**State Performance Plan / Annual Performance Report: Part B**

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

**For reporting on
FFY 2020**

**West Virginia**



**PART B DUE February 1, 2022**

**U.S. DEPARTMENT OF EDUCATION**

**WASHINGTON, DC 20202**

# Introduction

**Instructions**

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

## Intro - Indicator Data

**Executive Summary**

The West Virginia Department of Education (WVDE) is pleased to submit West Virginia’s FFY2020 Part B Annual Performance Report (APR). The State Performance Plan (SPP)/Annual Performance Report (APR) documents and evaluates state implementation of special education on an annual basis. Every state is required to develop a plan describing how improvements will be made to special education programs, how special education programs will be assessed, and the targets for the 17 indicators of performance, including the State Systemic Improvement Plan. These indicators focus on information specific to students with disabilities (SWDs) and can be either compliance-based or results-based.

WVDE’s Office of Federal Programs and Support, Special Education Services (WVDE/SES) oversees compliance with the provisions and requirements of the Individuals with Disabilities Education Act (IDEA) of 2004 through the implementation of WV Policy 2419 and provides technical assistance to parents, teachers, administrators, and the general public. The WVDE/SES and its stakeholders are committed to ensuring all students are provided a free appropriate public education (FAPE), and to improving instruction, practices, and positive outcomes for students with disabilities. The WVDE/SES collaborates with local educational agencies (LEAs), parents and families, advisory groups, communities, and other stakeholders to identify needed resources and provide system enhancements to improve outcomes for students with disabilities. WVDE/SES reviewed and analyzed data for the SPP/APR to ensure accuracy and consistency of current and trend data. Data were obtained from the West Virginia Educational Information System (WVEIS), the state longitudinal student data collection systems, as well as other documentation provided to the WVDE/SES by LEAs. WVDE/SES staff presented the data to a broad stakeholder group to solicit feedback, analyze targets and determine needed strategies to improve these data when necessary.

**Additional information related to data collection and reporting**

West Virginia Governor Jim Justice announced the emergency closure of all West Virginia public schools on March 13, 2020, based on COVID-19. This extended through the remainder of the school year. West Virginia delayed the opening of the school year 2020-2021 through September 7, 2020, by emergency order of the governor. There was one additional governor-ordered emergency closure from November 30 through December 2, 2020.
School districts opened in traditional, blended, or remote learning models on September 8, 2020. The options available for general education varied by district based on local board of education decisions. The blended model was an attempt to reduce class size and maintain proper social distancing in the school setting. Blended models involved half of the students attending in a traditional setting with the other half in a remote learning setting for the day. Students would switch days during the week between the two settings. Many students took advantage of an additional option of a virtual school model made available on an individual basis statewide.
The Department of Health and Human Resources developed a Metrics map (https://dhhr.wv.gov/COVID-19/Pages/default.aspx) to reflect the COVID infection rate and percent positivity in each county in the state. Each of West Virginia’s counties is a separate school district. Under the direction of the governor, the WVDE used the Saturday Metric map to determine which counties should be in remote learning for the upcoming week. This remained in effect for elementary and middle schools through the middle of January 2021, and through late March 2021, for high schools.
Although certainly far from a normal and traditional school year, all days regardless of settings were considered instructional days. Many districts were able to bring special education students into a traditional school setting for more days than their non-disabled peers based on the need to receive IEP services. These decisions were determined locally in conjunction with parents and within any of the guidelines established by local health departments.

The emergency closures continue to significantly impact Indicators 3B, 3C, 3D, 4A, 4B, 6A, 6B, 6C, 7A, 7B, 7C, 11 and 12.

Indicators 8 and 14, which rely upon survey data, may have experienced increased response rates due to the pandemic and increased use of virtual communication, such as Schoology, SurveyMonkey, email, etc. It is possible that the pandemic positively impacted the availability of students and parents to complete surveys and resulted in increased return rates.

It is expected that COVID-19 will impact the variability of trend data and student learning outcomes for several years.

West Virginia's clarification form can be accessed at this web address: https://wvk12-my.sharepoint.com/:w:/g/personal/traci\_tuttle\_k12\_wv\_us/EfIkUX2LbYpIoTGGTsraTxMBJjWqBDhlE5y7NFp88EYRpA?e=G44I9w

**Number of Districts in your State/Territory during reporting year**

57

**General Supervision System:**

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

WVDE/SES requires districts that do not meet result indicators through the Annual Desk Audit (ADA) Process to develop a District Systemic Improvement Plan (DSIP) based on at least one major results indicator that requires systemic change. The plan involves developing a rationale, analyzing trend data, writing a goal, objectives, activities, timelines, and evaluation methods. Districts that have not met compliance indicators have been required to complete an individual improvement plan on how the noncompliance will be rectified in accordance with the requirements of OSEP Memo 09-02.

Additionally, WVDE/SES has implemented a tiered system of support for all school districts (LEAs) that includes universal, targeted, and intensive assistance. Universal assistance provides all LEAs opportunities for professional development (PD) and technical assistance (TA) that is offered along with annual conferences held in conjunction with the West Virginia Council of Administrators of Special Educators (WVCASE) and resources on the WVDE website. Ongoing guidance and timely information are provided through monthly virtual meetings and listserv announcements. In conjunction with WVCASE, a mentorship program is also offered to new special education directors. WVDE/SES has divided the state into eight (8) geographic regions that are assigned at least two WVDE/SES coordinators per region who serve as the primary contacts for directors. Districts that are identified as 'Meets Requirements' are asked to meet quarterly as a region with their assigned coordinators. The targeted tier involves districts that do not meet requirements and are in 'Needs Assistance' status. These districts are required to meet individually on a quarterly basis with their assigned coordinators to discuss their DSIP and/or improvement plans. WVDE/SES supports the plans with appropriate TA and PD as appropriate. The quarterly meetings allow for progress reports and updates toward meeting activities and goals. Districts remain in targeted support until meeting determinations or regressing into 'Needs Intervention'. The intensive tier involves districts that do not meet requirements and are in 'Needs Intervention' or 'Needs Substantial Intervention' Status. This functions the same as the targeted tier except meetings will be held monthly. Districts will continue in intensive support for an additional maintenance year upon meeting requirements.

The Results Driven Accountability General Supervision System document describing West Virginia’s System may be located at http://wvde.state.wv.us/osp/ResultsDrivenAccountabilityGeneralSupervisionSystem.pdf

**Technical Assistance System:**

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

UNIVERSAL TECHNICAL ASSISTANCE (TA)
Universal TA is designed to provide information to educational personnel and parents. Specific topics are generated by the LEA’s, parent groups, state coordinators, as well as other stakeholders. All LEAs are provided with resources and webinars to address progress of special education students at least once per school year. Universal supports include, but are not limited to:
- Website resources
- Special Education Administrators conferences
- Webinars
- Phone calls
- Special Education Listservs
- TeachIEP – an online instructional resource for IEP development on the WV online IEP system
- Policy 2419: Regulations for the Education of Exceptional Students Training
- Standards-Based Individual Education Program Training
- State Performance Plan Indicators
- Local Education Agency Determinations
- Family Engagement Resource Centers
- WV Technical Assistance Centers:
- Accessibility and Transitions Technical Assistance Center
- Behavior Mental Health Technical Assistance Center

TARGETED TECHNICAL ASSISTANCE (TTA)
TTA provides more focused support for districts that have not met requirements and are determined to ‘need assistance’, ‘need intervention’, or ‘need substantial intervention’. The level of support provided is determined by the progress on the Annual Desk Audit (ADA) submitted in April by each LEA.

Targeted supports are provided for districts that have specific need, but may or may not have met requirements. Targeted supports include, but are not limited to:
- New Special Education Directors’ Academies and Mentor Program
- State Performance Plan (SPP) Indicators – 4A, 4B, 9, 10, 11, 12, and 13 are reviewed and support provided to meet target
- Coordinated Comprehensive Early Intervening Services (CCEIS)
- Cyclical Compliance and Results Driven Monitoring follow-up guidance
- Targeted training based on LEA self-selected areas for improvement
- Fiscal Monitoring

**Professional Development System:**

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

PROFESSIONAL LEARNING (DEVELOPMENT)
Professional Learning includes systematic initiatives to build the capacity of individuals, schools, and LEAs to educate exceptional students. The WVDE/SES partners with the West Virginia Office of Teaching and Learning to offer summer professional development to teachers. Additionally, the West Virginia Department of Education (WVDE) offers e-Learning courses, which provide more in-depth study for current educators and paraprofessionals throughout the year. Topics include autism, mathematics, support for specially designed instruction (SSDI), positive behavioral interventions and supports (PBIS), co-teaching, WV tiered system of support (WVTSS), accessible educational materials (AEM.
Professional development and programming are also provided through collaborative agreements with several state universities to target current teachers and school professionals and recruit potential teacher candidates in order to address specialty populations. These include:
- Speech-Language Pathology MA – Marshall University and West Virginia University (WVU)
- Speech-Language Pathology Graduate/Professional Learning Courses – WVU
- Visually Impaired/Hearing Impaired Certification – Marshall University
- Autism Mentor Program – Autism Training Center (ATC) – Marshall University
Additional support is coordinated by the WVDE/SES to act as a liaison between LEAs and individuals with national OSEP Technical Assistance Centers as needed. This support has been provided by: National Technical Assistance Center on Transition (NTACT), and National Center for Systemic Improvement (NCSI).

**Broad Stakeholder Input:**

**The mechanisms for soliciting broad stakeholder input on the State’s targets in the SPP/APR and any subsequent revisions that the State has made to those targets, and the development and implementation of Indicator 17, the State’s Systemic Improvement Plan (SSIP).**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

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

YES

**Number of Parent Members:**

45

**Parent Members Engagement:**

**Describe how the parent members of the State Advisory Panel, parent center staff, parents from local and statewide advocacy and advisory committees, and individual parents were engaged in setting targets, analyzing data, developing improvement strategies, and evaluating progress.**

The WVDE/SES conducted a series of stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021 and running through December 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with parents. All meetings were held remotely on Teams, announced through existing listservs, including the Parent Advisory Council, and posted on the state webpage. Participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.
Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses, and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent stakeholder groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.

Additionally, the The West Virginia Advisory Council for the Education of Exceptional Children (WVACEEC) serves as a consultant to the State Board of Education on all matters pertaining to special education in the state. The council is required by the Individuals with Disabilities Education Act (IDEA) and the State Code of West Virginia. The council must submit an annual report each year to the State Board of Education which is made available by the SEA to the Legislature and the public.

Specific membership guidelines for the WVACEEC are enforced and follow: individuals with disabilities, parents of exceptional children, teachers, higher education institutions, local administrators of programs for exceptional children, other State agencies, advocacy and parent organizations, private schools, vocational/business communities, persons responsible for homeless children (McKinney-Vento Act), SEA officials, State welfare agency responsible for foster care, and/or State juvenile and adult corrections. The majority of the Council is mandated to be individuals with disabilities or parents of children with exceptionalities. Additionally, no more than two officers/employees of the State may be members.

The WVDE/SES leadership meets regularly with the WVACEEC to review current data, proposed targets, and solicit feedback in order to evaluate progress and develop improvement strategies.

**Activities to Improve Outcomes for Children with Disabilities:**

**The activities conducted to increase the capacity of diverse groups of parents to support the development of implementation activities designed to improve outcomes for children with disabilities.**

The WVDE/SES regularly partners with the West Virginia Parent Training and Information, Inc. (WVPTI), a non-profit organization aimed at improving the lives and education of all children through an emphasis on children and youth with disabilities and special healthcare needs, to ensure accurate and meaningful information is available to parents through this support group. Examples of the work and support materials they share are available on their website: http://www.wvpti-inc.org/.

Additionally, several districts continue to use Parent Educator Resource Centers (PERC) to support parents of students with special needs. A team consisting of a parent of a special needs child and an educator staffs each PERC. Although basic services are listed below, how each PERC provides these services depends on the individual community strengths, resources, and needs. All PERCs have certain common functions and responsibilities including providing information, resources, and training for parents on important issues such as parenting skills, problem-solving, educational planning for their child, behavior management, home learning activities, and other topics to strengthen home-to-school partnerships; assisting families on an individual basis to better understand their children's educational needs and to discover opportunities and options for meeting these needs; connecting families with appropriate community services; and offering information, resources, and training to educators to increase the skills, knowledge, and attitudes needed to encourage and strengthen family involvement and positive school-to-home partnerships. PERCs are housed within various locations throughout the state, usually in a centralized, accessible location such as a school, community center, board of education office, or library. Local education agencies provide financial support for their PERCs by blending fiscal resources such as special education, Title I, state and local funds, and grants. In addition, local community-based organizations, service agencies, businesses, and other service organizations may provide other supports for the PERCs.

**Soliciting Public Input:**

**The mechanisms and timelines for soliciting public input for setting targets, analyzing data, developing improvement strategies, and evaluating progress.**

The WVDE/SES has leveraged the increased use of virtual meeting platforms during COVID to extend parental involvement in setting targets, analyzing data, developing improvement strategies, and evaluating progress. During Summer and Fall 2021, the OSE held four stakeholder meetings aimed at analyzing data and setting new targets. These were held on July 13, July 27, August 11, and September 8 of 2020. Recordings of the meetings and links to follow-up surveys were posted on the state website (https://wvde.us/special-education/data-and-public-reporting/) and remain open for feedback. A representative of the WVPTI was present at all meetings and shared the links with their listserv. An in-person meeting was also held with a parent group to solicit additional input on November 17, 2020.

Continued public stakeholder sessions will be held quarterly in-person on a rotating basis through each service region of the state, with access to all other parent and public stakeholders using virtual recorded sessions in order to continue reviewing progress and soliciting feedback. The next session is planned for March 2022 in the southeast region (region 1) of the state and will review disproportionate representation and indicators 4, 9, 10, CCEIS, and the efforts that have been made to improve student outcomes. Additional sessions are planned in early June 2022 for the southwest region (region 2) to discuss parent involvement and indicators 8, 11, 12, 15, and 16. September meeting will review indicators 5, 6, 7, and 3. November meeting will focus on the review of indicators 1, 2, 13, 14, and 17. This new proposed annual timeline is intended to solicit regular public feedback and strategy development representative of the state demographic profile.

**Making Results Available to the Public:**

**The mechanisms and timelines for making the results of the target setting, data analysis, development of the improvement strategies, and evaluation available to the public.**

WV Public SPP/APR and Annual Desk Audit for local education agency data, recordings of stakeholder sessions, and surveys to solicit feedback are posted on the West Virginia Department of Education (WVDE) website. https://wvde.us/special-education/data-and-public-reporting/
Recordings were posted within one week of the live sessions and remain open to the public. The links remain active. Additionally, publicly reported data are available on the ZoomWV website for public analysis at https://zoomwv.k12.wv.us/Dashboard/dashboard/6161. These data are updated following each collection certification (e.g. December child count data are typically available by February of the following year).

