Report (SPP/APR) and determines whether or not each LEA has made the appropriate corrections. The memorandum requires two levels, or prongs, of verification showing correction for all findings identified in writing to an LEA, excluding State Complaints and Due Process Hearing Decisions.

2016-2017 Findings of Noncompliance

The data below provides the total number of findings of non-compliance for the 2016-2017 school year from the ADA and Compliance On-Site Monitoring activities. The findings of noncompliance are provided to each LEA for review and correction. If the state finds noncompliance in an LEA, the State must notify the LEA in writing of the noncompliance and the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from identification. The one year correction requirement begins the date the State provides written notification to the LEA. The written notification from the State will detail specific steps the LEA must take to correct the noncompliance. To assure the LEA is correctly implementing the specific regulatory requirement(s) that were found to be noncompliant (Prong 2) a random sample of current IEPs will be reviewed in approximately six months following the initial finding of noncompliance. Correction is completed on the date the State determines both prongs are in compliance.

2016-2017 Compliance Monitoring Findings

Fifteen (15) districts received an on-site compliance monitoring visit during the 2016-2017 school year and are as follows: Cabell, Fayette, Gilmer, Greenbrier, Hancock, Kanawha, McDowell, Mineral, Morgan, Ohio, Preston, Randolph, Wirt, Wood, and Wyoming. The information provided below provides the number of districts monitored that were noncompliant for the specific area indicated.

Administrative Review

Administrative Findings	Noncompliant Districts
AF4: Instructional Groupings	1 districts
AF5: Certification/Caseloads	7 districts
AF 6: Full Instructional Day	3 districts

Student File Review

File Review Summary	Districts Below 75%
Amendments to the IEP	5 districts
Procedural Safeguards	3 districts
Discipline Procedures (Students over 10 days of out-of-school suspensions)	1 district
Annual Goals/Procedures	1 district
ESY Services	2 districts
Service Verification	6 districts
Transfer of Rights	1 district

The OSE revised the data collection process for Indicator #13 (Secondary Transition) during the 2011-2012 school year in an attempt to affect continuous improvement in this area. The OFP offers technical assistance to districts prior to the collection and reporting of transition age IEPs reviewed during the on-site monitoring reviews. In addition, the OSE continues to mandate the annual self-assessment process for Indicator 13 for those districts who are not receiving an on-site monitoring review. The table below provides the compliance data for those districts that received an on-site monitoring review and does not include the self-reporting during the ADA.

Secondary Transition On-Site Monitoring File Review

County School District	File Sample Size	Compliance Percentage
District 1	10	100%
District 2	10	100%
District 3	10	100%
District 4	10	100%
District 5	10	100%
District 6	10	100%
District 7	10	100%
District 8	10	100%
District 9	10	100%
District 10	10	100%
District 11	10	100%
District 12	10	100%
District 13	10	100%
District 14	10	100%
District 15	10	100%

**West Virginia Department of Education
Office of Federal Programs
On-site Monitoring Activities Evaluation**

County: _____
Special Education Director: _____
Guest Monitor: _____

The Office of Federal Programs (OFP) Monitoring Team’s purpose it to provide guidance to the district staff regarding compliance issues related to the education of students with disabilities. So that we may continually work to improve our monitoring procedures, we would appreciate your input. Please rate your level of satisfaction with the on-site monitoring activities.

	Not at all satisfied	Somewhat satisfied	Satisfied	Very Satisfied	Extremely Satisfied
1. In general, how satisfied were you with the monitoring visit?			1		9
2. Did the Compliance Coordinator attempt to gain your trust and confidence prior to the visit?			1		9
3. At the entrance conference, did the Compliance Coordinator clearly outline the procedures and team activities for the visit?			1		9
4. Were staff interviews and focus group sessions conducted in a professional manner?			1	1	8
5. At the exit conference, did the Compliance Coordinator and other members of the monitoring team present themselves as fair and impartial? At the exit conference, did the Compliance Coordinator address preliminary compliance findings?					10
6. Did district staff have ample time to ask questions?					10
7. Did the team clearly describe the follow up monitoring activities?			1		9
8. Do you feel comfortable contacting the Compliance Coordinator with any follow up questions?					10
9. What are some ways that we can improve the monitoring process? <ul style="list-style-type: none"> » <i>None at this time.</i> » <i>Perhaps more lead time could be provided for the upload process. With limited secretarial staff, it was time consuming.</i> » <i>I can't think of any ways. It was a very smooth process.</i> » <i>None</i> » <i>I think it has improved greatly from the last time we were monitored. Being able to send many documents in advance relieves some anxiety.</i> » <i>Continue to hire professional, conscientious staff; continue to conduct these "satisfaction surveys"; inform directors what type of data will be collected and how (each monitoring "cycle" has been different from the last).</i> » <i>I felt that the visit from the team was very well executed. The team was very thorough and professional.</i> » <i>Continue to download any information that can be viewed prior to coming to the county.</i> 					

<p>10. Do you believe that you have the capacity to correct all findings?</p> <ul style="list-style-type: none"> » Yes » <i>We have the capacity to correct the findings.</i> » Yes » Yes » Yes » Yes » Yes » Yes » Yes 					
<p>11. What additional support would you like from the WVDE office of Federal Programs?</p> <ul style="list-style-type: none"> » <i>None at this time.</i> » <i>Not sure at this time.</i> » <i>None at this time.</i> » <i>None, they are always readily available and offer assistance.</i> » <i>None needed at this time.</i> » <i>I would like to see more collaboration between Title 1 and Special Education with regard to curriculum and the blending of funds.</i> » <i>Just being a resource for questions I might have in the future.</i> 					
<p>12. Did the Compliance Coordinator clearly communicate information about scheduled monitoring activities prior to the monitoring visit? Was there any additional information that you would like to have?</p> <ul style="list-style-type: none"> » <i>Yes, the coordinator provided excellent communication.</i> » <i>Compliance coordinator clearly communicated all information.</i> » <i>Yes! The phone call announcing the visit includes very specific directions. Mr. Brunty also responded promptly to several follow up calls prior to the monitoring visit.</i> » <i>The Compliance Coordinator was very thorough in communicating the process. I was completely informed about the monitoring activities.</i> » <i>Yes, everything was clearly explained and outlined.</i> » <i>There was very clear communication, no additional information was needed.</i> » <i>I would suggest revising the monitoring schedule to reflect precisely "phone" conference or "face-to-face" conference for the Exit Conference. In addition for the Desk Review Summary, combine Provider Certifications (#6) with WVEIS Caseloads (#5) as one item.</i> » <i>I was well informed by the monitoring team.</i> » <i>Yes, we were informed about the visit. No additional information is needed.</i> 					

