

SPECIAL CIRCUMSTANCE

ON-SITE REVIEW REPORT

***Lincoln County
Special Education***

April 2021



Office of Support &
Accountability



**West Virginia Board of Education
2020-2021**

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Introduction

At the specific direction of the West Virginia Board of Education (WVBE), the Office of Support and Accountability conducted a Special Circumstance Review of Lincoln County Schools beginning January 27, 2021, to obtain specific information regarding the Special Education Efficiency Indicator. The review process was conducted as outlined in West Virginia Board of Education (WVBE) Policy 2322: West Virginia System of Support and Accountability. The review included an analysis of related data collected by the West Virginia Department of Education (WVDE), documentation provided at the district level, and interviews of central office personnel.

A Team consisting of staff members from the WVDE compiled the information gathered during the onsite review and provided findings and points of noncompliance outlined in this report. The report will acknowledge identified strengths and provide recommendations and corrective actions to address deficiencies and improvement of county administrative practices regarding the delivery of special education services to students with disabilities residing in Lincoln County.

Onsite Review Team Members

Susan Beck, Director, Office of Special Education, WVDE
Jason Conaway, Coordinator, Office of Special Education, WVDE
Alexandra Criner, Coordinator, Office of Accountability, WVDE
Dawn Embry-King, Coordinator, Office of Special Education
Matthew Hicks, Director, Office of Accountability Services, WVDE
Lesa Hines, Coordinator, Office of Federal Programs, WVDE
Sheila Paitsel, Director, Office of Federal Programs, WVDE
Diana Whitlock, Coordinator, Office of Federal Programs, WVDE
Susan Young, Coordinator, Office of Accountability, WVDE

Background

On March 11, 2020, a report of the findings from a Special Circumstance Review conducted by the WVDE at Guyan Valley Middle School was presented to the West Virginia Board of Education. Based on the findings in that report, the WVBE directed the Office of Support and Accountability to conduct a Special Circumstance Review of the Lincoln County School System. This commenced with a review of the Finance and Transportation Offices. The report of the findings from that review was presented to the WVBE on November 16, 2020. Following consideration and review of the Finance and Transportation Report, the WVBE moved to declare a state of emergency in Lincoln County Schools pursuant to W. Va. Code §18-2E-5(m)(2). The State Superintendent was directed to appoint designees to be employed pursuant to W. Va. Code §18-2E-5(j) to coordinate on-site school improvement efforts and to provide recommendations for correction of the extraordinary circumstances. Two designees, one with extensive superintendent experience and one with expertise in school and system financial

practices were appointed by the State Superintendent and approved by the WVBE on January 13, 2021, for this purpose. The WVBE further directed, if progress in correcting the extraordinary circumstances is not made in six months from the time the county board receives the recommendations, the WVBE shall intervene in the operation of Lincoln County Schools.

Lincoln County Schools operates three elementary, three Pre-K-8, one middle, and one high school with a total enrollment of nearly 3,300 students. According to the 2019 Zoom WV state assessment results, 56.09% of students are economically disadvantaged compared to the state average of 46.93%. Lincoln County Schools' performance on the 2018-2019 West Virginia General Summative Assessment indicates 27.48% of students were proficient in mathematics and 38.00% in English language arts. These proficiency rates are significantly below the state averages of 38.7% in mathematics and 46.1% in English language arts (Zoom WV, 2020).

The 2019 Balanced Scorecard results indicate academic performance in English language arts and mathematics falls within the "Does Not Meet Standard" or "Partially Meets Standard" for all eight schools. The student attendance indicator at all eight of the schools fell within the "Does Not Meet Standard" category. All except one of the elementary/middle schools "Meets Standard" or "Exceeds Standard" in behavior. The high school measures for on-track to graduation and post-secondary achievement "Partially Meets Standard." Due to the COVID-19 National Emergency, student academic performance data is unavailable for the 2019-2020 school year. A graphic representation of the 2019 West Virginia Schools Balanced Scorecard for Lincoln County Schools is provided below.

The areas denoted as requiring improvement were determined based on written evidence and consistency of comments describing conditions and practices at the Lincoln County Schools Central Office through the interview process.

Focus Area 1: Child Find

Procedures Conducted:

- The Team interviewed central office staff and worked in collaboration with the WVDE Office of Special Education and Office of Federal Programs to glean information regarding the district's efforts to locate, identify, and evaluate students with disabilities residing in the district.
- WVDE personnel provided additional notes and written evidence based on the monitoring processes and dispute resolution procedures established in WVBE Policy 2419.