**Reporting to the Public**

**How and where the State reported to the public on the FFY 2019 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State’s submission of its FFY 2019 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State’s SPP/APR, including any revision if the State has revised the targets that it submitted with its FFY 2019 APR in 2021, is available.**

WV Public SPP/APR and Annual Desk Audit for local education agency data are posted on the West Virginia Department of Education (WVDE) website. https://wvde.us/special-education/data-and-public-reporting/ An introduction to the report explains the purpose of the public reporting and the data displayed compares district status to each SPP/APR target for the State. The SPP/APR is posted annually with an explanation of the public reporting and is posted no later than 120 days after submission.

## Intro - Prior FFY Required Actions

None

## Intro - OSEP Response

## Intro - Required Actions

# Indicator 1: Graduation

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with Individualized Education Programs (IEPs) exiting special education due to graduating with a regular high school diploma. (20 U.S.C. 1416 (a)(3)(A))

**Data Source**

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

**Measurement**

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

**Instructions**

*Sampling is not allowed.*

Data for this indicator are “lag” data. Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2020 SPP/APR, use data from 2019-2020), and compare the results to the target. Provide the actual numbers used in the calculation.

Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) graduated with a state-defined alternate diploma; (c) received a certificate; (d) reached maximum age; or (e) dropped out.

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

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma. If the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma are different, please explain.

## 1 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2018 | 83.21% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target >= | 70.67% | 74.26% | 78.20% | 79.50% | 80.80% |
| Data | 69.23% | 76.85% | 75.68% | 76.86% | 78.70% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target >= | 83.71% | 84.21% | 84.71% | 85.21% | 85.71% | 86.21% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a) | 1,823 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a state-defined alternate diploma (b) | 0 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (c) | 235 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (d) | 13 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (e) | 100 |

**FFY 2020 SPP/APR Data**

| **Number of youth with IEPs (ages 14-21) who exited special education due to graduating with a regular high school diploma** | **Number of all youth with IEPs who exited special education (ages 14-21)**  | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1,823 | 2,171 | 78.70% | 83.71% | 83.97% | Met target | N/A |

**Graduation Conditions**

**Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma.**

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

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

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

NO

**Provide additional information about this indicator (optional)**

This is the first year that WVDE/SES is no longer reporting option 2 cohort data. WVDE/SES is using the same data source and measurement for reporting 618 data of the Individuals with Disabilities Education Act (IDEA), using the definitions in EDFacts file specification FS009. Graduation data were recalculated for FFY2018 and FFY2019 to help determine an appropriate baseline and targets. Stakeholders were presented with both the old and new calculations in order to gather informed feedback. The data reported above reflect the previous cohort calculations and the adjusted percentage of students who have graduated with regular diplomas compared to all students (ages 14-21) who exited high school are 83.21% (FFY2018) and 83.97% (FFY2019). The data from FFY 2018 was the last year that the state determined data were not impacted by COVID, and were used to set the baseline.

## 1 - Prior FFY Required Actions

None

## 1 - OSEP Response

The State has revised the baseline for this indicator, using Section 618 data from FFY 2018, and OSEP accepts that revision.

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts those targets.

## 1 - Required Actions

# Indicator 2: Drop Out

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of youth with IEPs who exited special education due to dropping out. (20 U.S.C. 1416 (a)(3)(A))

**Data Source**

OPTION 1:

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

OPTION 2 (For FFY 2020 ONLY):

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

**Measurement**

OPTION 1:

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

OPTION 2 (For FFY 2020 ONLY):

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

**Instructions**

*Sampling is not allowed.*

Data for this indicator are “lag” data. Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2020 SPP/APR, use data from 2019-2020), and compare the results to the target.

With the FFY 2020 SPP/APR, due February 1, 2022, States may use either option 1 or 2. States using Option 2 must provide the actual numbers used in the calculation.

OPTION 1:

**Use 618 exiting data** for the year before the reporting year (e.g., for the FFY 2020 SPP/APR, use data from 2019-2020). Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) graduated with a state-defined alternate diploma; (c) received a certificate; (d) reached maximum age; or (e) dropped out.

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

OPTION 2:

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

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

Options 1 and 2:

Provide a narrative that describes what counts as dropping out for all youth. Please explain if there is a difference between what counts as dropping out for all students and what counts as dropping out for students with IEPs.

**Beginning with the FFY 2021 SPP/APR, due February 1, 2023**, States must report data using Option 1 (i.e., the same data as used for reporting to the Department under section 618 of the IDEA). Option 2 will not be available beginning with the FFY 2021 SPP/APR.

## 2 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2018 | 6.17% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target <= | 2.45% | 2.25% | 2.25% | 2.00% | 1.75% |
| Data | 1.22% | 1.16% | 0.99% | 0.87% | 0.73% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target <= | 5.67% | 5.17% | 4.67% | 4.17% | 3.67% | 3.17% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

**Please indicate the reporting option used on this indicator**

Option 1

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a regular high school diploma (a) | 1,823 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by graduating with a state-defined alternate diploma (b) | 0 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by receiving a certificate (c) | 235 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education by reaching maximum age (d) | 13 |
| SY 2019-20 Exiting Data Groups (EDFacts file spec FS009; Data Group 85) | 05/26/2021 | Number of youth with IEPs (ages 14-21) who exited special education due to dropping out (e) | 100 |

**FFY 2020 SPP/APR Data**

| **Number of youth with IEPs (ages 14-21) who exited special education due to dropping out** | **Number of all youth with IEPs who exited special education (ages 14-21)**  | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 100 | 2,171 | 0.73% | 5.67% | 4.61% | Met target | N/A |

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

Any student ages 14-21 who leaves school and does not enroll in another school or program that culminates in a high school diploma is considered to be a drop out.

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

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

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

NO

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

**Provide additional information about this indicator (optional)**

This is the first year that WVDE/SES is not using option 2 cohort data. WVDE/SES is using the same data source and measurement for reporting 618 data of the Individuals with Disabilities Education Act (IDEA), using the definitions in EDFacts file specification FS009. The data reported above reflect the previous cohort calculations and the adjusted percentage of students who have dropped out of high school compared to all students (ages 14-21) who exited high school are 6.17% (FFY2018) and 4.61% (FFY2019). Drop out data were recalculated for FFY2018 and FFY2019 to help determine an appropriate baseline and targets. Stakeholders were presented with both the old and new calculations in order to gather informed feedback.
The data from FFY2018 was the last year that the state determined that data were not impacted by COVID, and were used to set the baseline.

## 2 - Prior FFY Required Actions

None

## 2 - OSEP Response

The State has revised the baseline for this indicator, using section 618 data from FFY 2018, and OSEP accepts that revision.

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts those targets.

## 2 - Required Actions

# Indicator 3A: Participation for Children with IEPs

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

A. Participation rate for children with IEPs.

B. Proficiency rate for children with IEPs against grade level academic achievement standards.

C. Proficiency rate for children with IEPs against alternate academic achievement standards.

D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

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

**Data Source**

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

**Measurement**

A. Participation rate percent = [(# of children with IEPs participating in an assessment) divided by the (total # of children with IEPs enrolled during the testing window)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

**Instructions**

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

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

Indicator 3A: Provide separate reading/language arts and mathematics participation rates for children with IEPs for each of the following grades: 4, 8, & high school. Account for ALL children with IEPs, in grades 4, 8, and high school, including children not participating in assessments and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3A - Indicator Data

**Historical Data:**

| **Subject** | **Group**  | **Group Name**  | **Baseline Year**  | **Baseline Data** |
| --- | --- | --- | --- | --- |
| Reading | A | Grade 4 | FFY2020 | 99.84% |
| Reading | B | Grade 8 | FFY2020 | 98.73% |
| Reading | C | Grade HS | FFY2020 | 100.00% |
| Math | A | Grade 4 | FFY2020 | 99.70% |
| Math | B | Grade 8 | FFY2020 | 98.97% |
| Math | C | Grade HS | FFY2020 | 100.00% |

**Targets**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Reading | A >= | Grade 4 | 95.00% | 95.00%  | 95.00% | 95.00% | 95.00% | 95.00% |
| Reading | B >= | Grade 8 | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| Reading | C >= | Grade HS | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| Math | A >= | Grade 4 | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| Math | B >= | Grade 8 | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |
| Math | C >= | Grade HS | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% | 95.00% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

**FFY 2020 Data Disaggregation from EDFacts**

**Data Source:**

SY 2020-21 Assessment Data Groups - Reading (EDFacts file spec FS188; Data Group: 589)

**Date:**

03/30/2022

**Reading Assessment Participation Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. Children with IEPs\* | 3,698 | 2,997 | 1,859 |
| b. Children with IEPs in regular assessment with no accommodations | 954 | 417 | 405 |
| c. Children with IEPs in regular assessment with accommodations | 2,564 | 2,350 | 1,276 |
| d. Children with IEPs in alternate assessment against alternate standards | 174 | 192 | 178 |

**Data Source:**

SY 2020-21 Assessment Data Groups - Math (EDFacts file spec FS185; Data Group: 588)

**Date:**

03/30/2022

**Math Assessment Participation Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. Children with IEPs\* | 3,698 | 2,997 | 1,859 |
| b. Children with IEPs in regular assessment with no accommodations | 956 | 423 | 405 |
| c. Children with IEPs in regular assessment with accommodations | 2,557 | 2,351 | 1,276 |
| d. Children with IEPs in alternate assessment against alternate standards | 174 | 192 | 178 |

\*The children with IEPs count excludes children with disabilities who were reported as exempt due to significant medical emergency in row a for all the prefilled data in this indicator.

**FFY 2020 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs Participating** | **Number of Children with IEPs** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 3,692 | 3,698 |  | 95.00% | 99.84% | N/A | N/A |
| **B** | Grade 8 | 2,959 | 2,997 |  | 95.00% | 98.73% | N/A | N/A |
| **C** | Grade HS | 1,859 | 1,859 |  | 95.00% | 100.00% | N/A | N/A |

**FFY 2020 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs Participating** | **Number of Children with IEPs** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 3,687 | 3,698 |  | 95.00% | 99.70% | N/A | N/A |
| **B** | Grade 8 | 2,966 | 2,997 |  | 95.00% | 98.97% | N/A | N/A |
| **C** | Grade HS | 1,859 | 1,859 |  | 95.00% | 100.00% | N/A | N/A |

**Regulatory Information**

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

**Public Reporting Information**

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

Public access to assessment data are available on the ZoomWV portal. https://zoomwv.k12.wv.us/Dashboard/dashboard/6161 as linked spreadsheets, on the Data and Public Reporting website at https://wvde.us/special-education/data-and-public-reporting/ under the "Participation and Performance of Students with Disabilities on State Assessments" heading, and by using the following static links: https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2017-2018.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2018-2019.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2019-2020.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2020-2021.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2021-2022.xlsx

**Provide additional information about this indicator (optional)**

As part of the new package, the baseline and targets were reviewed for this submission. The baseline was originally set for FFY2018 but the need for grade-level participation disaggregation moved the baseline to 2020. The stakeholders were presented with the participation expectations for both SPP/APR reporting and ESEA reporting and the rationale for the state to maintain a steady target of 95% participation. Stakeholders were informed of the state participation that has traditionally met or exceeded the participation rate of 95%, but no grade-level breakdowns were presented. Stakeholders broadly accepted the proposed target per grade level staying at 95%. Regular stakeholder data meetings have been planned and the new baseline and current progress will be reported to the stakeholders in November 2022.

## 3A - Prior FFY Required Actions

None

## 3A - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that revision because the measurement table requires separate reading/language arts and math participation rates for children with IEPs for each of the following grades: 4, 8, and HS. The baseline must reflect the actual grade levels required for this subindicator as well as the actual data for the selected baseline year. In addition, the State must provide an explanation for the revision.

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts those targets.

The State did not provide a Web link demonstrating that the State reported publicly on the participation of children with disabilities on statewide assessments with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 C.F.R. § 300.160(f). Specifically, the State has not reported the number of children with disabilities participating in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and school levels. The failure to publicly report as required under 34 C.F.R. § 300.160(f) is noncompliance.

## 3A - Required Actions

# Indicator 3B: Proficiency for Children with IEPs (Grade Level Academic Achievement Standards)

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

A. Participation rate for children with IEPs.

B. Proficiency rate for children with IEPs against grade level academic achievement standards.

C. Proficiency rate for children with IEPs against alternate academic achievement standards.

D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

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

**Data Source**

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

**Measurement**

B. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against grade level academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned for the regular assessment)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

**Instructions**

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

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

Indicator 3B: Proficiency calculations in this SPP/APR must result in proficiency rates for children with IEPs on the regular assessment in reading/language arts and mathematics assessments (separately) in each of the following grades: 4, 8, and high school, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3B - Indicator Data

**Historical Data:**

| **Subject** | **Group**  | **Group Name**  | **Baseline Year**  | **Baseline Data** |
| --- | --- | --- | --- | --- |
| Reading | A | Grade 4 | FFY2018 | 15.87% |
| Reading | B | Grade 8 | FFY2018 | 6.68% |
| Reading | C | Grade HS | FFY2018 | 9.24% |
| Math | A | Grade 4 | FFY2018 | 17.53% |
| Math | B | Grade 8 | FFY2018 | 5.42% |
| Math | C | Grade HS | FFY2018 | 2.58% |

**Targets**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Reading | A >= | Grade 4 | 15.90% | 16.40% | 16.90% | 17.40% | 17.90% | 18.40% |
| Reading | B >= | Grade 8 | 6.70% | 7.20% | 7.70% | 8.20% | 8.70% | 9.20% |
| Reading | C >= | Grade HS | 9.70% | 10.20% | 10.70% | 11.20% | 11.70% | 12.20% |
| Math | A >= | Grade 4 | 18.00% | 18.50% | 19.00% | 19.50% | 20.00% | 20.50% |
| Math | B >= | Grade 8 | 5.50% | 6.00% | 6.50% | 7.00% | 7.50% | 8.00% |
| Math | C >= | Grade HS | 3.00% | 3.50% | 4.00% | 4.50% | 5.00% | 5.50% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current performance level of children with disabilities on the current statewide assessments. The targets were set to show a slight improvement each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**FFY 2020 Data Disaggregation from EDFacts**

**Data Source:**

SY 2020-21 Assessment Data Groups - Reading (EDFacts file spec FS178; Data Group: 584)

**Date:**

03/03/2022

**Reading Assessment Proficiency Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. Children with IEPs who received a valid score and a proficiency level was assigned for the regular assessment | 3,518 | 2,767 | 1,681 |
| b. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level | 260 | 74 | 59 |
| c. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level | 136 | 118 | 96 |

**Data Source:**

SY 2020-21 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

**Date:**

03/03/2022

**Math Assessment Proficiency Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. Children with IEPs who received a valid score and a proficiency level was assigned for the regular assessment | 3,513 | 2,774 | 1,681 |
| b. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level | 258 | 42 | 17 |
| c. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level | 137 | 59 | 19 |

**FFY 2020 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs Scoring At or Above Proficient Against Grade Level Academic Achievement Standards** | **Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Regular Assessment** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 396 | 3,518 |  | 15.90% | 11.26% | N/A | N/A |
| **B** | Grade 8 | 192 | 2,767 |  | 6.70% | 6.94% | N/A | N/A |
| **C** | Grade HS | 155 | 1,681 |  | 9.70% | 9.22% | N/A | N/A |

**FFY 2020 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs Scoring At or Above Proficient Against Grade Level Academic Achievement Standards** | **Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Regular Assessment** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 395 | 3,513 |  | 18.00% | 11.24% | N/A | N/A |
| **B** | Grade 8 | 101 | 2,774 |  | 5.50% | 3.64% | N/A | N/A |
| **C** | Grade HS | 36 | 1,681 |  | 3.00% | 2.14% | N/A | N/A |

**Regulatory Information**

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

**Public Reporting Information**

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

-Public access to assessment data are available on the ZoomWV portal. https://zoomwv.k12.wv.us/Dashboard/dashboard/6161 as linked spreadsheets, on the Data and Public Reporting website at https://wvde.us/special-education/data-and-public-reporting/ under the "Participation and Performance of Students with Disabilities on State Assessments" heading, and by using the following static links: https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2017-2018.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2018-2019.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2019-2020.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2020-2021.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2021-2022.xlsx

**Provide additional information about this indicator (optional)**

## 3B - Prior FFY Required Actions

None

## 3B - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that revision because the State did not provide an explanation of the revision.