<p>13. What do you believe are the greatest obstacles for your district in regards to improving student achievement? What additional support could the WVDE provide to assist you in overcoming those barriers?</p> <ul style="list-style-type: none"> » <i>Providing students research based specially designed instruction. Co-teaching training opportunities.</i> » <i>Our greatest obstacle is teacher recruitment and maintaining the teachers.</i> » <i>The lack of qualified/certified special education teachers is problematic. It is difficult to sustain instructional practices when teachers are not stable to certain positions.</i> » <i>Our special education population is very diverse. We have 63 schools, so it is difficult to be uniform with implementing strategies/curriculum. Some of our schools are in high poverty areas. Help with supporting students with behavior problems is always needed.</i> » <i>Continuing staff development sessions in DI, SPL, and supplemental programs.</i> » <i>Two areas that we struggle with: 1) students placed out of state by DHHR in other districts. We have no input but they are counted against us in our ADA and our state money is taken for them. 2) timelines for evals- we have added another psychologist but continue to struggle.</i> » <i>See the response to question 11. In addition, very challenging obstacles include students with high transiency rates as well as high poverty. Aside from parent participation in the IEP meetings, there is little involvement of these parents. I would like to see the Office of Federal Programs do much more to implement PERCS throughout the state. (Of course our PERC is a true godsend!)</i> » <i>Funding tends to be an issue. Special Education suffers from the lack of, but I guess this is an ongoing problem throughout the state. If the team has the capacity to provide more training to our teachers, this will always be a welcoming method of support.</i> » <i>Possible county wide training on co-teaching, although, we have provided that on many occasions.</i> 					
<p>14. Do you have any additional comments?</p> <ul style="list-style-type: none"> » <i>Thank you!</i> » <i>Overall, the monitoring was quite helpful. It identified areas in need of improvement. The monitoring team was extremely competent (guest monitors included) and offered sound recommendations for improvement.</i> » <i>The state monitoring process for our county went very well. I felt the WVDE came in to see where we had weaknesses and help us fix them. The process did not seem punitive.</i> » <i>The team is very friendly and offer guidance to the schools that is helpful. They provide suggestions to assist in compliance areas.</i> » <i>I appreciate all the support we get. Jeremy and Matt were great, schools felt at ease and I think you get a better picture of what is actually going on that way.</i> » <i>Too bad there was no previous Satisfaction Monitoring Survey to be used as a comparison to this one... it would have been a dandy!!! (This one was soooooo much more positive, organized, etc.) I'm glad we are moving in a positive direction!</i> » <i>I would just like to thank Jeremy and the team for their visit. I could tell that they genuinely cared about the success of our students.</i> 					

Annual Desk Audit

Each West Virginia school district submits the ADA electronically each year on April 30 to the OSE. This assessment is a review of both compliance and results State Performance Plan (SPP) Indicators. Districts not meeting targets 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 OSE. Twenty-eight (28) districts received written notification of non-compliances identified in the ADA Report for the compliance SPP indicators. The data is reported below:

- Two (2) districts were identified as noncompliant for Indicator 4B: Suspension by Race/Ethnicity. *Rates of suspension and expulsion: 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.*
- Twenty-seven (27) districts identified as noncompliant for Indicator 11: Child Find. *Percent of children who were evaluated within 80 days of receiving parental consent for initial evaluation.*
- One (1) district identified as noncompliant for Indicator 13: Secondary Transition. *Percent of youth with IEPs age 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 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.*

Local Educational Agency Determinations

IDEA section 616(e) and Part B Regulations §300.600(a) and 300.604 require states to annually determine if the LEA:

- Meets the requirements and purposes of IDEA, Part B;
- Needs assistance in implementing the requirements of Part B;
- Needs intervention in implementing the requirements of Part B; or
- Needs substantial intervention in implementing the requirements of Part B.

In making each LEA's Annual Determination, the Office of Special Education used a Results/Compliance matrix. The four (4) factors considered were:

- District's performance on selected SPP results and compliance indicators;
- Valid and reliable data;
- Correction of identified noncompliance; and
- Other data available to the State about the LEA's compliance, including relevant audit findings.

For the April, 2017 ADA submission, there were 33 possible points on both Results and Compliance indicators. The Results/Compliance matrix reflects a percentage score that was used to determine the LEA's 2017 Annual Determination as follows:

- Meets Requirements: A LEA's Annual Determination is Meets Requirements if the matrix percentage is at least 80%.
- Needs Assistance: A LEA's Annual Determination is Needs Assistance if the matrix percentage is less than 80%.
- Needs Intervention: A LEA's Annual Determination is Needs Intervention if the total matrix percentage is less than 80%, and the LEA was determined to be in Needs Assistance for more than three consecutive years.
- Needs Substantial Intervention: The State did not make a determination of Needs Substantial Intervention for any LEA.