General Observations:

- WVBE Policy 2419, Chapter 2, Section 1 requires the district to establish and implement an ongoing Child Find system to locate, identify, and evaluate students with disabilities residing in the district who may need special education services. Additionally, the district is responsible for coordinating with the West Virginia Department of Health and Human Resources (WV DHHR) regarding the Child Find system for children aged birth to three years. WVBE Policy 2419, Chapter 2, Section 3 states that homeschool and preschool referrals will be made directly to the Director of Special Education.

- The Lincoln County Schools Director of Special Education communicated anticipating and preferring to receive a reduced number of referrals until consistent instruction and intervention are in place. Referrals through WV Birth to Three have remained steady, as they are made through an outside agency just prior to the child's third birthday. The Lincoln County Schools Director of Special Education reported some parents have asked to pause the referral process due to the COVID-19 national emergency.
- During the interview process, the Lincoln County Schools Director of Special Education described a multifaceted approach to Student Assistance Teams (SAT), focusing on meeting students' basic needs. Typically, each school has an SAT coordinator who oversees the SAT meetings and Section 504 Plans. These positions were previously appointed by the principal but are now supplemental contract positions. In provided documentation, however, the director surmises the district struggles to provide an effective SAT process because the coordinators are the principal's designees and do not have a supplemental contract.
- The Lincoln County Schools Director of Special Education described supports for the district's SAT process include a shared virtual folder and an SAT toolkit provided to each school. There have been three referrals processed this school year. The director explained the low number of referrals was due to students not receiving appropriate instruction and interventions to determine whether there is a disability.
- WVDE personnel provided background information related to the implementation of Child Find and SAT in Lincoln County Schools. WVDE personnel reported as a part of the Guyan Valley Middle School review, the district was required to provide documentation of a functioning SAT process at the school. The district submitted a list of students entering the SAT process, but confirmed none of the students on that list ever received a multidisciplinary evaluation. WVDE personnel previously recommended this documentation and follow-up be continued and expanded to include reasons for denying evaluation. Also, documentation is needed to track students for whom evaluations were requested and refused without entering the SAT process.

Child Find Inquiry 1:

Does Lincoln County Schools have an ongoing Child Find system to locate, identify, and evaluate students with disabilities residing in the district between the ages of three and twenty-one?

POINTS OF NONCOMPLIANCE:

NONCOMPLIANCE 1.1 - The Lincoln County Schools Director of Special Education expressed instruction and interventions have not been in place due to the COVID-19 national emergency and shared the expectation of fewer students being referred for evaluation until consistent instruction and intervention are established. While a student cannot be identified as a student in need of special education services if the primary reason for such a decision is a lack of appropriate instruction, the responsibility of making that determination belongs to the Eligibility Committee (EC), based on the results of a multidisciplinary evaluation. Further, the district maintains the responsibility of providing standards-based instruction and necessary supports during remote instruction.

NONCOMPLIANCE 1.2 - While the Special Education Director articulated a procedure for providing student supports through the SAT process, the Team determined this process is not fully implemented districtwide. At times, interview responses and written evidence were contradictory and revealed unclear expectations for the SAT process across the district.

CORRECTIVE ACTIONS:

- Establish a research-based system of support for students, utilizing the Student Assistance Team to identify barriers to student success, implement interventions and supports, monitor results, and adjust strategies as needed. Ensure staff members are trained and supported in implementing this system and task principals with verifying meetings and interventions occur accordingly.
- Ensure the SATs receive comprehensive training in referral procedures for multidisciplinary evaluations, West Virginia Tiered System of Supports (WVTSS), alternative education placements, disciplinary procedures, and other school and district processes as appropriate for ensuring student progress. When a referral to the SAT is specifically a written referral for special education multidisciplinary evaluation or a written parent request for initial evaluation, ensure the SAT follows the procedures for written referrals described in WVBE Policy 2419, Chapter 2, Section D.

Focus Area 2: Evaluation, Reevaluation, and Eligibility

Procedures Conducted:

The Team reviewed a sample of twenty student files to verify procedures used for evaluation and reevaluation and the forms and processes used to determine eligibility. Each file was analyzed to determine the district's implementation of WVBE Policy 2419, Chapters 3 and 4.

NOTE: The purpose of this review is to examine the procedures and instruments utilized in the determination of eligibility. The Team further emphasizes any finding related to the procedure should not be interpreted as a suggestion of an incorrect determination.

FINDINGS:

FINDING 2.1 - In 2018, WVDE received a written state complaint from a Lincoln County Schools parent. The parent requested an evaluation and signed the consent in July, and the evaluation did not occur until February. The corrective activity required Lincoln County Schools to develop or refine a system that includes the assignment of evaluators and adherence to timelines to track incoming referrals for evaluations. While required corrections were submitted to WVDE, ongoing concerns remain. Reports from parents and school personnel reveal delays in the process and refusals to comply with evaluation requests. The perception exists requests are denied outright before obtaining parental consent.