The State provided targets for FFYs 2020 through 2025 for this indicator, but OSEP cannot accept those targets. More specifically, because OSEP has not accepted the State's baseline revision to FFY 2018, OSEP cannot determine whether the State's end targets for FFY 2025 reflect improvement over baseline data.

The State did not provide a Web link demonstrating that the State reported publicly on the performance of children with disabilities on statewide assessments with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 C.F.R. § 300.160(f). Specifically, the State has not reported, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, at the State, district and/or school levels. The failure to publicly report as required under 34 C.F.R. § 300.160(f) is noncompliance.

## 3B - Required Actions

# Indicator 3C: Proficiency for Children with IEPs (Alternate Academic Achievement Standards)

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

A. Participation rate for children with IEPs.

B. Proficiency rate for children with IEPs against grade level academic achievement standards.

C. Proficiency rate for children with IEPs against alternate academic achievement standards.

D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

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

**Data Source**

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

**Measurement**

C. Proficiency rate percent = [(# of children with IEPs scoring at or above proficient against alternate academic achievement standards) divided by the (total # of children with IEPs who received a valid score and for whom a proficiency level was assigned for the alternate assessment)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The proficiency rate includes both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

**Instructions**

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

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

Indicator 3C: Proficiency calculations in this SPP/APR must result in proficiency rates for children with IEPs on the alternate assessment in reading/language arts and mathematics assessments (separately) in each of the following grades: 4, 8, and high school, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time

of testing.

## 3C - Indicator Data

**Historical Data:**

| **Subject** | **Group**  | **Group Name**  | **Baseline Year**  | **Baseline Data** |
| --- | --- | --- | --- | --- |
| Reading | A | Grade 4 | FFY2018 | 18.48% |
| Reading | B | Grade 8 | FFY2018 | 32.67% |
| Reading | C | Grade HS | FFY2018 | 36.21% |
| Math | A | Grade 4 | FFY2018 | 26.54% |
| Math | B | Grade 8 | FFY2018 | 7.17% |
| Math | C | Grade HS | FFY2018 | 11.11% |

**Targets**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Reading | A >= | Grade 4 | 19.00% | 19.50% | 20.00% | 20.50% | 21.00% | 21.50% |
| Reading | B >= | Grade 8 | 33.00% | 33.50% | 34.00% | 34.50% | 35.00% | 35.50% |
| Reading | C >= | Grade HS | 36.50% | 37.00% | 37.50% | 38.00% | 38.50% | 39.00% |
| Math | A >= | Grade 4 | 27.00% | 27.50% | 28.00% | 28.50% | 29.00% | 29.50% |
| Math | B >= | Grade 8 | 7.50% | 8.00% | 8.50% | 9.00% | 9.50% | 10.00% |
| Math | C >= | Grade HS | 12.00% | 12.50% | 13.00% | 13.50% | 14.00% | 14.50% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current performance level of children with disabilities on the current statewide assessments. The targets were set to show a slight improvement each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**FFY 2020 Data Disaggregation from EDFacts**

**Data Source:**

SY 2020-21 Assessment Data Groups - Reading (EDFacts file spec FS178; Data Group: 584)

**Date:**

03/03/2022

**Reading Assessment Proficiency Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. Children with IEPs who received a valid score and a proficiency level was assigned for the alternate assessment | 174 | 192 | 178 |
| b. Children with IEPs in alternate assessment against alternate standards scored at or above proficient | 31 | 48 | 52 |

**Data Source:**

SY 2020-21 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

**Date:**

03/03/2022

**Math Assessment Proficiency Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. Children with IEPs who received a valid score and a proficiency level was assigned for the alternate assessment | 174 | 192 | 178 |
| b. Children with IEPs in alternate assessment against alternate standards scored at or above proficient | 65 | 7 | 51 |

**FFY 2020 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs Scoring At or Above Proficient Against Alternate Academic Achievement Standards** | **Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Alternate Assessment** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 31 | 174 |  | 19.00% | 17.82% | N/A | N/A |
| **B** | Grade 8 | 48 | 192 |  | 33.00% | 25.00% | N/A | N/A |
| **C** | Grade HS | 52 | 178 |  | 36.50% | 29.21% | N/A | N/A |

**FFY 2020 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Number of Children with IEPs Scoring At or Above Proficient Against Alternate Academic Achievement Standards** | **Number of Children with IEPs who Received a Valid Score and for whom a Proficiency Level was Assigned for the Alternate Assessment** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 65 | 174 |  | 27.00% | 37.36% | N/A | N/A |
| **B** | Grade 8 | 7 | 192 |  | 7.50% | 3.65% | N/A | N/A |
| **C** | Grade HS | 51 | 178 |  | 12.00% | 28.65% | N/A | N/A |

**Regulatory Information**

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

**Public Reporting Information**

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

Public access to assessment data are available on the ZoomWV portal. https://zoomwv.k12.wv.us/Dashboard/dashboard/6161 as linked spreadsheets, on the Data and Public Reporting website at https://wvde.us/special-education/data-and-public-reporting/ under the "Participation and Performance of Students with Disabilities on State Assessments" heading, and by using the following static links: https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2017-2018.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2018-2019.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2019-2020.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2020-2021.xlsx
https://static.k12.wv.us/zoomwv/data/idea/IDEA\_Section\_618\_Public\_Reporting\_2021-2022.xlsx

**Provide additional information about this indicator (optional)**

## 3C - Prior FFY Required Actions

None

## 3C - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that revision because the State did not provide an explanation for the revision.

The State provided targets for FFYs 2020 through 2025 for this indicator, but OSEP cannot accept those targets. More specifically, because OSEP has not accepted the State's baseline revision to FFY 2018, OSEP cannot determine whether the State's end targets for FFY 2025 reflect improvement over baseline data.

The State did not provide a Web link demonstrating that the State reported publicly on the performance of children with disabilities on statewide assessments with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 C.F.R. § 300.160(f). Specifically, the State has not reported, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on alternate assessments based on alternate academic achievement standards, at the State, district and school levels. The failure to publicly report as required under 34 C.F.R. § 300.160(f) is noncompliance.

## 3C - Required Actions

# Indicator 3D: Gap in Proficiency Rates (Grade Level Academic Achievement Standards)

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

A. Participation rate for children with IEPs.

B. Proficiency rate for children with IEPs against grade level academic achievement standards.

C. Proficiency rate for children with IEPs against alternate academic achievement standards.

D. Gap in proficiency rates for children with IEPs and all students against grade level academic achievement standards.

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

**Data Source**

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

**Measurement**

D. Proficiency rate gap = [(proficiency rate for children with IEPs scoring at or above proficient against grade level academic achievement standards for the 2020-2021 school year) subtracted from the (proficiency rate for all students scoring at or above proficient against grade level academic achievement standards for the 2020-2021 school year)]. Calculate separately for reading and math. Calculate separately for grades 4, 8, and high school. The proficiency rate includes all children enrolled for a full academic year and those not enrolled for a full academic year.

**Instructions**

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

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

Indicator 3D: Gap calculations in this SPP/APR must result in the proficiency rate for children with IEPs were proficient against grade level academic achievement standards for the 2020-2021 school year compared to the proficiency rate for all students who were proficient against grade level academic achievement standards for the 2020-2021 school year. Calculate separately for reading/language arts and math in each of the following grades: 4, 8, and high school, including both children enrolled for a full academic year and those not enrolled for a full academic year. Only include children with disabilities who had an IEP at the time of testing.

## 3D - Indicator Data

**Historical Data:**

| **Subject** | **Group**  | **Group Name**  | **Baseline Year**  | **Baseline Data** |
| --- | --- | --- | --- | --- |
| Reading | A | Grade 4 | FFY2018 | 32.44 |
| Reading | B | Grade 8 | FFY2018 | 36.58 |
| Reading | C | Grade HS | FFY2018 | 42.29 |
| Math | A | Grade 4 | FFY2018 | 29.27 |
| Math | B | Grade 8 | FFY2018 | 30.80 |
| Math | C | Grade HS | FFY2018 | 21.24 |

**Targets**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Subject** | **Group** | **Group Name** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Reading | A <= | Grade 4 | 30.00 | 29.50  | 29.00 | 28.50 | 28.00 | 27.50 |
| Reading | B <= | Grade 8 | 36.00 | 35.50 | 35.00 | 34.50 | 34.00 | 33.50 |
| Reading | C <= | Grade HS | 41.50 | 41.00 | 40.50 | 40.00 | 39.50 | 39.00 |
| Math | A <= | Grade 4 | 28.00 | 27.50 | 27.00 | 26.50 | 26.00 | 25.50 |
| Math | B <= | Grade 8 | 29.00 | 28.50 | 28.00 | 27.50 | 27.00 | 26.50 |
| Math | C <= | Grade HS | 21.00 | 20.50 | 20.00 | 19.50 | 19.00 | 18.50 |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline data from FFY2018 were calculated as the difference between the proficiency rate of children with disabilities and an IEP taking the state-wide assessments and the proficiency rate of ALL students taking the state-wide assessment. Disaggregation by subject area (math and reading) and grade level (4th, 8th, and 11th) were conducted prior to calculations. These calculations were presented and accepted by stakeholders during the final stakeholder meeting in September 2021.

**FFY 2020 Data Disaggregation from EDFacts**

**Data Source:**

SY 2020-21 Assessment Data Groups - Reading (EDFacts file spec FS178; Data Group: 584)

**Date:**

03/03/2022

**Reading Assessment Proficiency Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. All Students who received a valid score and a proficiency was assigned for the regular assessment | 16,588 | 17,295 | 14,523 |
| b. Children with IEPs who received a valid score and a proficiency was assigned for the regular assessment | 3,518 | 2,767 | 1,681 |
| c. All students in regular assessment with no accommodations scored at or above proficient against grade level | 5,970 | 7,161 | 6,957 |
| d. All students in regular assessment with accommodations scored at or above proficient against grade level | 187 | 160 | 201 |
| e. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level | 260 | 74 | 59 |
| f. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level | 136 | 118 | 96 |

**Data Source:**

SY 2020-21 Assessment Data Groups - Math (EDFacts file spec FS175; Data Group: 583)

**Date:**

03/03/2022

**Math Assessment Proficiency Data by Grade**

|  |  |  |  |
| --- | --- | --- | --- |
| **Group** | **Grade 4** | **Grade 8** | **Grade HS** |
| a. All Students who received a valid score and a proficiency was assigned for the regular assessment | 16,566 | 17,297 | 14,523 |
| b. Children with IEPs who received a valid score and a proficiency was assigned for the regular assessment | 3,513 | 2,774 | 1,681 |
| c. All students in regular assessment with no accommodations scored at or above proficient against grade level | 5,385 | 4,008 | 3,286 |
| d. All students in regular assessment with accommodations scored at or above proficient against grade level | 197 | 89 | 61 |
| e. Children with IEPs in regular assessment with no accommodations scored at or above proficient against grade level | 258 | 42 | 17 |
| f. Children with IEPs in regular assessment with accommodations scored at or above proficient against grade level | 137 | 59 | 19 |

**FFY 2020 SPP/APR Data: Reading Assessment**

| **Group** | **Group Name** | **Proficiency rate for children with IEPs scoring at or above proficient against grade level academic achievement standards**  | **Proficiency rate for all students scoring at or above proficient against grade level academic achievement standards**  | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 11.26% | 37.12% |  | 30.00 | 25.86 | N/A | N/A |
| **B** | Grade 8 | 6.94% | 42.33% |  | 36.00 | 35.39 | N/A | N/A |
| **C** | Grade HS | 9.22% | 49.29% |  | 41.50 | 40.07 | N/A | N/A |

**FFY 2020 SPP/APR Data: Math Assessment**

| **Group** | **Group Name** | **Proficiency rate for children with IEPs scoring at or above proficient against grade level academic achievement standards**  | **Proficiency rate for all students scoring at or above proficient against grade level academic achievement standards**  | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A** | Grade 4 | 11.24% | 33.70% |  | 28.00 | 22.45 | N/A | N/A |
| **B** | Grade 8 | 3.64% | 23.69% |  | 29.00 | 20.05 | N/A | N/A |
| **C** | Grade HS | 2.14% | 23.05% |  | 21.00 | 20.90 | N/A | N/A |

**Provide additional information about this indicator (optional)**

## 3D - Prior FFY Required Actions

None

## 3D - OSEP Response

The State has established the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that baseline because OSEP could not determine if the State calculated the proficiency rate gap, consistent with the Measurement Table, using assessment data from SY 2018-2019. OSEP cannot accept the State's FFYs 2020-2025 targets for this indicator because OSEP cannot determine whether the State’s end targets for FFY 2025 reflect improvement over the State’s baseline data, given that the State's baseline cannot be accepted, as noted above. The State must ensure its FFY 2025 targets reflect improvement.