The following is a summary of the districts' Local Educational Agency Determinations status:

- Meets Requirements: 41 districts
- Needs Assistance – One Year: 7 districts
- Needs Assistance – Two Years: 3 districts
- Needs Assistance – Three Years: 1 district
- Needs Intervention: 3 districts
- Needs Intervention – Two Years: 2 districts

Part B Results Matrix						
Part B Results Indicators		State Performance Plan (SPP) Target	SWD State Average	LEA Percentage	Score	
Indicator 1: Graduation	(15-16)	74.26%	76.85%			
Indicator 2: Drop Out	(15-16)	2.25%	1.16%			
Indicator 3b: Participation Rate/Reading	(15-16)	95.00%	98.28%			
Indicator 3b: Participation Rate/Math	(15-16)	95.00%	98.26%			
Indicator 3b: Participation Rate/Alternate Assessment	(15-16)	1.00%	1.40%			
Indicator 3c: Assessment Data/Reading Proficiency	(15-16)	46.90%	14.85%			
Indicator 3c: Assessment Data/Math Proficiency	(15-16)	48.90%	11.02%			
Indicator 4a: Suspension/Expulsion (more than 10 days)	(15-16)	3.28%	3.28%			
Indicator 5a: Educational Environment General Education Full Time (6-21)	(16-17)	62.60%	64.65%			
Indicator 5b: Educational Environment Separate Class (6-21)	(16-17)	8.90%	8.07%			
Indicator 5c: Educational Environment	(16-17)	1.40%	1.72%			
Indicator 6a: Preschool Environments (Regular Early Childhood Program)	(16-17)	31.80%	32.81%			
Indicator 6b: Preschool Environments (Separate Special Education)	(16-17)	10.40%	7.48%			
Indicator 7a: Preschool Outcomes (Social-Emotional Skills)	(15-16)	A1.	78.00%	82.76%		0
		A2.	67.00%	67.46%		
Indicator 7b: Preschool Outcomes (Knowledge & Skills)	(15-16)	B1.	78.00%	82.90%		0
		B2.	63.00%	63.06%		
Indicator 7c: Preschool Outcomes (Appropriate Behavior)	(15-16)	C1.	79.00%	85.76%		0
		C2.	78.00%	76.50%		
Indicator 8: Parent Involvement	(15-16)	35.00%	34.37%			
Indicator 14c: Higher Education/Post-Secondary/Competitively Employed	(15-16)	66.00%	65.34%			
Indicator 14c: Response Rate	(15-16)	60.00%	65.34%			
Results Points Available		Results Points Earned		Results Performance		
17		0		0%		
Part B Compliance Matrix						
Part B Compliance Indicators 0% or 100%		State Performance Plan (SPP) Target	SWD State Average	LEA Percentage	Correction of Findings	Score
Indicator 4b: Suspension by Race/Ethnicity	(15-16)	0.00%	5.26%			
Indicator 9: Disproportionality/All Disabilities	(16-17)	0.00%	0.00%			
Indicator 10: Disproportionality/Specific Disabilities	(16-17)	0.00%	0.00%			
Indicator 11: Initial Evaluation Times	(15-16)	100.00%	97.24%			
Indicator 12: Preschool Transition	(15-16)	100.00%	100.00%			
Indicator 13: Secondary Transition	(16-17)	100.00%	94.75%			
Correction of Noncompliance		100.00%				
Timely and Accurate Data		100.00%				
Compliance Points Available		Compliance Points Earned		Compliance Performance		
16		0		0%		
Results Driven Accountability Percentage and Determination						
33		0		0%		

West Virginia Interagency Consolidated Monitoring of Out-of-State Residential Facilities

The West Virginia Legislature created The Commission to Study Residential Placement of Children to establish a mechanism to achieve systemic reform by which all of the state's child-serving agencies involved in the residential placement of at-risk youth jointly and continually study and improve upon this system. One of the topics of study outlined by the legislation when it formed the Commission was to develop ways to certify out-of-state providers to ensure that children who must be placed out-of-state receive high quality services consistent with West Virginia's standards. As part of this charge, the West Virginia Department of Health and Human Resources (WVDHHR) and the West Virginia Department of Education (WVDE) joined efforts to develop and implement a collaborative monitoring system to review out-of-state facilities providing treatment and educational services to West Virginia youth.

For students with disabilities, each state has a responsibility, under federal statute and regulation, to have a system of general supervision that monitors the implementation of IDEA. The WVDE implemented the educational monitoring of out-of-state facilities in April 2002. In 2012 an interagency team comprised of WVDE and WVDHHR, developed the interagency consolidated monitoring process and a manual which describes the procedures to thoroughly and consistently monitor out-of-state facilities servicing WV students. These procedures aim to ensure appropriate treatment and educational services are being provided in a safe environment. The team representing the WVDE and WVDHHR conducts on-site reviews of facilities out-of-state that are providing services for West Virginia students. A consolidated written report is issued to the facility administrator following the exit conference. Each report consists of recommendations for educational improvement, any child-specific and/or systemic findings of noncompliance under IDEA, WV state educational policies, WV state and federal codes, or WVDHHR rules, policies and procedures. Corrective action plans are imposed when appropriate. In addition, at the conclusion of the on-site monitoring and in the event suspension of placements or removal of members/students is ordered, the entire review team must return for a second on-site monitoring visit to determine the facility's correction of the deficiencies prior to a suspension being lifted.

The interagency team completed five (5) on-site reviews for the 2016-2017 school year. The facilities which received an on-site review were:

- Abraxas I – Marionville, PA
- Hermitage Hall- Nashville, TN
- Grafton – Winchester, VA
- Bellefaire JCB – Cleveland, OH
- Abraxas Academy – Morgantown, PA

Four of the five facilities reviewed had educational findings of noncompliance and corrective action plans were required from those facilities. None of the out of state facilities reviewed were found to have violations warranting suspension of placements or removal of students.