RECOMMENDATIONS:

RECOMMENDATION 2.1 - District office staff conduct a strategic analysis to identify and address root causes of the continued concerns discussed above surrounding referral and evaluation. Using the analysis results, develop, implement, and monitor procedures to ensure referred students are evaluated thoroughly within the required timelines.

POINTS OF NONCOMPLIANCE

NONCOMPLIANCE 2.1 – WVBE Policy 2419, Chapter 3, Section 2.B states, “Within three years of the date of the last EC, or more frequently if the parent or teacher requests or conditions warrant,...the district must conduct, as appropriate, an individual multidisciplinary reevaluation to determine a student’s educational needs and continued eligibility for special education and related services and whether any additions or modifications to the student’s special education and related services are needed to enable the student to meet their measurable annual IEP goals and to participate, to the extent appropriate, in the general education curriculum.” Of the twenty reviewed files, reevaluation was not conducted within three years for two students.

NONCOMPLIANCE 2.2 – WVBE Policy 2419, Chapter 3, Section 3.B.2 states, “Based on recommendations from the evaluation team, the district will seek consent to administer the needed assessments within five days of the decision to evaluate/reevaluate.” Thirteen of the twenty reviewed files lacked adequate documentation to support all proposed evaluations on the evaluation determination plan were conducted to determine eligibility.

NONCOMPLIANCE 2.3 – WVBE Policy 2419, Chapter 4, Section 1 stipulates the district must provide written notice to the parent and/or adult student and other EC members of the meeting time, date, place, purpose, and invited members no less than eight days prior to the scheduled meeting date. Ten of the twenty reviewed files did not have a written notice for the EC meeting provided to the parents within the required timeline.

NONCOMPLIANCE 2.4 – WVBE Policy 2419, Chapter 4, Section 2 outlines the requirements of the EC report. These include the signatures, with dates and positions, of all EC members; all data on the student as required in the State Eligibility Criteria for the area of suspected exceptionality; the specific exceptionality determined for state and federal reporting purposes; information about how the student’s exceptionality affects his or her educational performance; the committee’s decision regarding whether the student needs special education services; recommendations for those students deemed ineligible for special education to be considered by the SAT or the instruction and intervention team; and the date of the eligibility determination. Eleven of twenty reviewed files had an incomplete or incorrect EC report.

NONCOMPLIANCE 2.5 – WVBE Policy 2419, Chapter 4, Section 3 requires a variety of assessment tools and strategies must be used to gather relevant, functional, developmental, and academic information about the student, including information provided by the parent/adult student. Seven of twenty reviewed files showed insufficient evidence to demonstrate the committee drew upon information from a variety of sources.

NONCOMPLIANCE 2.6 – WVBE Policy 2419, Chapter 4, Section 3 states the three-prong test of eligibility requires a student to meet the state eligibility requirements, experience adverse effects on educational performance, and need special education. A student is not eligible for special education unless all three of the above components are satisfied and documented. Twelve of the twenty reviewed files lacked evidence and documentation to support the student meeting the three-prong test of eligibility.

CORRECTIVE ACTIONS:

- Develop districtwide practices to ensure each IEP Team conduct reevaluations as stipulated in WVBE Policy 2419, Chapter 3, Section 2.B. As part of the reevaluation, the IEP Team must review existing evaluation data on the student, including the current IEP and the student's progress toward meeting the annual goals; evaluations and information provided by the parent of the student; current classroom-based, local, or state assessments and classroom-based observations; and observations by teachers and related service providers.
- Provide professional learning opportunities for principals and case managers addressing the EC requirements as described in WVBE Policy 2419, Chapter 4.

Focus Area 3: Individualized Education Programs

Procedures Conducted:

The Team reviewed twenty-nine files using the general file review procedure employed by the WVDE for Individuals with Disabilities Education Act (IDEA) cyclical monitoring. During this process, the files were examined for all required components of a Standards-Based IEP as outlined in WVBE Policy 2419, Chapter 5.

General Observations:

- The narrative volunteered by the Lincoln County Schools Director of Special Education explained all IEPs are due to the central office by June 1 and are then checked for compliance and best practices. Required IEP corrections or roster corrections are provided to building administrators at the beginning of August. The directive is to allow special education teachers ample time to devote solely to IEP corrections. All corrections are to be completed before the first day of instruction. Provided documentation demonstrated more than three hundred IEP corrections had not been made as of February 2021. The Lincoln County Schools Director of Special Education stated principals face no consequence for not providing the appropriate time for corrections to be completed, and special education teachers face no consequence for not completing the corrections.
- The Lincoln County Schools Director of Special Education described the procedure used to ensure general education teachers have read and understood the IEPs of their students, stating the READ.IEP application available in WVEIS is used to provide teachers with the IEPs. Additionally, case managers document their conversations with general education teachers to ensure accommodations are in place, even during remote instruction. The director stated the remote accommodations are listed on a COVID-19 addendum.