## 3D - Required Actions

# Indicator 4A: Suspension/Expulsion

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results Indicator:** Rates of suspension and expulsion:

A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and

B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, 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, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

**Data Source**

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

**Measurement**

Percent = [(# of LEAs that meet the State-established n and/or cell size (if applicable) that have a significant discrepancy, as defined by the State, in the rates of suspensions and expulsions for more than 10 days during the school year of children with IEPs) divided by the (# of LEAs in the State that meet the State-established n and/or cell size (if applicable))] times 100.

Include State’s definition of “significant discrepancy.”

**Instructions**

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

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2020 SPP/APR, use data from 2019-2020), including data disaggregated by race and ethnicity to determine if significant discrepancies, as defined by the State, are occurring in the rates of long-term suspensions and expulsions (more than 10 days during the school year) of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons:

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

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

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

Because the measurement table requires that the data examined for this indicator are lag year data, States should examine the 618 data that was submitted by LEAs that were in operation during the school year before the reporting year. For example, if a State has 100 LEAs operating in the 2019-2020 school year, those 100 LEAs would have reported 618 data in 2019-2020 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2020-2021, suspension/expulsion data from those 15 new LEAs would not be in the 2019-2020 618 data set, and therefore, those 15 new LEAs should not be included in the denominator of the calculation. States must use the number of LEAs from the year before the reporting year in its calculation for this indicator. For the FFY 2020 SPP/APR submission, States must use the number of LEAs reported in 2019-2020 (which can be found in the FFY 2019 SPP/APR introduction).

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

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

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

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 4A - Indicator Data

**Historical Data**

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target <= | 6.00% | 5.50% | 5.50% | 5.00% | 3.50% |
| Data | 3.51% | 3.51% | 3.51% | 3.51% | 3.51% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target <= | 3.50% | 3.50% | 3.50% | 3.50% | 3.50% | 3.50% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

**FFY 2020 SPP/APR Data**

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

YES

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

0

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of LEAs that have a significant discrepancy** | **Number of LEAs that met the State's minimum n/cell size** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| 1 | 57 | 3.51% | 3.50% | 1.75% | Met target | No Slippage |

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

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

**State’s definition of “significant discrepancy” and methodology**

West Virginia collects discipline data through WVEIS, which requires school-level personnel to enter individual student data regarding disciplinary offenses, actions taken, and the number of days. These data are compiled by the district into an electronic file, which is submitted to WVDE/SES and is used to generate the Section 618 discipline report and suspension rates for the APR. Data are provided individually for all students for the reporting year July 1 through June 30. All data are verified by districts prior to and after submission to WVEIS. Additionally, the WVDE/SES examined the data by school to ensure all schools were participating. The calculation includes the number of students with IEPs in a district as the denominator and the number of students suspended/expelled >10 days in a district as the numerator multiplied by 100.

Definition of Significant Discrepancy and Identification of Comparison Methodology:
West Virginia is comparing the rates of suspensions and expulsions greater than 10 days in a school year for children with IEPs (children with disabilities) among LEAs in the state. The state "bar" is two times the state rate using the 2016-2017 school year as the baseline since all children with IEPs were suspended at a rate of 1.62% for suspensions/expulsions totaling greater than 10 days. The 1.62% state rate was multiplied by two to establish a static suspension/expulsion-rate bar for students with disabilities at 3.24%. Thus, a district is considered to have a significant discrepancy when its suspension/expulsion rate for children with IEPs meets or exceeds the rate of 3.24%.
State rate for all students with IEPs = (751 suspensions/expulsions greater than 10 days) X 100% (46,299 children with IEPs ages 3-21) = 1.62%
Significant Discrepancy Threshold = 1.62% x 2 = 3.24%
Minimum n-size: The minimum n-size of 20 for Indicator 4A is based on the number of children with IEPs in a district (LEA). All districts met the minimum n-size and no districts were excluded from the analysis.

**Provide additional information about this indicator (optional)**

An emergency order of the Governor closed in-person traditional schools effective March 16, 2020, due to the COVID-19 pandemic. This remained in place through the remainder of the school year. Approximately 75% of the school year was provided in a traditional in-person format. The number of students with greater than ten days of suspensions and expulsions during this school year was 77% of the previous school year. The data appears proportional given the amount of traditional in-person learning and that students had fewer opportunities for inappropriate behavior leading to suspension or expulsion during remote learning. It is also anticipated that this impact will continue through the next reporting year.

**Review of Policies, Procedures, and Practices (completed in FFY 2020 using 2019-2020 data)**

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

One district received a state-level review of policies, procedures, and practices based upon SY 2019-2020 discipline data for Indicator 4A, as part of the State's Annual Desk Audit (ADA). The SEA review of the LEA that was identified as having significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs include: findings of districts self-review of discipline policies, procedures, and practices including the development and implementation of IEPs; the use of positive behavioral interventions and supports, and procedural safeguards; progress in implementing corrective activities within the county's improvement plan for SPP Indicator 4; and discipline practices via interviews when appropriate. The OSE reviews districts' completion of improvement plans and/or corrective action plans no later than May 15th, via the Annual Desk Audit (ADA).

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

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

**If YES, select one of the following:**

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

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

When a district has been identified as having a significant discrepancy in suspensions/expulsions greater than 10 days overall (4A) and/or by race/ethnicity (4B) for students with a disability, an on-site review is conducted by the WVDE/SES. The on-site review uses the District Review of Policies, Procedures, and Practices Significant Discrepancy in Suspension and Expulsion Indicator 4A & 4B Review Form. The form can be viewed at https://wvde.us/wp-content/uploads/2021/09/4a-and-4b-Review-Form-2021-Final.doc. Up to 10 discipline records (or up to 20 in larger districts) are reviewed to determine if the disproportionality (significant disproportion) found is a result of the inappropriate implementation of WVBE policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:
Copies of the specific students’ current IEPs
Positive Behavioral Interventions and Supports (PBIS);
Functional Behavior Assessments (FBAs);
Disciplinary Action Review Form (DARF);
Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
Documentation regarding the change of placement determination;
Documentation verifying procedural safeguards were distributed when the removal was considered a change of placement; and
Individual discipline and attendance reports from WV Education Information System (WVEIS)

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

**Correction of Findings of Noncompliance Identified in FFY 2019**

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

**FFY 2019 Findings of Noncompliance Verified as Corrected**

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

The districts identified as having significant discrepancy in suspensions/expulsions greater than 10 days overall for students with a disability are mandated to participate in a state review of Policies, Practices, and procedures conducted by WVDE/SES using the District Review of Policies, Procedures, and Practices Significant Discrepancy in Suspension and Expulsion Indicator 4A & 4B Review Form. The form can be viewed at https://wvde.us/wp-content/uploads/2021/09/4a-and-4b-Review-Form-2021-Final.doc. Up to 10 discipline records (or up to 20 in larger districts) are reviewed to determine if the disproportionality (significant disproportion) found is a result of the inappropriate implementation of WVBE policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the on-site team:
Copies of the specific students’ current IEPs
Positive Behavioral Interventions and Supports (PBIS);
Functional Behavior Assessments (FBAs);
Disciplinary Action Review Form (DARF);
Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
Documentation regarding the change of placement determination;
Documentation verifying procedural safeguards were distributed when the removal was considered a change of placement; and
Individual discipline and attendance reports from WV Education Information System (WVEIS)

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

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

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

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
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## 4A - Prior FFY Required Actions

The State must report, in the FFY 2020 SPP/APR, on the correction of noncompliance that the State identified in FFY 2019 as a result of the review it conducted pursuant to 34 C.F.R. § 300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each district with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

**Response to actions required in FFY 2019 SPP/APR**

WVDE/SES has reviewed each district identified as having a significant discrepancy in suspensions/expulsions greater than 10 days overall for students with a disability. Each district was mandated to participate in a state review of policies, practices, and procedures conducted by the WVDE/SES using the District Review of Policies, Procedures, and Practices Significant Discrepancy in Suspension and Expulsion Indicator 4A & 4B Review Form as described previously. Ten discipline records (for each district) were reviewed to determine if the disproportionality (significant disproportion) previously found was a result of the inappropriate implementation of WVBE policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. The following information was collected by each district and made available to the on-site team:
Copies of the specific students’ current IEPs;
Positive Behavioral Interventions and Supports (PBIS);
Functional Behavior Assessments (FBAs);
Disciplinary Action Review Form (DARF);
Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
Documentation regarding the change of placement determination;
Documentation verifying procedural safeguards were distributed when the removal was considered a change of placement; and
Individual discipline and attendance reports from WV Education Information System (WVEIS)

\*Although WV did identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b), each district has adopted WVBE Policy 2419 as their local procedures, revisions to the policy were not required. Rather, appropriate implementation of existing practices and procedures was required for each district.

Individual files with noncompliance were verified as corrected based upon submission of newly implemented procedural requirements that provided verification of correction for the individual student non-compliance found during the onsite review. All required documentation of correction of individual student noncompliance was submitted to the WVDE/SES for review by each district to determine individual correction of noncompliance. Upon submission and review of the requested updated data and information, the state verified that each district reported in FFY 2019 corrected each instance of individual noncompliance consistent with regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b), and WVBE Policy 2419 and has corrected each individual case of noncompliance consistent with OSEP Memo 09-02.

As a result of this review process, the districts the State identified in FFY2019 were not identified again in FFY2020.

## 4A - OSEP Response

The State did not demonstrate that the LEA corrected the findings of noncompliance identified in FFY 2019 because it did not report that it verified correction of those findings, consistent with OSEP Memo 09-02. Specifically, the State did not report that that it verified that each LEA with noncompliance identified in FFY 2019 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.

## 4A - Required Actions

# Indicator 4B: Suspension/Expulsion

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Compliance Indicator:** Rates of suspension and expulsion:

 A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and

B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, 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, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

**Data Source**

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

**Measurement**

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

Include State’s definition of “significant discrepancy.”

**Instructions**

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

Describe the results of the State’s examination of the data for the year before the reporting year (e.g., for the FFY 2020 SPP/APR, use data from 2019-2020), including data disaggregated by race and ethnicity to determine if significant discrepancies, as defined by the State, are occurring in the rates of long-term suspensions and expulsions (more than 10 days during the school year) of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State’s examination must include one of the following comparisons:

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

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

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

Because the measurement table requires that the data examined for this indicator are lag year data, States should examine the 618 data that was submitted by LEAs that were in operation during the school year before the reporting year. For example, if a State has 100 LEAs operating in the 2019-2020 school year, those 100 LEAs would have reported 618 data in 2019-2020 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2020-2021, suspension/expulsion data from those 15 new LEAs would not be in the 2019-2020 618 data set, and therefore, those 15 new LEAs should not be included in the denominator of the calculation. States must use the number of LEAs from the year before the reporting year in its calculation for this indicator. For the FFY 2020 SPP/APR submission, States must use the number of LEAs reported in 2019-2020 (which can be found in the FFY 2019 SPP/APR introduction).

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

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

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

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Targets must be 0% for 4B.

## 4B - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2018 | 5.26% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target | 0% | 0% | 0% | 0% | 0% |
| Data | 5.26% | 7.02% | 7.02% | 5.26% | 3.51% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target  | 0% | 0% | 0% | 0% | 0% | 0% |

**FFY 2020 SPP/APR Data**

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

YES

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

0

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of LEAs that have a significant discrepancy, by race or ethnicity** | **Number of those LEAs that have policies, procedure or practices that contribute to the significant discrepancy and do not comply with requirements** | **Number of LEAs that met the State's minimum n/cell size** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| 6 | 3 | 57 | 3.51% | 0% | 5.26% | Did not meet target | Slippage |

**Provide reasons for slippage, if not applicable**

The slippage is a change of just one additional school district that did not comply with requirements. WVDE/SES has been working with districts to review and revise policies, procedures, and practices that are contributing to the discrepancy and provide additional behavioral support.

**Were all races and ethnicities included in the review?**

YES

**State’s definition of “significant discrepancy” and methodology**

West Virginia collects discipline data through WVEIS, which requires school-level personnel to enter individual student data regarding disciplinary offenses, actions taken, and the number of days. These data are compiled by the district into an electronic file, which is submitted to WVDE and is used to generate the Section 618 discipline report and suspension rates for the APR. Data are provided individually for all students for the reporting year July 1 through June 30. All data are verified by districts prior to and after submission to WVEIS. Additionally, the WVDE/SES examined the data by the school to ensure all schools were participating. The calculation includes the number of students with IEPs in a district as the denominator and the number of students suspended/expelled >10 days in a district as the numerator multiplied by 100.

Definition of Significant Discrepancy and Identification of Comparison Methodology:
West Virginia is comparing the rates of suspensions and expulsions greater than 10 days in a school year for children with IEPs (children with disabilities) among LEAs in the state. The state "bar" is two times the state rate using the 2016-2017 school year as the baseline since all children with IEPs were suspended at a rate of 1.62% for suspensions/expulsions totaling greater than 10 days. The 1.62% state rate was multiplied by two to establish a static suspension/expulsion-rate bar for students with disabilities at 3.24%. Thus, a district is considered to have a significant discrepancy when its suspension/expulsion rate for children with IEPs meets or exceeds the rate of 3.24%.
State rate for all students with IEPs = (751 suspensions/expulsions greater than 10 days) X 100% (46,299 children with IEPs ages 3-21) = 1.62%
Significant Discrepancy Threshold = 1.62% x 2 = 3.24%
Minimum n-size: The minimum n-size of 20 for Indicator 4A is based on the number of children with IEPs in a district (LEA). All districts met the minimum n-size and no districts were excluded from the analysis.