Dispute Resolution System

When school districts and parents have disagreements regarding students with exceptionalities, the WVDE encourages the parties to make every effort to resolve their differences informally through conferences and/or IEP Team meetings. For those cases when it is not possible to informally resolve a disagreement, the WVDE administers a system for dispute resolution, which includes options for written state complaints, mediations and due process complaints regarding the identification, evaluation, placement and/or provision of a free appropriate public education (FAPE). A state complaint is a charge that a special education law or regulation is not being followed by a county school district or public agency. A complaint may also address a district's failure to implement a due process hearing decision. A due process hearing provides a forum in which to have an impartial hearing officer resolve the dispute between the parents and the county school district. Parents and school districts are encouraged to use mediation, which is less formal than a complaint or a due process hearing, to resolve a disagreement. In addition, the state is in its third year of implementation of the Facilitated Individualized Education Program (FIEP) process whereby trained, impartial facilitators assist the IEP Team in developing an IEP to meet the student's needs and resolve the issues in conflict.

Facilitated Individual Education Program (FIEP):

Total number of FIEPs requested.....	20
Total number of FIEPs completed.....	15
Total number of FIEP requests withdrawn.....	1
Total number of FIEP requests wherein parents refused to participate.....	2
Total number of FIEP requests not held due to resolution of issues.....	1
Total number of FIEP requests wherein district refused to participate.....	1

State Complaints:

Total number of state complaints requested.....	25
Total number of state complaints determined insufficient.....	4
Total number of state complaints where agreement was reached through early resolution.....	6
Total number of state complaints where agreement was reached through mediation.....	0
Total number of state complaints where issues were deferred pending due process.....	0
Total number of Letter of Findings issued.....	15

Mediations:

Total number of mediations requested.....	22
Total number of written agreements.....	8
Total number of mediations without agreements or withdrawn.....	14

Due Process Hearings:

Total number of due process hearings requested.....	25
Total number of cases dismissed (closed due to a resolution meeting, Mediation Agreement, withdrawal or other resolution without having a hearing).....	25
Total number of cases resulting in a decision by a hearing officer.....	0

Facilitated Individualized Education Program (FIEP)

A Facilitated Individualized Education Program (FIEP) is a student focused IEP process designed to help the IEP Team overcome the pressures and challenges of a potentially contentious meeting. While the FIEP is not a required dispute resolution option under IDEA, West Virginia has joined a number of other states in making this option available to its districts. A Facilitated IEP Team meeting provides an opportunity for early conflict prevention and is available to school districts, parents of children with disabilities and adult students (18 years and older) with disabilities.

Upon receipt of a request for a FIEP meeting, the OFP assigns a facilitator whose primary responsibility is to assist IEP Team members in the thoughtful and productive development of a quality IEP focused on the student's specific needs. The district, the parent or an adult student may request a trained, impartial professional facilitator to attend the IEP Team meeting to assist the members of the IEP Team to remain focused on student issues and goals while addressing conflicts and disagreements that may arise during the meeting. The process may be used for any IEP Team meeting, including an initial eligibility meeting, the annual review, a reevaluation review and other IEP Team meetings. IEP facilitation is free to all participants.

The IEP Facilitator's role is to:

1. Keep the meeting focused on the student.
2. Ensure that all members at the table have an opportunity to participate.
3. Encourage active listening by all participants.
4. Keep the group moving toward consensus without getting stuck on just one aspect of the IEP.

To formally request a Facilitated IEP Team meeting, parents or school staff may contact their district's special education director or complete a Request for a Facilitated IEP Team meeting form on the WVDE website at <http://wvde.state.wv.us/federal-programs/facilitated.html>. Impartial facilitators will be selected by the OFP on a rotational basis. The entire IEP Team will participate in the Facilitated IEP Team meeting.

When the OFP receives a request for a Facilitated IEP Team meeting, a representative of the OFP will contact the school district or the parent to confirm the agreement of both parties. The IEP Facilitator, the district special education director, the student's case manager and the parents will arrange a mutually agreed upon date and time for the meeting. A request for a Facilitated IEP cannot delay the timeline for completion of the student's annual IEP Team meeting.

State Complaints

The federal regulations for implementing Part B of the IDEA require each state to administer a system for investigating and resolving state complaints. A formal state complaint is a charge that special education laws or regulations are not being followed by a district or public agency.

An individual or organization may file a state complaint under the procedures described in Policy 2419, Chapter 11. The WVDE has made available a form for filing a state complaint which can be accessed on the Department's website. Although the use of this form is not required, the complaint must be in writing, contain the complainant's signature and meet the criteria specified in Chapter 11, Section 2.A.

The WVDE has adopted written procedures for responding to and investigating state complaints and widely disseminates these procedures to parents and other interested individuals including parent training and information centers, protection and advocacy agencies, independent living centers and other appropriate entities in the state.

Within sixty days of receipt of a state complaint, the WVDE must carry out an independent investigation if the WVDE determines the state complaint is sufficient. Upon review of all relevant information, the WVDE must make an independent determination as to whether the public agency is violating state or federal special education laws or regulations. The WVDE issues a written decision to the district and the parent that addresses each allegation in the complaint and contains findings of facts and conclusions, the reasons for the WVDE's final decision, and procedures for effective implementation of the WVDE's final decisions, if needed, including corrective actions to achieve compliance.

State Complaints and Due Process Complaints

If a written state complaint is received that is also the subject of a due process complaint, or contains multiple issues of which one or more are part of the due process complaint, the WVDE shall set aside any part of the state complaint that is being addressed in the due process complaint until the conclusion of the hearing. Any issue that is not a part of the due process action will be resolved following the established state complaint procedures and timelines. For issues that are addressed in the due process hearing, the hearing officer's decision is binding on those issues and the WVDE must inform the complainant to that effect. Any remaining issues not addressed in the due process hearing decision will be investigated upon receipt of the hearing decision by the WVDE in accordance with the established state complaint procedures and timelines.