Individualized Education Programs Inquiry 1:

Does Lincoln County Schools provide students with standards-based individualized education programs by collaborating with parents, adult students, and educators to identify the unique needs of a student with a disability or giftedness and plan the special education and related services to meet those needs?

POINTS OF NONCOMPLIANCE:

NONCOMPLIANCE 3.1 – Eighteen of the twenty-nine reviewed IEPs contained language suggesting predetermination of placement. Procedural safeguards indicate parent input is to be considered before determining the services a student shall receive.

WVBE Policy 2419, Chapter 5, Section 2.D

NONCOMPLIANCE 3.2 - Thirteen of the twenty-nine students were within the age range for secondary transition services to be considered. Nine of those IEPs had at least one point of noncompliance on the transition portion of the IEP.

WVBE Policy 2419, Chapter 5, Section 2.F

NONCOMPLIANCE 3.3 - The location and frequency of supplementary services was unclear in fifteen of the reviewed IEPs. Supplementary services are those services provided in the general education classroom. These services must be considered prior to removing a student from the general education classroom and should clarify what is expected of the general education teacher.

WVBE Policy 2419, Chapter 5, Section 2.G.

NONCOMPLIANCE 3.4 – A current IEP must be in effect at the beginning of each school year for each student receiving special education and related services. A complete IEP must be in effect prior to the provision of special education and related services. The Team determined the current practices of IEP revision and correction do not support compliance with this requirement.

WVBE Policy 2419, Chapter 6, Section 1.

CORRECTIVE ACTIONS:

- The district, in collaboration with special education case managers and principals, develop procedures to ensure each student’s IEP team considers: the strengths of the student; concerns of the parents for enhancing the education of their child; the results of the initial evaluation or most recent evaluation of the student; and academic, developmental, and functional needs of the student in developing each student’s IEP.
- Conduct a strategic review of IEPs for students within the age range to receive transition services and take the appropriate steps to bring those IEPs into compliance.
- Develop, implement, and monitor strong protocols for the development of the Standards-Based IEP to identify each student’s unique needs and plan the special education and related services to meet those needs. Provide case managers and principals with professional learning opportunities designed to support the IEP process, reducing the need to make a large number of corrections and changes prior to the start of the school year.

Focus Area 4: Administration of Services

Procedures Conducted:

The Team performed a service verification process for twenty-four IEPs (three per school) to compare IEP services with school and student schedules. Documentation of the location start time, end time, duration, and provider of services was reviewed.

General Observations:

- Per WVBE Policy 2419, Chapter 5, Section 2.G. “Special education services include specially designed instruction to meet the unique needs of the student. Special education services are those necessary to enable the student to achieve the annual goals, make progress in the general education curriculum and participate in extracurricular and other non-academic activities.”
- Each district must provide the special education and related services necessary to implement each student’s IEP and maintain records to document compliance.
- Lincoln County Schools has been operating with a blended learning model this school year. The Lincoln County Schools Director of Special Education described students with disabilities log on for virtual special education services at certain times. Each school was given the flexibility to set this schedule as they determine appropriate. The director determined, given the COVID-19 national emergency, teachers are doing well documenting and managing a virtual and face-to-face caseload and completing special education documentation. Through the service verification process, the Team determined services are not delivered during virtual instruction as written in the students’ IEPs.
- The Team did not observe evidence of consistency in school schedules or a pervasive process to ensure all students receive services as required in the student’s IEP.

Licensure and Certification Inquiry 1:

Is Lincoln County Schools providing special education and related service necessary to implement each student’s IEP?

POINT OF NONCOMPLIANCE:

Noncompliance 4.1 - Twenty-two of the twenty-four IEPs had at least one unverifiable service, ranging from special education to related services. This indicates many students with disabilities in Lincoln County may not be receiving special education services of the frequency or duration determined necessary by the IEP Team.

CORRECTIVE ACTIONS:

- Conduct a review of each school’s master schedule, bell schedule, and documentation of services to ensure all students with disabilities receive special education and related services as determined necessary in the student’s IEP. Take necessary steps to ensure documentation of any service meets the requirements of WVBE Policy 2419, Chapter 6, and aligns with the IEP as written.
- Offer compensatory services to any student who has not received documented special education and/or related services in accordance with his or her IEP.



W. Clayton Burch
West Virginia Superintendent of Schools