**Provide additional information about this indicator (optional)**

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current performance level of districts in using equitable discipline practices for students with disabilities. The targets were set to show a slight improvement each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**Review of Policies, Procedures, and Practices (completed in FFY 2020 using 2019-2020 data)**

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

a. Review Process: Six districts received a SEA level review of policies, procedures and practices based upon SY 2019-2020 discipline data. Indicator Reviews were conducted via onsite monitoring visits. The SEA review of the LEAs identified with significant discrepancies by race/ethnicity specifically involved the examination of: findings of district self-review of discipline policies, procedures and practices; progress in implementing corrective activities within the county’s improvement plan for SPP Indicator 4; discipline practices via interviews when appropriate; a random sample of records (i.e., evaluations, IEPs, behavior intervention plans, and manifestation determinations) of students with disabilities (SWD) suspended for 10 or more days utilizing the adopted rubric; a review of general procedures for disciplinary removals including school and district suspension records; and data analyses at the district level to compare the suspension type, frequency and duration of all students with IEPs as compared to students with IEPs in the race/ethnicity category exceeding the state-bar.

b. Results of State’s Review of LEA’s policies, procedures and practices based on 2019-2020 data: Three of the districts identified as having a significant discrepancy were found to have noncompliance relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports and procedural safeguards to ensure these policies, procedures and practices comply with IDEA. The three districts with identified noncompliance received a letter of finding on May 30, 2021, delineating the specific findings. Findings of noncompliance were primarily the result of the LEAs failure to: 1) record discipline and attendance data accurately in WVEIS; 2) Failure to return students to their current placement when a manifestation determination was found; 3. Written evidence was not available in some instances for students with multiple suspension referrals of the discipline action review form which documents all of the procedures and practices required when considering an out-of-school suspension in excess of 10 cumulative days for the school year.

c. Because all districts have adopted WVBE Policy 2419 as their local procedures, revisions to policy and procedures were not required. Rather, appropriate implementation of existing policies and procedures was required:
The WVDE/SES reviewed district completion of improvement plans and/or corrective action plans by May 30, 2021. The WVDE/SES requested an updated sample of student records and determined whether the districts corrected individual student noncompliance and whether districts were correctly implementing regulatory requirements within one year of the initial notification of the findings of noncompliance. The WVDE/SES will report on the correction of noncompliance in the FFY 2021 APR.

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

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

**If YES, select one of the following:**

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

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

When a district has been identified as having a significant discrepancy in suspensions/expulsions greater than 10 days overall (4A) and/or by race/ethnicity (4B) for students with a disability, an on-site review is conducted by the WVDE/SES. Up to 10 discipline records (or up to 20 in larger districts) are reviewed to determine if the discrepancy (significant disproportion) found is a result of the inappropriate implementation of WVBE Policy 2419, procedures, and practices relating to the development and implementation of individualized education programs (IEPs), positive behavior interventions and supports (PBIS), and/or procedural safeguards. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the review team:
Copies of the specific students’ current IEPs;
Positive Behavioral Interventions and Supports (PBIS);
Functional Behavior Assessments (FBAs);
Disciplinary Action Review Form (DARF);
Prior Written Notice (PWN)/suspension letters documenting same-day notice requirements;
Documentation regarding the change of placement determination;
Documentation verifying procedural safeguards were distributed when the removal was considered a change of placement; and
Individual discipline and attendance reports from WV Education Information System (WVEIS)

\*Although WV DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b), because all districts have adopted WVBE Policy 2419 as their local procedures, revisions to the policy was not required. Rather, appropriate implementation of existing practices and procedures was required. The review process that is conducted is outlined on 4a4b State Review Form which can be found at https://wvde.us/wp-content/uploads/2021/09/4a-and-4b-Review-Form-2021-Final.doc.

**Correction of Findings of Noncompliance Identified in FFY 2019**

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

**FFY 2019 Findings of Noncompliance Verified as Corrected**

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

In FFY 2019, two districts were identified with significant discrepancies in the rate of suspensions and expulsions greater than 10 days in a school year. The two districts received a SEA level review of policies, procedures, and practices to determine if after implementing the corrective actions listed in their Annual Desk Audit improvement plans, policies, procedures, and practices are being implemented to comply with the IDEA pursuant to 34 CFR §300.170(b). Evidence was provided to verify the appropriate development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

The review process that is conducted is outlined in the 4a/4b State Review Form located at https://wvde.us/wp-content/uploads/2021/09/4a-and-4b-Review-Form-2021-Final.doc. As part of the review, the Part B Data Manager compiles and sends a list of specific students identified as suspended/expelled >10 days. The following information is then collected by the district and made available to the review team:

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

The review team provides feedback to the district on systemic noncompliance to inform the progress or completion of an improvement plan submitted with the Annual Desk Audit. Subsequent file reviews, after improvement plans have been implemented, determine correction of noncompliance for each systemic issue identified. Ongoing feedback and technical assistance are provided by the OSE after each subsequent review. Upon completion of subsequent reviews, the State verified both districts are correctly implementing the specific regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b), and WVBE Policy 2419 and has corrected each individual case of noncompliance consistent with OSEP Memo 09-02.
As a result of COVID restrictions, file reviews were conducted with a combination of reviews of WVEIS student records and the districts scanned other original documents that were shared through secure files.

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

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

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
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## 4B - Prior FFY Required Actions

Because the State reported less than 100% compliance (greater than 0% actual target data for this indicator) for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. The State must demonstrate, in the FFY 2020 SPP/APR, that the districts identified with noncompliance in FFY 2019 have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance (greater than 0% actual target data for this indicator), provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

**Response to actions required in FFY 2019 SPP/APR**

In FFY 2019, two districts were identified with significant discrepancies in the rate of suspensions and expulsions greater than 10 days in a school year. The two districts received a SEA level review of policies, procedures, and practices to determine if after implementing the corrective actions listed in their Annual Desk Audit improvement plans, policies, procedures, and practices are being implemented to comply with the IDEA pursuant to 34 CFR §300.170(b). Evidence was provided by each district to verify the appropriate development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

The review process that was conducted is outlined in the 4a/4b State Review Form located at https://wvde.us/wp-content/uploads/2021/09/4a-and-4b-Review-Form-2021-Final.doc. As part of the review, the Part B Data Manager compiled and sent a list of specific students identified as suspended/expelled >10 days to the special education director in each district. The following information was collected by each district and made available to the review team:

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

The review team provided feedback to each district on systemic noncompliance to inform the progress or completion of an improvement plan submitted with the Annual Desk Audit. Subsequent file reviews, after improvement plans had been implemented in each district, determined correction of noncompliance for each systemic issue identified. Ongoing feedback and technical assistance are provided by the WVDE/SES after each subsequent review. Upon completion of subsequent reviews, the State verified both districts are correctly implementing the specific regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b), and WVBE Policy 2419 and has corrected each individual case of noncompliance consistent with OSEP Memo 09-02.
As a result of COVID restrictions, file reviews were conducted in each district with a combination of reviews of WVEIS student records and the districts scanned other original documents that were shared through secure files.

Individual files with noncompliance were verified as corrected upon submission of newly implemented procedural requirements that provided verification of correction for the individual student non-compliance found during the onsite review and any individual student noncompliance found during subsequent reviews. All required documentation of correction of individual student noncompliance was submitted to the WVDE/SES by each district for review to determine individual correction of noncompliance. Upon submission and review of the requested updated data and information, the state verified that both districts corrected each instance of individual noncompliance consistent with regulatory requirements in the IDEA pursuant to 34 CFR §300.170(b), and WVBE Policy 2419 and has corrected each individual case of noncompliance consistent with OSEP Memo 09-02.

## 4B - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that revision because the State did not provide an explanation for that revision, and did not indicate that stakeholders were consulted in the change.

The State did not demonstrate that the LEA corrected the findings of noncompliance identified in FFY 2019 because it did not report that it verified correction of those findings, consistent with OSEP Memo 09-02. Specifically, the State did not report that that it verified that each LEA with noncompliance identified in FFY 2019 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.

## 4B- Required Actions

# Indicator 5: Education Environments (children 5 (Kindergarten) - 21)

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served:

A. Inside the regular class 80% or more of the day;

B. Inside the regular class less than 40% of the day; and

C. In separate schools, residential facilities, or homebound/hospital placements.

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

**Data Source**

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

**Measurement**

 A. Percent = [(# of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class 80% or more of the day) divided by the (total # of students aged 5 who are enrolled in kindergarten and aged 6 through 21 with IEPs)] times 100.

 B. Percent = [(# of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class less than 40% of the day) divided by the (total # of students aged 5 who are enrolled in kindergarten and aged 6 through 21 with IEPs)] times 100.

 C. Percent = [(# of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 5 who are enrolled in kindergarten and aged 6 through 21 with IEPs)]times 100.

**Instructions**

*Sampling from the State’s 618 data is not allowed.*

States must report five-year-old children with disabilities who are enrolled in kindergarten in this indicator. Five-year-old children with disabilities who are enrolled in preschool programs are included in Indicator 6.Describe the results of the calculations and compare the results to the target.

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

## 5 - Indicator Data

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part** | **Baseline**  | **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| A | 2020 | Target >= | 62.50% | 62.60% | 62.80% | 63.00% | 63.80% |
| A | 67.11% | Data | 64.46% | 64.65% | 64.64% | 63.56% | 63.04% |
| B | 2020 | Target <= | 8.90% | 8.90% | 8.90% | 8.89% | 8.88% |
| B | 6.47% | Data | 8.07% | 7.67% | 7.47% | 7.57% | 7.41% |
| C | 2020 | Target <= | 1.40% | 1.40% | 1.40% | 1.30% | 1.30% |
| C | 1.49% | Data | 1.72% | 1.49% | 1.60% | 1.60% | 1.47% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target A >= | 67.11% | 67.61% | 68.11% | 68.61% | 69.11% | 69.61% |
| Target B <= | 6.47% | 6.30% | 6.20% | 6.10% | 6.00% | 5.90% |
| Target C <= | 1.49% | 1.40% | 1.40% | 1.40% | 1.40% | 1.40% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was adjusted to FFY2020 based on direction by OSEP during the clarification period in order to exclude 5-year-olds in kindergarten. Targets were then adjusted to show the 0.5% increase per year for indicator 5A, 0.1 decrease per year for indicator 5B, and a slight decrease to 1.4 for indicator 5C and then holding at that level. These were the increments that were presented to and accepted by stakeholders. Indicator 5C does not show a decrease due to the need to keep a continuum of services available for students.

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/07/2021 | Total number of children with IEPs aged 5 (kindergarten) through 21 | 42,753 |
| SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/07/2021 | A. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class 80% or more of the day | 28,690 |
| SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/07/2021 | B. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class less than 40% of the day | 2,766 |
| SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/07/2021 | c1. Number of children with IEPs aged 5 (kindergarten) through 21 in separate schools | 65 |
| SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/07/2021 | c2. Number of children with IEPs aged 5 (kindergarten) through 21 in residential facilities | 176 |
| SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS002; Data group 74) | 07/07/2021 | c3. Number of children with IEPs aged 5 (kindergarten) through 21 in homebound/hospital placements | 398 |

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

NO

**FFY 2020 SPP/APR Data**

| **Education Environments** | **Number of children with IEPs aged 5 (kindergarten) through 21 served** | **Total number of children with IEPs aged 5 (kindergarten) through 21** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class 80% or more of the day | 28,690 | 42,753 | 63.04% | 67.11% | 67.11% | N/A | N/A |
| B. Number of children with IEPs aged 5 (kindergarten) through 21 inside the regular class less than 40% of the day | 2,766 | 42,753 | 7.41% | 6.47% | 6.47% | N/A | N/A |
| C. Number of children with IEPs aged 5 (kindergarten) through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3] | 639 | 42,753 | 1.47% | 1.49% | 1.49% | N/A | N/A |

**Provide additional information about this indicator (optional)**

The number of students in homebound/hospital placements was potentially and could continue to be impacted by COVID. In West Virginia, the school year 2020-2021 was delayed by emergency orders of the governor through September 7, 2020. There was one additional emergency closure by the governor for November 30 through December 2, 2020.
The Department of Health and Human Resources developed a Metrics map to reflect the COVID infection rate and percent positivity in each county in the state. Each of West Virginia’s counties is a separate school district. Under the direction of the governor, the WVDE used the Saturday Metric map to determine which counties should be in remote learning for the upcoming week. This remained in effect for elementary and middle schools through the middle of January 2021, and through late March 2021, for high schools.
Although certainly far from a normal and traditional school year, all days regardless of settings were considered instructional days. Many districts were able to bring special education students into a traditional school setting for more days than their non-disabled peers based on the need to receive IEP services. These decisions were determined locally in conjunction with parents and within any of the guidelines established by local health departments. This may have also impacted how the LEAs determined the level of placement. Districts are now required to provide virtual options for students in middle and high schools and additional support and direction on making decisions for homebound/hospital placements has been provided to district special education directors through the state general support system.
Additionally, although West Virginia has a state-supported student data system, the Child Count collection process needed a great deal of support from WVDE/SES. Specifically, almost half of the LEAs failed to submit their certified collections to the state by the due date. WVDE/SES in collaboration with the Office of Data Management and Information Systems established extended timelines, provided additional technical assistance to LEAs on an individual basis, and conducted additional data checks upon receiving submissions to ensure the data were valid and reliable.

## 5 - Prior FFY Required Actions

None

## 5 - OSEP Response

The State has reported the baseline for this indicator, using data from FFY 2005, but OSEP cannot accept that baseline because of the reporting requirement to include five-year-olds in Kindergarten in file specification FS009 - Children with Disabilities (IDEA) School Age. The State must revise its baseline using FFY 2020 data.

OSEP cannot accept the State's FFYs 2020-2025 targets for this indicator because OSEP cannot determine whether the State’s end targets for FFY 2025 reflect improvement over the State’s baseline data, given that the State's baseline cannot be accepted, as noted above. The State must ensure its FFY 2025 targets reflect improvement.

The State provided an explanation of how COVID-19 impacted its ability to collect FFY 2020 data for this indicator and steps the State has taken to mitigate the impact of COVID-19 on data collection.

## 5 - Required Actions

# Indicator 6: Preschool Environments

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

**Results indicator:** Percent of children with IEPs aged 3, 4, and aged 5 who are enrolled in a preschool program attending a:

A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and

B. Separate special education class, separate school or residential facility.

 C. Receiving special education and related services in the home.

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

**Data Source**

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

**Measurement**

 A. Percent = [(# of children ages 3, 4, and 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children ages 3, 4, and 5 with IEPs)] times 100.

 B. Percent = [(# of children ages 3, 4, and 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children ages 3, 4, and 5 with IEPs)] times 100.

 C. Percent = [(# of children ages 3, 4, and 5 with IEPs receiving special education and related services in the home) divided by the (total # of children ages 3, 4, and 5 with IEPs)] times 100.

**Instructions**

*Sampling from the State’s 618 data is not allowed.*

States must report five-year-old children with disabilities who are enrolled in preschool programs in this indicator. Five-year-old children with disabilities who are enrolled in kindergarten are included in Indicator 5.

States may choose to set one target that is inclusive of children ages 3, 4, and 5, or set individual targets for each age.

For Indicator 6C: States are not required to establish a baseline or targets if the number of children receiving special education and related services in the home is less than 10, regardless of whether the State chooses to set one target that is inclusive of children ages 3, 4, and 5, or set individual targets for each age. In a reporting period during which the number of children receiving special education and related services in the home reaches 10 or greater, States are required to develop baseline and targets and report on them in the corresponding SPP/APR.

For Indicator 6C: States may express their targets in a range (*e.g.*, 75-85%).Describe the results of the calculations and compare the results to the target.