A state complaint alleging a district's failure to implement a due process hearing decision must be investigated and resolved by the WVDE utilizing the state complaint procedures.

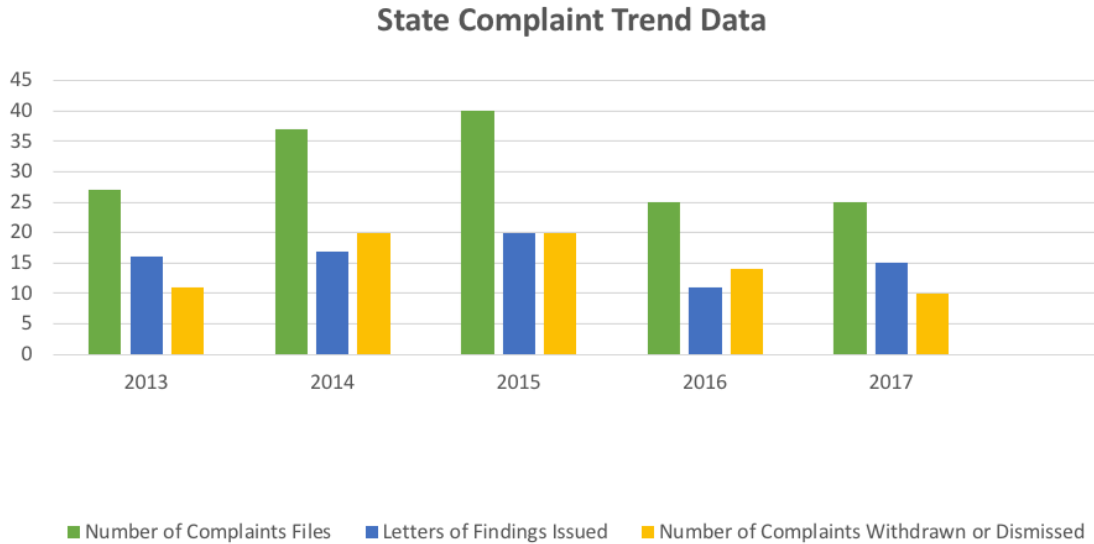
Early Resolution of State Complaints

Either the special education director or the parent/adult student may request early resolution to a state complaint investigation by contacting the other party and participating in a local conference if both the district and parent voluntarily agree to utilize the early resolution option. If early resolution is reached on any or all allegations within fifteen days of being notified of the receipt of the state complaint, the school district need not submit its written response to the allegations to the WVDE, and the state complaint will be considered resolved. Allegations not resolved will be investigated using established procedures and timelines.

Mediation and State Complaints

Another option for resolving the issues in the complaint is mediation. The parent and the district may agree to voluntarily engage in mediation consistent with the Department's procedures as a means to resolve the issues in the complaint. If both parties agree to mediate, the timeline may be extended if agreed upon by the parent and the district. If a mediation agreement is reached, the decisions are documented in a settlement agreement and the complaint is considered resolved. A settlement agreement is binding in any court of competent jurisdiction.

An analysis of data over a five (5) year period indicates an increasing trend in the receipt of complaints by the WVDE between the 2013 and 2015 school years. However, data show a significant decrease in the number of complaints submitted by parents and non-parent complainants during the 2016 and 2017 school years. Additionally, the data reflects cases that were withdrawn based on resolutions, either through the early resolution process or through settlement agreements resulting from mediations requested by the parents or district, and agreed upon by both parties. Others were dismissed based on insufficient content.



Of the 25 complaints submitted during the 2017 school year, 15 were fully investigated and resulted in the issuance of letters of findings (LOFs). A total of ten (10) complaints were withdrawn; 4 of those were dismissed for insufficient content and six (6) others were withdrawn as a result of early resolutions agreements between the district and the parents.

Violations Identified in State Complaints

- Provision of a Free Appropriate Public Education
- Consent for Evaluation
- Scheduling IEP Meeting at Parent's Request
- Transition Services
- LRE and Placement Decisions
- Request for an Amendment to the IEP
- In-State Transfer Procedures
- IEP Implementation

Mediation

Mediation is an informal process for assisting parents and local educational agencies (LEAs) to resolve disputes and reach agreements. Mediation is voluntary on the part of both parties and opens lines of communication which will benefit the student, parents and school personnel throughout the student's school career. Hopefully, when mediation is requested, parents and school personnel will have the opportunity to resolve their differences amicably, make decisions with the student's best interest in mind; and therefore, reduce the need for further dispute resolution options. Parents and LEAs are encouraged to use mediation, which is less formal than a due process hearing, to resolve disagreements.

Mediation Requests 2017

Local Education Agency	Number of Mediations Requested	Number of Mediations Requested in Lieu of Resolution Meetings	Mediations Withdrawn or Dismissed	Mediation Agreements	Mediations Held Without an Agreement
Berkeley	1	1		1	
Braxton	1		1		
Cabell	2				1
Clay	2		1	1	
Jefferson	3	1			3
Kanawha	2	1		1	1
Lincoln	1		1		
Mason	1			1	
Mercer	1	1	1		
McDowell	1	1	1		
Nicholas	1	1		1	
Preston	1	1	1		
Raleigh	1	1		1	
Randolph	1		1		
Wayne	1				1
Webster	1			1	
Wyoming	1			1	
Totals	22	8	8	8	6

Mediation Issues Chart

Case	Issues	Result
M17-001	The parties are in agreement to mediate the scope of services to be provided to the student and other issues related to the pending due process complaint.	No Agreement
M17-002	District requested mediation in lieu of resolution to the issues of FAPE; behavior intervention plan; one-to-one aide; functional behavioral assessment (FBA) and consult by a BCBA.	Agreement
M17-003	IEP & 504 not being followed; unfair punishment during the 2015-2016 school year; incomplete IEP; teachers did not know the student had an IEP.	Agreement
M17-004	Parent alleges the student cannot receive a FAPE from any other teacher and wants the student's schedule changed.	No Agreement
M17-005	The parent alleges the student's IEP is not calculated to provide the student a FAPE; and therefore, the student is not receiving FAPE.	Withdrawn
M17-006	The person who filed the mediation request believes the student is not making adequate progress; however, the individual was not the student's parent.	Withdrawn
M17-007	Student has not made progress in reading for 3 years; IEP goals are not adequate; bullying concerns have not been addressed.	No Agreement
M17-008	LRE not considered as the district came to the FIEP with a predetermined placement.	Agreement
M17-009	Mediation request in lieu of resolution session to due process case.	Agreement
M17-010	Student's IEP does not provide FAPE; lack of meaningful parental participation in IEP Team meeting; disagree with the reduction in the amount of speech therapy.	Agreement
M17-011	Inadequate IEP; unresolved bullying and harassment.	Agreement
M17-012	Mediation request in lieu of resolution session to due process case.	Agreement
M17-013	Student denied access to extracurricular activity; refusing to honor IEP.	No Agreement
M17-014	Provide a qualified evaluator; provide appropriate curriculum for math.	No Agreement
M17-015	To resolve issues in due process complaint.	No Agreement
M17-016	To increase school-based therapy.	No Agreement
M17-017	To address the student's behavior.	District did not agree to mediate.
M17-018	Mediation request in lieu of resolution session to due process case.	No Agreement
M17-019	Mediation request in lieu of resolution session to due process case.	Agreement

Case	Issues	Result
M17-020	LEA did not agree to mediation.	Withdrawn
M17-021	Student denied dedicated assistance for self-care and behavior reinforcement; failed to provide a major portion of therapy services; IEP goals do not properly reflect issues with task attention and supervision.	Withdrawn
M17-022	Residential placement out-of-state	No Agreement

Mediation Costs

The West Virginia Department of Education assumes the total cost of the mediator assigned to the requested mediation. Mediators enter into an annual Service Agreement with the WVDE to conduct the mediation pursuant to the procedures specified in the Individuals with Disabilities Education Improvement Act (IDEA) and Policy 2419: Regulations for the Education of Students with Exceptionalities. The mediators are compensated at the rate of \$100.00 per hour for preparation and conducting the mediation and half-rate for travel time. Total mediation costs for FY 17 were \$24,231.29. The chart below provides a breakdown of mediation costs by case.

Case Number	Cost	Case Number	Cost
M17001	\$2,814.28	M17012	\$2383.40
M17002	\$1,092.94	M17013	\$1,340.40
M17003	\$1,777.06	M17014	\$525.00
M17004	\$1,136.94	M17015	\$2,237.48
M17005	\$350.00	M17016	\$0.00
M17006	\$0.00	M17017	\$0.00
M17007	\$2,390.97	M17018	\$1,485.62
M17008	\$2,101.35	M17019	\$1,662.15
M17009	\$736.40	M17020	\$0.00
M17010	\$0.00	M17021	\$1,000.00
M17011	\$882.30	M17022	\$1652.00
Total Costs = \$24,231.29			

Mediation Survey Responses

Mediation holds great promise for assisting parents, students, school districts and others in developing solutions to resolve disputes. Parents and school personnel have different perspectives on how well the mediation worked and its outcomes. The intent of this section is to capture the perspectives of those individuals participating in the mediation process and provide valuable data on how to increase the access, use and success of the mediation process. The evaluation of the mediation system helps ensure the services are continually being improved and refined; thereby, enhancing the likelihood that mediation will be effective and utilized to the greatest degree possible.

The chart below provides a summary of the survey responses received from parents and school districts from July 1, 2016, through June 30, 2017. Of the 22 mediations requested, fourteen mediation sessions were held, resulting in eight (8) mediation agreements. A total of twelve surveys were returned to the OFP; six (6) surveys from parents and six (6) surveys from district representatives.

Mediation Survey Summary

Statements	Responses	
	Parent	LEA
1. The mediation was attempted before a due process hearing was requested.	6 yes	6 yes
2. My rights in the mediation process were explained prior to entering into mediation	6 yes	6 yes
3. The mediator was knowledgeable about the mediation process.	6 yes	6 yes
4. I felt comfortable discussing my concerns in the mediation session.	6 yes	6 yes
5. I believe the mediator was fair to both sides.	6 yes	6 yes
6. I had an opportunity to fully express my concerns in the mediation.	6 yes	6 yes
7. Mediation helped me understand the concerns of the parent/district.	2 yes; 4 no	2 yes; 4 no
8. Mediation helped resolve issues that most likely would not have been resolved without mediation.	2 yes; 4 no	3 yes; 3 no
9. I was satisfied with the mediation process.	3 yes; 3 no	6 yes
10. I would recommend mediation to others.	3 yes; 3 no	6 yes
11. The mediation resulted in a written agreement.	4 yes; 2 no	5 yes; 1 no

Statements	Responses	
	Parent	LEA
12. If an agreement was not reached, what do you consider the reason for the failure?	<ul style="list-style-type: none"> » <i>Mediator was not effective in helping parties move toward agreement.</i> » <i>School was willing to pay any price to "win".</i> » <i>School system's goal is to fight. No room for compromise.</i> » <i>Must have 2 willing parties.</i> 	
<p>General comments:</p> <ul style="list-style-type: none"> » <i>The mediator was very willing to explain the process as this was my first experience with mediation.</i> » <i>The mediator did an excellent job of keeping the meeting going and not allowing members to get "stuck in the past" and keep focused on moving forward.</i> » <i>I feel like the mediation process is good to get both sides to come to an agreement that works. In my case, I feel like the school system only did it because they were obligated to.</i> » <i>Superintendent is not acting in the best interest of students, but seems to prefer power struggles.</i> » <i>I highly recommend using this process for IDEA issues. Mediator was professional and helpful in explaining process to the parties. I would recommend offering mediation through Skype for certain situations.</i> 		

Due Process Hearing

Special education laws and regulations ensure that all students with exceptionalities have available a free appropriate public education (FAPE). The West Virginia Department of Education (WVDE), Office of Federal Programs (OFP), is required to accept due process complaints regarding the identification, evaluation, educational placement and/or provision of FAPE for exceptional students. Due process complaints and hearings are important procedural safeguards for parents and are required by federal law. A parent, an adult student with an exceptionality, a school district or an attorney representing a party may request a due process hearing.