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

## 6 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data – 6A, 6B**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Part** | **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| **A** | Target >= | 31.30% | 31.80% | 32.30% | 32.30% | 32.80% |
| **A** | Data | 30.34% | 32.81% | 32.55% | 34.18% | 39.60% |
| **B** | Target <= | 10.50% | 10.40% | 10.30% | 10.30% | 10.20% |
| **B** | Data | 7.55% | 7.48% | 8.53% | 8.39% | 9.74% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was adjusted to FFY2020 based on direction by OSEP during the clarification period in order to exclude 5-year-olds in kindergarten. Targets were then adjusted to show a 0.5% increase per year for indicator 6A, and a 0.1 decrease per year for indicator 6B. Indicator 6C is new and was established using FFY2020 data for the baseline and a slight decrease each year. These were the increments that were presented to and accepted by stakeholders. Indicator 5C does not show a decrease due to the need to keep a continuum of services available for students.

**Targets**

**Please select if the State wants to set baseline and targets based on individual age ranges (i.e. separate baseline and targets for each age), or inclusive of all children ages 3, 4, and 5.**

Inclusive Targets

**Please select if the State wants to use target ranges for 6C.**

Target Range not used

Baselines for Inclusive Targets option (A, B, C)

| **Part** | **Baseline Year** | **Baseline Data** |
| --- | --- | --- |
| **A** | 2020 | 49.24% |
| **B** | 2020 | 9.67% |
| **C** | 2020 | 2.26% |

**Inclusive Targets – 6A, 6B**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target A >= | 49.24% | 49.75% | 50.25% | 50.75% | 51.25% | 51.75% |
| Target B <= | 9.67% | 9.50% | 9.40% | 9.30% | 9.20% | 9.10% |

**Inclusive Targets – 6C**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target C <= | 2.26% | 2.25% | 2.24% | 2.23% | 2.22% | 2.21% |

**Prepopulated Data**

**Data Source:**

SY 2020-21 Child Count/Educational Environment Data Groups (EDFacts file spec FS089; Data group 613)

**Date:**

07/07/2021

| **Description** | **3** | **4** | **5** | **3 through 5 - Total** |
| --- | --- | --- | --- | --- |
| Total number of children with IEPs | 901 | 1,414 | 778 | 3,093 |
| a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program | 448 | 689 | 386 | 1,523 |
| b1. Number of children attending separate special education class | 115 | 119 | 63 | 297 |
| b2. Number of children attending separate school | 1 | 1 | 0 | 2 |
| b3. Number of children attending residential facility | 0 | 0 | 0 | 0 |
| c1**.** Numberof children receiving special education and related services in the home | 27 | 29 | 14 | 70 |

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

NO

**FFY 2020 SPP/APR Data - Aged 3 through 5**

| **Preschool Environments** | **Number of children with IEPs aged 3 through 5 served** | **Total number of children with IEPs aged 3 through 5** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program | 1,523 | 3,093 | 39.60% | 49.24% | 49.24% | N/A | N/A |
| B. Separate special education class, separate school or residential facility | 299 | 3,093 | 9.74% | 9.67% | 9.67% | N/A | N/A |
| C. Home | 70 | 3,093 |  | 2.26% | 2.26% | N/A | N/A |

**Provide additional information about this indicator (optional)**

## 6 - Prior FFY Required Actions

None

## 6 - OSEP Response

The State has revised the baselines for 6A and 6B for this indicator, using data from FFY 2019, but OSEP cannot accept these baselines. Due to the change in the measurement table that excludes five year old children with disabilities who are enrolled in kindergarten from the calculations, the State must revise its baseline to 2020 for 6A and 6B and provide an explanation for the change.

The State has established the baseline for 6C for this indicator, using data from FFY 2020, and OSEP accepts that baseline.

OSEP cannot accept the State's FFYs 2020-2025 targets for Indicator 6A and Indicator 6B because OSEP cannot determine whether the State’s end targets for FFY 2025 reflect improvement over the State’s baseline data, given that the State's revised baselines cannot be accepted, as noted above. The State must ensure its FFY 2025 targets reflect improvement.

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts the targets for Indicator 6C.

## 6 - Required Actions

# Indicator 7: Preschool Outcomes

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

A. Positive social-emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and

C. Use of appropriate behaviors to meet their needs.

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

**Data Source**

State selected data source.

**Measurement**

Outcomes:

A. Positive social-emotional skills (including social relationships);

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and

C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.

b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.

d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

**Summary Statements for Each of the Three Outcomes:**

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

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

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

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

**Instructions**

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

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

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

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

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

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

## 7 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part** | **Baseline** | **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| A1 | 2019 | Target >= | 78.00% | 78.00% | 78.50% | 79.00% | 79.50% |
| A1 | 84.47% | Data | 82.76% | 77.95% | 81.44% | 82.50% | 84.47% |
| A2 | 2019 | Target >= | 67.00% | 67.00% | 67.50% | 68.00% | 68.00% |
| A2 | 64.31% | Data | 67.46% | 61.70% | 64.34% | 63.32% | 64.31% |
| B1 | 2019 | Target >= | 78.00% | 78.00% | 78.50% | 79.00% | 79.50% |
| B1 | 83.50% | Data | 82.90% | 78.31% | 82.05% | 82.98% | 83.50% |
| B2 | 2019 | Target >= | 63.00% | 63.00% | 63.50% | 64.00% | 64.00% |
| B2 | 62.91% | Data | 63.06% | 59.34% | 62.79% | 61.51% | 62.91% |
| C1 | 2019 | Target >= | 79.00% | 79.00% | 79.50% | 80.00% | 80.50% |
| C1 | 86.28% | Data | 85.76% | 80.75% | 84.48% | 85.57% | 86.28% |
| C2 | 2019 | Target >= | 78.00% | 78.00% | 78.50% | 79.00% | 80.00% |
| C2 | 74.90% | Data | 76.50% | 72.88% | 74.41% | 73.72% | 74.90% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target A1 >= | 84.50% | 85.00% | 85.50% | 86.00% | 86.50% | 87.00% |
| Target A2 >= | 64.32% | 64.40% | 64.50% | 64.60% | 64.70% | 64.80% |
| Target B1 >= | 83.51% | 84.00% | 84.50% | 85.00% | 85.50% | 86.00% |
| Target B2 >= | 62.92% | 63.00% | 63.10% | 63.20% | 63.30% | 63.40% |
| Target C1 >= | 86.29% | 86.80% | 87.30% | 87.80% | 88.30% | 88.80% |
| Target C2 >= | 74.91% | 75.00% | 75.10% | 75.20% | 75.30% | 75.40% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline was erroneously submitted using FFY2012 data during the original submission and has been corrected to use FFY2019. The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 (FFY 2019) in order to get the most accurate picture of the current performance level of children with disabilities in early childhood environments. The targets were set to show a slight improvement each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**FFY 2020 SPP/APR Data**

**Number of preschool children aged 3 through 5 with IEPs assessed**

1,962

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

| **Outcome A Progress Category** | **Number of children** | **Percentage of Children** |
| --- | --- | --- |
| a. Preschool children who did not improve functioning | 32 | 1.63% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 227 | 11.57% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 496 | 25.28% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 897 | 45.72% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 310 | 15.80% |

| **Outcome A** | **Numerator** | **Denominator** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. *Calculation:(c+d)/(a+b+c+d)* | 1,393 | 1,652 | 84.47% | 84.50% | 84.32% | Did not meet target | No Slippage |
| A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. *Calculation: (d+e)/(a+b+c+d+e)* | 1,207 | 1,962 | 64.31% | 64.32% | 61.52% | Did not meet target | Slippage |

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

| **Outcome B Progress Category** | **Number of Children** | **Percentage of Children** |
| --- | --- | --- |
| a. Preschool children who did not improve functioning | 38 | 1.94% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 237 | 12.08% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 526 | 26.81% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 919 | 46.84% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 242 | 12.33% |

| **Outcome B** | **Numerator** | **Denominator** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| B1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. *Calculation: (c+d)/(a+b+c+d)* | 1,445 | 1,720 | 83.50% | 83.51% | 84.01% | Met target | No Slippage |
| B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. *Calculation: (d+e)/(a+b+c+d+e)* | 1,161 | 1,962 | 62.91% | 62.92% | 59.17% | Did not meet target | Slippage |

**Outcome C: Use of appropriate behaviors to meet their needs**

| **Outcome C Progress Category** | **Number of Children** | **Percentage of Children** |
| --- | --- | --- |
| a. Preschool children who did not improve functioning | 35 | 1.78% |
| b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers | 205 | 10.45% |
| c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it | 357 | 18.20% |
| d. Preschool children who improved functioning to reach a level comparable to same-aged peers | 933 | 47.55% |
| e. Preschool children who maintained functioning at a level comparable to same-aged peers | 432 | 22.02% |

| **Outcome C** | **Numerator** | **Denominator** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| C1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.*Calculation:(c+d)/(a+b+c+d)*  | 1,290 | 1,530 | 86.28% | 86.29% | 84.31% | Did not meet target | Slippage |
| C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. *Calculation: (d+e)/(a+b+c+d+e)* | 1,365 | 1,962 | 74.90% | 74.91% | 69.57% | Did not meet target | Slippage |

| **Part** | **Reasons for slippage, if applicable** |
| --- | --- |
| **A2** | Many students entering and exiting preschool programs during the 2020-21 school year had to be evaluated/assessed virtually. The virtual format, while adequate, has limitations for observing younger students. It is possible that this, the lower number of students enrolled in preschool, and the inconsistency of the 2020-2021 instructional year had a negative impact on this indicator.  |
| **B2** | Many students entering and exiting preschool programs during the 2020-21 school year had to be evaluated/assessed virtually. The virtual format, while adequate, has limitations for observing younger students. It is possible that this, the lower number of students enrolled in preschool, and the inconsistency of the 2020-2021 instructional year had a negative impact on this indicator. |
| **C1** | Many students entering and exiting preschool programs during the 2020-21 school year had to be evaluated/assessed virtually. The virtual format, while adequate, has limitations for observing younger students. It is possible that this, the lower number of students enrolled in preschool, and the inconsistency of the 2020-2021 instructional year had a negative impact on this indicator. |
| **C2** | Many students entering and exiting preschool programs during the 2020-21 school year had to be evaluated/assessed virtually. The virtual format, while adequate, has limitations for observing younger students. It is possible that this, the lower number of students enrolled in preschool, and the inconsistency of the 2020-2021 instructional year had a negative impact on this indicator. |

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

YES

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

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

YES

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

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

The focus is on functioning and the interrelation among areas of development and not specific to developmental domain areas. The assessments used for the Child Outcomes Summary process include the following for all county school districts:
Creative Curriculum for Preschool;
High Scope Curriculum and Child Observation Record;
Early Learning Scale (ELS);
Play-Based Authentic Assessment;
Work Sampling System (WSS); and
Parent Information and Reports

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

**Provide additional information about this indicator (optional)**

It was discovered that data previously reported and included in the historical data snapshot (FFY2015 - FFY 2019) were reported as lagged data by WVDE/SES. The data reported here for FFY 2020 are from SY 2020-2021. The actual data for FFY2019 is available on the state public reporting website located at: https://wvde.us/special-education/data-and-public-reporting/. All other data are correct but reported a year late (i.e. the historical data reported for FFY 2019 is correct but should have been reported for FFY 2018).

There is also the possibility that COVID-19 impacted these data. Specifically, many students entering and exiting preschool programs during the 2020-21 school year had to be evaluated/assessed virtually. The virtual format, while adequate, has limitations for observing younger students. Therefore, we maintain that the data are complete, valid, and reliable while recognizing the limitations of our mitigating solution which was to collect a body of evidence for evaluation, assessment, and progress through a virtual setting due to intermittent closures determined by county health departments and the governor.

## 7 - Prior FFY Required Actions

None

## 7 - OSEP Response

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts the targets for A1, B1, and C1, but OSEP cannot accept the targets for A2, B2 and C2 because the State's end targets for FFY 2025 do not reflect improvement over the State's FFY 2012 baseline data. The State must revise its FFY 2025 targets for A2, B2 and C2 to reflect improvement.

The State provided an explanation of how COVID-19 impacted its ability to collect FFY 2020 data for this indicator and steps the State has taken to mitigate the impact of COVID-19 on data collection.

OSEP acknowledges the following information from the State: "It was discovered that data previously reported and included in the historical data snapshot (FFY2015 - FFY 2019) were reported as lagged data by WVDE/SES. The data reported here for FFY 2020 are from SY 2020-2021. The actual data for FFY2019 is available on the state public reporting website located at: https://wvde.us/special-education/data-and-public-reporting/. All other data are correct but reported a year late (i.e. the historical data reported for FFY 2019 is correct but should have been reported for FFY 2018."

## 7 - Required Actions

# Indicator 8: Parent involvement

**Instructions and Measurement**

**Monitoring Priority:** FAPE in the LRE

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

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

**Data Source**

State selected data source.

**Measurement**

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

**Instructions**

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

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

Provide the actual numbers used in the calculation.

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

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

Report the number of parents to whom the surveys were distributed and the number of respondent parents. The survey response rate is automatically calculated using the submitted data.

States must compare the response rate for the reporting year to the response rate for the previous year (e.g., in the FFY 2020 SPP/APR, compare the FFY 2020 response rate to the FFY 2019 response rate) and describe strategies that will be implemented which are expected to increase the response rate, particularly for those groups that are underrepresented.

The State must also analyze the response rate to identify potential nonresponse bias and take steps to reduce any identified bias and promote response from a broad cross section of parents of children with disabilities.

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

States must describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).

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

**Beginning with the FFY 2021 SPP/APR, due February 1, 2023,** when reporting the extent to which the demographics of the children for whom parents responded are representative of the demographics of children receiving special education services, States must include race/ethnicity in their analysis. In addition, the State’s analysis must also include at least one of the following demographics: age of the student, disability category, gender, geographic location, and/or another demographic category approved through the stakeholder input process.

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

## 8 - Indicator Data

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

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current level of satisfaction and involvement of parents of students with disabilities. The targets were set to show a slight improvement in each 3-year cycle or sampling group from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2018 | 37.63% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target >= | 35.00% | 36.00% | 38.00% | 38.00% | 38.50% |
| Data | 34.37% | 36.67% | 38.04% | 37.63% | 44.42% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target >= | 39.00% | 39.00% | 39.00% | 40.00% | 40.00% | 40.00% |

**FFY 2020 SPP/APR Data**

| **Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities** | **Total number of respondent parents of children with disabilities** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 1,606 | 3,694 | 44.42% | 39.00% | 43.48% | Met target | No Slippage |

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

The data reported in the current report was collected using two parent surveys. Both surveys were converted to a scannable format. One survey, containing 26 items and a comment section, was prepared and administered to the parents of preschool children (ages 3-5), and the other survey, containing 24 items and a comment section, was prepared and administered to parents of school-age children (ages 5-21). These surveys and collection procedures were previously submitted to and approved by OSEP.