Due Process Complaint Resolution Meeting

In the Individuals with Disabilities Education Improvement Act (IDEA), Congress recognized the need to provide additional opportunities for early dispute resolution. A 30-day resolution period was added when a parent files a due process complaint. The LEA is required to hold a resolution meeting within 15 days of receiving notice of the parents' due process complaint to discuss the issues leading to their due process hearing request. This provides the LEA an opportunity to attempt to resolve the issues. The parents and LEA decide which IEP Team members will attend the resolution meeting; however, a LEA representative who has decision-making authority must participate in the resolution meeting. The resolution meeting must be held unless the parents and LEA agree in writing to waive the resolution meeting or agree to use mediation. If the LEA and parents resolve the issues relating to the due process hearing request during a resolution meeting, they must execute a legally binding agreement. If the LEA has not resolved the request for the due process hearing to the satisfaction of the parents within 30 days of the receipt of the parents' hearing request, the due process hearing may proceed and all of the applicable timelines begin.

Due Process Complaints & Hearing Requests

A total of twenty-five due process complaints were filed with the WVDE during the FY 2017 school year. Of those, 24 were filed by parents or attorneys representing parents. One complaint was filed by a district. The WVDE had only one request for an expedited hearing. A total of eighteen due process complaints were resolved through the resolution session process. Three mediation sessions were used to resolve the issues in the complaints and three others were withdrawn by the initiators or dismissed by the due process hearing officer.

IDEA Due Process Hearing Complaint Issues

Case Number	Alleged Violation	Action
D17-001	The parent alleges the district has not demonstrated competence in developing or implementing the student's IEP; more specifically, the district is denying the student a FAPE. (Pro Se)	Withdrawn Settlement Agreement
D17-002	The parent is alleging the student was dismissed from special education without an evaluation and denied access to summer school classes. (Nancy Dalby)	Withdrawn Mediation Agreement
D17-003	Parent alleges the district denied the student a FAPE resulting from a one-year expulsion. (Mountain State Justice, Inc.)	Resolution Session Settlement Agreement
D17-004	The parent alleges the district is denying the student transportation to meet his needs. (Pro Se)	Withdrawn Settlement Agreement
D17-005	The parent alleges the district failed to follow the proper discipline procedures before expelling the student for 365 days. (Pro Se)	Resolution Session Settlement Agreement
D17-006	The parent alleges the district failed to evaluate the student, address allegations of bullying and properly address code of conduct violation. (Mountain State Justice, Inc.)	Resolution Session Settlement Agreement
D17-007	The parent alleges the IEP Team did not have appropriate membership; specifically, the IEP Team lacked a general education teacher. (Pro Se)	Withdrawn
D17-008	The parent alleges the district ignored requests to conduct an evaluation of the student's behavior & to develop an IEP to provide the student a FAPE. (Mountain State Justice, Inc.)	Withdrawn Mediation Agreement
D17-009	The parent disagrees with the student's change of placement to another school. (Pro Se)	Resolution Session Settlement Agreement
D17-010	The parent alleges the district failed to provide a district representative at the IEP Team meeting held to consider a 1:1 aide for the student. (Pro Se)	Resolution Session Settlement Agreement
D17-011	Parent alleges the district failed to provide a safe environment for the student to receive a FAPE, did not provide the student a trained aide and has not completed evaluations requested, including an FBA. (Patrick Lane)	Resolution Session Settlement Agreement
D17-012	Parent alleges the student's IEP is inadequate and the district has not addressed peer bullying/harassment issues. (Mountain State Justice, Inc.)	Resolution Session Settlement Agreement

Case Number	Alleged Violation	Action
D17-013	The parent requests the student to be moved to another teacher's class. The parent alleges the district is not providing the student needed accommodations for math and the student is being retaliated against. (Pro Se)	Resolution Session Settlement Agreement
D17-014	The parents disagreed with the decision made in manifestation determination review. (Pro Se)	Withdrawn
D17-015	The parent alleges the district failed to identify, locate and evaluate the student for special education services and failed to provide transportation services. (Disability Rights of WV)	Resolution Session Settlement Agreement
D17-016	The parent alleges the district failed to implement supplementary aids, services & program modifications. (Pro Se)	Mediation Mediation Agreement
D17-017	The parent alleges district failed to implement the IEP; properly train staff on IEP implementation; provide proper supervision of student; convene an IEP Team meeting to remove services & accommodations; continue same aide's contract. (Lane Law Firm)	Resolution Session Settlement Agreement
D17-018	The parents allege the district failed to address peer bullying & harassment; identify & evaluate the student for special education; provide adequate instruction during homebound services. (Mountain State Justice, Inc.)	Resolution Session Settlement Agreement
D17-019	The parents allege the district failed to adhere to the Resolution Agreement. (Kevin Pearl)	Resolution Session Settlement Agreement
D17-020	The parent alleges the district failed to implement the student's IEP & Behavior Support Plan; train school personnel in the student's disability; to design an appropriate IEP to address the student's giftedness, social skills and executive functioning (Mountain State Justice, Inc.)	Withdrawn Mediation Agreement
D17-021	The parent alleges the district denied the student an appropriate IEP. (WVU College of Law)	Resolution Session Settlement Agreement
D17-022	The district filed the due process complaint asking the hearing officer to determine whether the district's evaluation of the student was appropriate. (Bowles, Rice Law Firm)	Withdrawn
D17-023	The parents allege the district failed to develop an IEP to meet the student's physical and academic needs and transition services; provide special education and related services in the out-of-school environment placement. (Mountain State Justice)	Resolution Session Settlement Agreement

Case Number	Alleged Violation	Action
D17-024	The parent alleges the district failed to provide a FAPE in compliance with the student's IEP. (Pro Se)	Resolution Session Settlement Agreement
D17-025	The parent alleges the district is denying the student an aide and is not providing accessible playground equipment. (Pro Se)	Resolution Session Settlement Agreement

IDEA Due Process Hearing Decisions Summary Report by District

Local Educational Agency	Number of Hearings Requested	Withdrawn/Resolution Agreement/Mediation/Due Process Decision
Berkeley	4	1 Mediation Agreement; 3 Resolution Agreements
Brooke	1	Resolution Agreement
Cabell	1	Withdrawn
Clay	1	Resolution Agreement
Hampshire	1	Withdrawn
Hardy	1	Resolution Agreement
Harrison	1	Resolution Agreement
Jefferson	3	3 Resolution Agreements
Kanawha	2	1 Mediation Agreement; 1 Resolution Agreement
McDowell	1	Resolution Agreement
Mercer	1	Resolution Agreement
Nicholas	1	Mediation Agreement
Preston	1	Resolution Agreement
Putnam	2	1 Resolution Agreement; 1 Withdrawn
Raleigh	2	1 Resolution Agreement; Mediation Agreement
Wayne	1	Resolution Agreement
Wood	1	Resolution Agreement

Of the twenty-five Due Process Complaint requests filed with the OFP during the FY 2017 school year, the parties were able to resolve twenty-one (21) through the resolution process or mediation, three (3) were withdrawn by the parent and one (1) was withdrawn by the district. None of the complaints went to a fully adjudicated due process hearing.

IDEA Due Process Hearing Costs

The WVDE has entered into a contractual agreement for due process hearing officer services at the rate of \$125.00 per hour for preparation, conducting the hearing and decision writing and half-rate for travel time. The WVDE remits payment to the hearing officer for 2/3 of the approved cost of the hearing officer's fee and 100% of approved expenses. The district remits payment to the hearing officer for 1/3 payment of the approved cost of the hearing officer's fee within 30 calendar days of receipt of the approved invoice. When a hearing is not held, settled or dismissed, the hearing officer is only paid for time accrued, which is considerably less than when a hearing occurs. In addition, the WVDE is responsible for 100% of the cost of a court reporter for the due process hearing. The district is responsible for the cost of the district's attorney.

The total cost of due process complaints for FY 2017 was \$28,022.01. The chart below breaks down the specific costs paid separately by the WVDE and the LEA, as well as the total cost for each due process complaint filed.

IDEA Due Process Hearing Costs

Case Number	Hearing Costs		WVDE Court Reporter Cost	Total Hearing Cost
	WVDE Cost	LEA Cost		
D17001	\$750.00	\$375.00	\$0.00	\$1,125.00
D17002	\$1,005.00	\$500.00	\$0.00	\$1,505.00
D17003	\$1,666.67	\$833.33	\$0.00	\$2,500.00
D17004	\$1,188.33	\$591.67	\$0.00	\$1780.00
D17005	\$293.26	\$133.33	\$0.00	\$426.59
D17006	\$416.67	\$208.33	\$0.00	\$625.00
D17007	\$1,055.00	\$525.00	\$0.00	\$1580.00
D17008	\$272.67	\$116.67	\$0.00	\$389.34
D17009	\$333.33	\$166.67	\$0.00	\$500.00
D17010	\$1013.33	\$504.17	\$0.00	\$1517.50
D17011	\$407.75	\$179.17	\$0.00	\$586.92
D17012	\$416.67	\$208.33	\$0.00	\$625.00
D17013	\$1013.33	\$504.17	\$0.00	\$1517.50
D17014	\$257.28	\$108.33	\$0.00	\$365.61
D17015	\$583.33	\$291.67	\$0.00	\$875.00
D17016	\$1163.33	\$579.17	\$0.00	\$1742.50
D17017	\$171.07	\$66.67	\$0.00	\$237.74
D17018	\$500.00	\$250.00	\$0.00	\$750.00
D17019	\$1313.33	\$654.17	\$0.00	\$1967.50
D17020	\$357.28	\$162.50	\$0.00	\$519.78
D17021	\$583.33	\$291.67	\$0.00	\$875.00

Case Number	Hearing Costs		WVDE Court Reporter Cost	Total Hearing Cost
	WVDE Cost	LEA Cost		
D17022	\$1755.00	\$875.00	\$0.00	\$2630.00
D17023	\$513.11	\$247.92	\$0.00	\$761.03
D17024	\$416.67	\$208.33	\$0.00	\$625.00
D17025	\$1330.00	\$665.00	\$0.00	\$1995.00
Total Costs	\$18,775.74	\$9,246.27	\$0.00	\$28,022.01

The West Virginia Department of Education, Office of Federal Programs (OFP) and Office of Special Education (OSE), continually strive to support West Virginia LEAs in meeting the requirements of *The Individuals with Disabilities Education Improvement Act 2004 (IDEA)* and *Policy 2419: Regulations for the Education of Students with Exceptionalities* through the processes discussed in this report. In addition, the OFP and OSE provide resources and information to parents of children with disabilities, adult students with disabilities, and others. This oversight assists in ensuring that all students with exceptionalities have available a free appropriate public education (FAPE). Questions regarding the information provided in this report should be directed to the West Virginia Department of Education.



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