All responses and data are available and analyzed for each group (preschool and school-aged) and the combined group.

Please see the 508 compliant survey report at [https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/#wv-idea-parent]

**The number of parents to whom the surveys were distributed.**

15,090

**Percentage of respondent parents**

24.48%

**Response Rate**

|  |  |  |
| --- | --- | --- |
| **FFY** | **2019** | **2020** |
| Response Rate  | 25.84% | 24.48% |

**Describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented.**

The survey collection process involves 3 different methods.
Paper method: Respondents were provided with a paper copy of the survey enabling them to complete and return the survey to Measurement Incorporated (MI) in a postage-paid envelope.
Online Method: Respondents were provided with log-in information to access and complete the survey online. The user-friendly design of the online surveys was once again upgraded to further enhance the user experience.
Direct email method: Direct emails were sent to 7,535 parents/guardians for whom email addresses were available. The emails sent to parents contained pertinent instructions and a hyperlink to the
survey.
The survey dissemination process was closely monitored by the MI data monitoring procedures. MI provided timely and ongoing communication to the WVDE staff throughout the survey administration process. In the analysis phase of the project, MI examined the data in terms of its representativeness on key demographic variables, i.e., race/ethnicity, age group, gender, and disability category. These results allow WVDE to make determinations about how well the findings can be generalized to the overall population of West Virginia parents of children receiving special education services.
Promotional Efforts
In March 2021, MI provided districts with promotional material, including recommendations for increasing parent participation as well as an informational flyer for display in high-traffic areas frequented by parents.
These efforts have resulted in responses that are largely representative of the demographics of students receiving special education.
Please see the 508 compliant survey report at [https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/#wv-idea-parent] which includes procedures, methodology, and validity.

**Describe the analysis** **of the response rate including any nonresponse bias that was identified, and the steps taken to reduce any identified bias and promote response from a broad cross section of parents of children with disabilities.**

The overall response rate for the sampled districts was slightly higher in 2021 than the last time the same districts were sampled. There was a 2 percentage points increase (1.8%) in the overall response rate, a 1 percent point increase in the response rate for preschool parent survey, and a 2 percentage points increase in the response rate for school-age parent survey in 2021 compared to the last time the same districts were sampled (i.e., the prior administration cycle-2018). Table 1 in the full survey report provides a summary of these comparisons.

Despite challenges faced by schools and districts over the last year with the coronavirus pandemic, there was an increase, although modest, in the proportion of survey participants in 2021 compared with the last time the same districts were surveyed (2018). We continued to make every effort to reach parents by following rigorous follow-up procedures (e.g., sending frequent electronic follow-up reminders to non-responders, communicating with parents who experienced difficulties with their online credentials, etc.). To the extent possible, District directors and the Coordinator of WV Parent Involvement Survey identified correct home addresses for some of the undeliverable ("return to sender") survey packages and correct email addresses for some of the bounced back parent emails.

Our analysis also included examining the combined (preschool and school-age) response rate for each of the 18 school districts. Inspecting the distribution of response rates indicated a Mean response rate of 25.6% with a standard deviation (SD) of 7.0%. For this distribution,18.7% would indicate 1 SD below the Mean and 32.6% would indicate 1 SD above the Mean. Accordingly, in 2021, the response rate of 2 districts was more than 1 standard deviation (SD) above the Mean response rate and the response rate of three (3) districts was more than 1 standard deviation (SD) below the Mean response rate. In addition, Table 3 in the full summary report (p. 7) displays a comparison between 2021 and 2018 (or the last time the same districts were sampled) in terms of response rates and Indicator 8 percentages for each of the 18 districts surveyed.

In 2021 the overall response rate (24.5%) was nearly 2 percentage points (1.8%) higher than the overall response rate in 2018 (22.7%). Also, in the current administration year, more parents (43.5%) expressed satisfaction with their partnership with schools than what was reported in 2018 (38%).
Please see the 508 compliant survey report at [https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/#wv-idea-parent] which includes procedures, methodology, and validity.

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

Tables 4, 5, & 6 in the full survey report compare demographic data from 2021 survey respondents to the most recent West Virginia Child Count data. Namely, the 2021 responding group of parents is compared to the 2020 Child Count data on race/ethnicity, gender, and disability categories. These comparisons indicate how well the group of parents, from the sampled districts who responded to the survey, represents the population of parents in West Virginia who have children receiving special education services. For these comparisons, the IDEA guidelines are followed. Specifically, on a given category of data, a difference of 3 percentage points (higher or lower) than the Child Count data is considered significant and indicates that the group of parents who responded to the survey is different from the population of statewide parents on the specific category of data.

In 2021, parents of children with "Specific Learning Disability" were significantly under-represented (-4.2%) in the sampled districts. In 2018 (or the last time the same districts were surveyed), there was an under-representation (-5.9%) of parents of children with "Specific Learning Disability" and an over-representation (3.7%) of parents of children with "Other Health Impairment.

Also, please refer to comparisons of the 2021 survey sample to the 2020 Child Count Data disaggregated for preschool Table A-1 and school-age Table A-2 populations in the Appendix section of the full survey report. MI calculated the 95% confidence intervals for the percent of parents who met the standard (i.e., percent of parents at or above the standard). These results are summarized by district in Table 8 of the full survey report.
Please see the 508 compliant survey report at [https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/#wv-idea-parent] which includes procedures, methodology, and validity.

**The demographics of the parents responding are representative of the demographics of children receiving special education services. (yes/no)**

NO

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

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

During the 2020-2021 school year, WVDE’s vendor mailed approximately 15,090 surveys to parents of students with disabilities residing in 18 school districts. The school districts comprising each three-year cohort were chosen based on the number of students with disabilities in counties.
In the 2020-2021 administration of the survey, parents of children with a “Specific Learning Disability” were significantly underrepresented (-4.2%) in the sampled districts. Though our survey results may indicate an underrepresentation of parents of students with a Specific Learning Disability, the surveys were distributed to all parents of students with disabilities within this cohort covering all demographics represented in our December 1 Child Count, conducted for the 2020-2021 school year.

To address the underrepresentation of specific disability groups, we will work with our vendor to implement tools to track responses by disability groups in each school district. With that data, we will be able to support the districts in finding ways to bolster responses.
Despite the underrepresentation of the group of parents, our statewide response rate for this cohort increased from 22.7% during their last survey administration to 29.1% during this administration. This is an indication that our efforts to increase our response rate have been effective. Those strategies include:

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

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

An in-house online folder that provides resources, such as:
 Samples of the surveys
 Parent meeting agendas that highlight Indicator B-8 survey reminders and the importance
 Parent handouts and educator handouts that explain the survey’s importance and how the survey results are used
 A WV Indicator-8 resource guide for special education directors

As a result of our technical support and county personnel efforts, our overall state average rose from 22.7% (2017) to 43.4% (2020) of our families reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. When those same school districts were surveyed for FFY 2017 SPP/APR, 38.9% (7/18) of those districts met the target response rate of 38.00%. During this cycle of the survey administration, 77.8% (14/18) of those same counties met or exceeded the target percentage of 38.00%. Additionally, 78% of those school districts increased their response rate from the previous administration.

We are excited about the gains we are making in parent involvement. We continue to attempt to mitigate underrepresentation in our survey administrations.

**Describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).**

A difference of 3 percentage points (higher or lower) than the Child Count data is considered significant and indicates that the group of parents who responded to the survey is different from the population of statewide parents on the specific category of data.

| **Sampling Question** | **Yes / No** |
| --- | --- |
| Was sampling used?  | YES |
| If yes, has your previously approved sampling plan changed? | YES |
| If yes, provide sampling plan. | B8 Sampling Plan - WV |

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

In a collaborative effort, MI and WVDE coordinated the details regarding survey administration. WVDE sampled the population of school districts to provide a representative sample of families to survey. The sample was consistent with the OSEP-approved sampling plan that takes into account disability category, race/ethnicity, region, and district size. All parents of students with disabilities in the selected districts are surveyed and all districts are surveyed at least once within a three-year period.

Each survey was labeled with a code that could be linked to a district and the child's demographic data. Each survey packet mailed to a parent contained a survey, an instructional letter, and a postage-paid return envelope addressed to MI. Mailing the completed survey directly to the independent contractor protects parents’ confidentiality. Parents also had the option of completing the survey online. The paper survey mailed to parents included pertinent instructions (i.e., log-in information and username) to allow online participation. Direct emails containing the survey’s hyperlink were also sent to a portion of the sample recipients for whom email addresses were available (906 preschool parents and 6,629 school-age parents).
Please see the full 508 compliant survey report at [https://wvde.us/special-education/family-and-public-partnership/west-virginia-advisory-council-for-the-education-of-exceptional-children/#wv-idea-parent] which includes procedures, methodology, and validity.

| **Survey Question** | **Yes / No** |
| --- | --- |
| Was a survey used?  | YES |
| If yes, is it a new or revised survey? | NO |
| If yes, provide a copy of the survey. |  |

**Provide additional information about this indicator (optional)**

If there was any impact from COVID, it was of a positive nature. It appears that more parents were accessible and responded to the survey and this may be due to the increased use of technology for communication with parents by the districts during that time.

## 8 - Prior FFY Required Actions

In the FFY 2020 SPP/APR, the State must report whether its FFY 2020 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the demographics of the parents responding are representative of the demographics of children receiving special education services.

**Response to actions required in FFY 2019 SPP/APR**

The WVDE measures Indicator B-8 (“the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities”) by surveying approximately one-third of the total population of our parents of students with disabilities every three years. Three cohorts of school districts exist for surveying purposes. Thus, over a three-year period all of WV’s 57 school districts are surveyed.
During the 2020-2021 school year, WVDE’s vendor mailed approximately 15,090 surveys to parents of students with disabilities residing in 18 school districts. The school districts comprising each three-year cohort were chosen based on the number of students with disabilities in counties.
In the 2020-2021 administration of the survey, parents of children with a “Specific Learning Disability” were significantly underrepresented (-4.2%) in the sampled districts. Though our survey results may indicate an underrepresentation of parents of students with a Specific Learning Disability, the surveys were distributed to all parents of students with disabilities within this cohort covering all demographics represented in our December 1 Child Count, conducted for the 2020-2021 school year.
To address the underrepresentation of specific disability groups, we will work with our vendor to implement tools to track responses by disability groups in each school district. With that data, we will be able to support the districts in finding ways to bolster responses.
Despite the underrepresentation of the group of parents, our statewide response rate for this cohort increased from 22.7% during their last survey administration to 29.1% during this administration. Additionally, in 2021 parents of children with "Specific Learning Disability" were significantly under-represented (-4.2%) in the sampled districts but the last time the same districts were surveyed, there was an under-representation (-5.9%) of parents of children with "Specific Learning Disability" AND an over-representation (3.7%) of parents of children with "Other Health Impairment. This is an indication that our efforts to increase our response rate and representation have been effective.

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

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

An in-house online folder that provides resources, such as:
 Samples of the surveys
 Parent meeting agendas that highlight Indicator B-8 survey reminders and importance
 Parent handouts and educator handouts that explain the survey’s importance and how the survey results are used
 A WV Indicator-8 resource guide for special education directors

As a result of our technical support and county personnel efforts, our overall state average rose from 22.7% (2017) to 43.4% (2020) of our families reporting that schools facilitated parent involvement as a means of improving services and results for children with disabilities. When those same school districts were surveyed for FFY 2017 SPP/APR, 38.9% (7/18) of those districts met the target response rate of 38.00%. During this cycle of the survey administration, 77.8% (14/18) of those same counties met or exceeded the target percentage of 38.00%. Additionally, 78% of those school districts increased their response rate from the previous administration.

## 8 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that revision because the State did not provide an explanation for the revision and also has not provided evidence of stakeholder participation or consultation in the revision.

OSEP cannot accept the State's FFYs 2020-2025 targets for this indicator because OSEP cannot determine whether the State’s end targets for FFY 2025 reflect improvement over the State’s baseline data, given that the State's revised baseline cannot be accepted, as noted above. The State must ensure its FFY 2025 targets reflect improvement.

The State reported that sampling was used to collect data for this indicator and that the previously approved sampling plan had not changed. In order to report data for this indicator using sampling for the FFY 2020-2025 SPP/APR, the State must submit its sampling plan to OSEP and provide data consistent with the approved sampling plan

## 8 - Required Actions

# Indicator 9: Disproportionate Representation

**Instructions and Measurement**

**Monitoring Priority:** Disproportionality

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

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

**Data Source**

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

**Measurement**

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

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

Based on its review of the 618 data for the reporting year, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2020 reporting period (i.e., after June 30, 2021).

**Instructions**

Provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten and 6 through 21 served under IDEA, aggregated across all disability categories.

States are not required to report on underrepresentation.

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

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

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

Targets must be 0%.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training, etc.) and any enforcement actions that were taken. If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 9 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2020 | 0.00% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target  | 0% | 0% | 0% | 0% | 0% |
| Data | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target  | 0% | 0% | 0% | 0% | 0% | 0% |

**FFY 2020 SPP/APR Data**

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

YES

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

0

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of districts with disproportionate representation of racial/ethnic groups in special education and related services** | **Number of districts with disproportionate representation of racial/ethnic groups in special education and related services that is the result of inappropriate identification** | **Number of districts that met the State's minimum n and/or cell size** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| 0 | 0 | 55 | 0.00% | 0% | 0.00% | N/A | N/A |

**Were all races and ethnicities included in the review?**

YES

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

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

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

There was no disproportionate representation identified.

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2019**

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

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 9 - Prior FFY Required Actions

None

## 9 - OSEP Response

The State continued its baseline for this indicator using data from FFY 2017, however, OSEP cannot accept this baseline because of revisions to the Measurement Table. Specifically, with the FFY 2020 APR submission, all States are now required to provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten in addition to those aged 6 through 21 served under IDEA, aggregated across all disability categories. Therefore, the State must revise its baseline using FFY 2020 data.

## 9 - Required Actions

# Indicator 10: Disproportionate Representation in Specific Disability Categories

**Instructions and Measurement**

**Monitoring Priority:** Disproportionality

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

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

**Data Source**

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

**Measurement**

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

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

Based on its review of the 618 data for FFY 2020, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2020 reporting period (i.e., after June 30, 2021).

**Instructions**

Provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten and aged 6 through 21 served under IDEA. Provide these data at a minimum for children in the following six disability categories: intellectual disability, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism. If a State has identified disproportionate representation of racial and ethnic groups in specific disability categories other than these six disability categories, the State must include these data and report on whether the State determined that the disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification.

States are not required to report on underrepresentation.

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

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

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

Targets must be 0%.

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

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 10 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2020 | 0.00% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target  | 0% | 0% | 0% | 0% | 0% |
| Data | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target  | 0% | 0% | 0% | 0% | 0% | 0% |

**FFY 2020 SPP/APR Data**

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

YES

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

0

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of districts with disproportionate representation of racial/ethnic groups in specific disability categories** | **Number of districts with disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification** | **Number of districts that met the State's minimum n and/or cell size** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| 1 | 0 | 55 | 0.00% | 0% | 0.00% | N/A | N/A |

**Were all races and ethnicities included in the review?**

YES

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

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

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

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

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

**Provide additional information about this indicator (optional)**

**Correction of Findings of Noncompliance Identified in FFY 2019**

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

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 10 - Prior FFY Required Actions

None

## 10 - OSEP Response

The State reported its baseline for this indicator using data from FFY 2018, however, OSEP cannot accept this baseline because of revisions to the Measurement Table. Specifically, with the FFY 2020 APR submission, all States are now required to provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten in addition to those aged 6 through 21 served under IDEA, aggregated across all disability categories. Therefore, the State must revise its baseline using FFY 2020 data.

## 10 - Required Actions

# Indicator 11: Child Find

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / Child Find

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

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

**Data Source**

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

**Measurement**

a. # of children for whom parental consent to evaluate was received.

b. # of children whose evaluations were completed within 60 days (or State-established timeline).

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

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

**Instructions**

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

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

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

Targets must be 100%.

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

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 11 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2019 | 98.62% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target  | 100% | 100% | 100% | 100% | 100% |
| Data | 97.24% | 98.57% | 97.46% | 96.70% | 98.62% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target  | 100% | 100% | 100% | 100% | 100% | 100% |

**FFY 2020 SPP/APR Data**

| **(a) Number of children for whom parental consent to evaluate was received** | **(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 7,628 | 7,358 | 98.62% | 100% | 96.46% | Did not meet target | Slippage |

**Provide reasons for slippage**

Intermittent school closures and blended learning models implemented due to COVID-19 made it difficult for districts to gain access to students referred for initial evaluation.

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

270

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

The range of days the timelines were extended was 1-238.

A total of 270 individual findings of noncompliance across 20 districts were found when the initial evaluation was not completed within the 80-day timeline, and an unacceptable reason code was also used. WVBE Policy 2419 Regulations for the Education of Students with Exceptionalities allows for acceptable reasons for late evaluations (late code 01) that includes extenuating circumstances resulting in school closure, state of emergency determined by the governor of West Virginia, disaster or inclement weather conditions determined by the county superintendent, and summer breaks. The timeline will be extended directly proportional to the duration of the extenuating circumstances.

Late reason code 01 was verified by the data management team using district calendars, weather closures and the three days of emergency closure announced by the governor of West Virginia for November 30 – December 2, 2020, If late reason code 01 was not utilized appropriately, the district was notified, and corrections were required in the West Virginia Education Information System (WVEIS) where all initial evaluations are recorded. WVBE Policy 2419 includes late reason code 07 in alignment with OSEP guideline’s [34CFR300.301(d)]; when the student changes district of enrollment during evaluation process. The exception only applies if the subsequent district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent district agree to a specific time when the evaluation will be completed [34CFR300.301(e)]. Written documentation of the agreed upon timeline between parent and the district is to be developed.

Reasons for Exceeding Timelines:
\*\*Acceptable reasons:
1. \*\*Extenuating circumstances, disaster or inclement weather resulting in school closure - 442
2. Excessive student absences 2
3. Student medical condition delayed evaluation - 2
4. \*\*Parent failure to produce the student for evaluation during vacation or otherwise interrupting evaluation process 138
5. Eligibility committee meeting exceeded timelines due to documented parent request for rescheduling 12
6. Eligibility committee reconvened at parent request to consider additional evaluations 4
7. \*\*Student transferred into district during the evaluation process 5
8. \*\*Student transferred out of district 41
9. WV Birth-to-Three failed to provide notification 90 days or more before third birthday NA
10. WV Birth-to-Three 90 day face-to-face meeting exceeded timeline or did not occur NA
11. 90 Day face-to-face meeting exceeded timeline due to documented parent request to reschedule NA
12. IEP meeting exceeded timeline due to documented parent request to reschedule NA
13. District Error 250

Indicator 11 Measurement Totals
TOTAL LATE – 896
TOTAL ACCEPTABLE REASONS LATE - 626
TOTAL UNACCEPTABLE REASONS LATE - 270

**Indicate the evaluation timeline used:**

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

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

Per West Virginia Board of Education Policy 2419, West Virginia uses an 80 calendar day timeline by which the initial evaluation must be completed. WVBE Policy 2419 Regulations for the Education of Students with Exceptionalities includes extenuating circumstances resulting in school closure, state of emergency determined by the governor of West Virginia, weather conditions determined by the county superintendent, and summer breaks as allowable within late reason code 01. The timeline will be extended directly proportional to the duration of the state of emergency, weather or summer break.

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

State database that includes data for the entire reporting year

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

WVEIS special education records consist of a database for entering individual referral and evaluation information, including dates for tracking timelines for referral, consent, eligibility and individualized education program (IEP) development. Data entry is mandatory and typically completed by each LEA special education office. An application within WVEIS, INI.EVAL, gives district staff direct access to various summaries of their own data for any given time period. This access assists districts in monitoring data to identify errors and make appropriate corrections. This review process involves submitting an electronic report within the INI.EVAL application to the WVDE/SES in December, March and June. A member of the WVDE/SES special education data team reviews district data at least three times per school year and notifies the special education director of any additional missing and/or errors that need to be corrected. A final pull of the 2020-2021 school year data was used for determination of compliance and reporting of indicator 11. The pull includes all initial evaluations with parental consent received by LEAs for the timeframe 07/01/2020 through 06/30/2021, the results of each initial evaluation, and any late reason code for all initial evaluations not completed within the 80 calendar day timeline.

**Provide additional information about this indicator (optional)**

In West Virginia, school year 2020-2021 was delayed by an emergency order of the governor through September 7, 2020. School districts opened in traditional, blended or remote learning models on September 8, 2020. There was one additional emergency closure by the governor for November 30 through December 2, 2020. The options available for general education varied by district based on local board of education decisions. The blended model was an attempt to reduce class size and maintain proper social distancing in the school setting. Blended models involved half of the students attending in a traditional setting with the other half in a remote learning setting for the day. Students would switch days during the week between the two settings. Many students took advantage of an additional option of a virtual school model made available on an individual basis statewide.

The Department of Health and Human Resources developed a Metrics map to reflect the COVID infection rate and percent positivity in each county in the state. Each of West Virginia’s counties is a separate school district (LEA). Under the direction of the governor, the WVDE used the Saturday Metric map to determine which counties should be in remote learning for the upcoming week. This remained in effect for elementary and middle schools through the middle of January 2021, and through late March 2021, for high schools.

Although certainly far from a normal and traditional school year, all days regardless of settings were considered instructional days. Many districts were able to bring special education students into a traditional school setting for more days than their non-disabled peers based on the need to receive IEP services. These decisions were determined locally in conjunction with parents and within any of the guidelines established by local health departments.
The options for remote learning were considered instructional days and did not extend evaluation timelines. This may have impacted the number of students who were over the 80-day timeline.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current performance level of districts in meeting the initial evaluation timelines. The targets were set to maintain full compliance at 100% each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**Correction of Findings of Noncompliance Identified in FFY 2019**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 21 | 19 | 0 | 2 |

**FFY 2019 Findings of Noncompliance Verified as Corrected**

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

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

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

WVDE/SES uses a statewide data system (WVEIS) for districts (LEAs) to report initial evaluation data from the date of parent consent. Within the system, LEAs are required to enter data, including the completion of every individual initial evaluation whether within the state’s timeline or not. WVDE/SES requires LEAs to enter a reason late code for any evaluation not completed within the state’s timeline. By monitoring the Initial Evaluation Timeline Application within WVEIS and providing feedback and technical assistance, completion of all individual evaluations is verified and documented as well as accurate reason late codes. For FFY2019, every individual evaluation that did not meet the timeline was verified as completed prior to or by the end of the school year unless the student transferred out of the state of West Virginia. When a student transferred to another LEA in West Virginia, the evaluation was also completed, as evidenced in the statewide data system (WVEIS) that follows the student based on their student identification number.

**FFY 2019 Findings of Noncompliance Not Yet Verified as Corrected**

**Actions taken if noncompliance not corrected**

The districts identified as non-compliant in FFY2019, who have not yet corrected their findings per OSEP Memo 09-02, are required to do a self-review of initial evaluation files to determine systemic reasons for unacceptable timeline extensions. As a result of this review, districts submit an improvement plan that is reviewed by WVDE/SES. WVDE/SES provides feedback to districts, and any revisions to plans are re-submitted. Technical assistance and feedback are provided both verbally and in writing to districts after quarterly monitoring by WVDE/SES staff. Closure letters are sent to the districts upon correction of noncompliance in accordance with OSEP Memo 09-02. Districts are not given credit on their District Annual Determination until the areas of noncompliance have been corrected.

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 11 - Prior FFY Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

**Response to actions required in FFY 2019 SPP/APR**

Each district identified as non-compliant on the Annual Desk Audit (ADA) in FFY2019 was required to do a self-review of initial evaluation files to determine systemic reasons for unacceptable timeline extensions. As a result of this review, each district submitted an improvement plan that was reviewed by WVDE/SES. WVDE/SES provided feedback to each district and revisions to the plans were submitted as needed. Quarterly monitoring of the statewide initial evaluation application in WVEIS provided subsequent data pulls of initial evaluations for the two districts that were non-compliant. Technical assistance and feedback were provided both verbally and in writing to each district after each quarterly pull. Subsequent data pulls and technical assistance was provided until both districts were verified as corrected of their noncompliance for all 21 identified cases. Closure letters were sent to the districts upon correction of noncompliance.

## 11 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2019, but OSEP cannot accept that revision because the State did not provide an explanation for the revision and also has not provided evidence of stakeholder participation or consultation in the revision.

The State did not demonstrate that the LEA corrected the findings of noncompliance identified in FFY 2019 because it did not report that it verified correction of those findings, consistent with OSEP Memo 09-02. Specifically, the State did not report that that it verified that each LEA with noncompliance identified in FFY 2019 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.

## 11 - Required Actions

# Indicator 12: Early Childhood Transition

**Instructions and Measurement**

**Monitoring Priorit**y: Effective General Supervision Part B / Effective Transition

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

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

**Data Source**

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

**Measurement**

 a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.

 b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.

 c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

 d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.

 e. # of children determined to be eligible for early intervention services under Part C less than 90 days before their third birthdays.

 f. # of children whose parents chose to continue early intervention services beyond the child’s third birthday through a State’s policy under 34 CFR §303.211 or a similar State option.

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

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

**Instructions**

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

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

Targets must be 100%.

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

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

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 12 - Indicator Data

**Not Applicable**

**Select yes if this indicator is not applicable.**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2019 | 98.16% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target | 100% | 100% | 100% | 100% | 100% |
| Data | 100.00% | 100.00% | 100.00% | 100.00% | 98.16% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target  | 100% | 100% | 100% | 100% | 100% | 100% |

**FFY 2020 SPP/APR Data**

|  |  |
| --- | --- |
| a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.  | 949 |
| b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday.  | 123 |
| c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.  | 639 |
| d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.  | 139 |
| e. Number of children who were referred to Part C less than 90 days before their third birthdays.  | 34 |
| f. Number of children whose parents chose to continue early intervention services beyond the child’s third birthday through a State’s policy under 34 CFR §303.211 or a similar State option. |  |

| **Measure** | **Numerator (c)** | **Denominator (a-b-d-e-f)** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. | 639 | 653 | 98.16% | 100% | 97.86% | Did not meet target | No Slippage |

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

14

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

The range of days beyond the third birthday was 2-162. There were 5 districts that were out of compliance. Delays were all due to district errors including vacancies in the central office and lack of tracking.

**Attach PDF table (optional)**

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

State database that includes data for the entire reporting year

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

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

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

**Provide additional information about this indicator (optional)**

In WV more than 9,000 fewer students have enrolled in WV public schools for the 2020-21 school year. The decrease in students is mostly attributed to the impact of the COVID-19 pandemic on the school system. This impact on the early childhood system has been significant too since of that 9,000 fewer students, almost 3,900 of that reduction is in the WV Pre-k system. Specifically, the number of students transitioning has decreased, and the number of parents not providing consent increased slightly. Both of these can be contributed to the national and state pandemic. Parents are waiting to enroll their preschool students in school due to concerns regarding covid-19 and the variants of the virus.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current performance level of districts in meeting the early childhood transition timelines. The targets were set to maintain full compliance at 100% each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**Correction of Findings of Noncompliance Identified in FFY 2019**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 5 | 5 | 0 | 0 |

**FFY 2019 Findings of Noncompliance Verified as Corrected**

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

Districts identified as non-compliant on the Annual Desk Audit (ADA) are required to do a self-review of Part C to Part B transition procedures to determine systemic reasons for unacceptable timeline extensions. As a result of this review, the district must submit an improvement plan that is reviewed by WVDE/SES. WVDE/SES provides feedback to the district and the district revises the plans as needed. Technical assistance and feedback are provided both verbally and in writing to each district. The district must submit individual child forms monthly for six consecutive months within the next calendar year in order for non-compliance to be corrected. Closure letters are sent to the district upon correction of noncompliance. The following District Annual Determination gives credit for the timely correction of noncompliance within the given timeframe (one year from notification of noncompliance). The regulatory requirements are reviewed as part of the Annual Desk Audit submission that drives the District Annual Determination.

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

Districts identified as having noncompliance, are required to submit the list of students’ names reported as late (IEP held beyond the 3rd birthday) and the date that the evaluation/eligibility and IEP were completed. This addresses the isolated findings of non-compliance. The state verified that each student who exceeded the state timeline had a Part B evaluation completed and, if eligible, IEP implemented (although late) within one year of notification of noncompliance.

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 12 - Prior FFY Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

**Response to actions required in FFY 2019 SPP/APR**

The occurrences of non-compliance were due to the COVID-19 pandemic. Five counties were unable to complete the evaluation process within the third birthday timeline. Each of the five districts that were out of compliance was required to document 3 consecutive months of 100% compliance and to correct the individual cases of non-compliance with the early childhood coordinator. Each district previously identified was able to document 3 consecutive months of compliance and that each individual case was completed or the child had been withdrawn from school by the end of January 2022.

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

## 12 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2019, but OSEP cannot accept that revision because the State did not provide an explanation for the revision and also has not provided evidence of stakeholder participation or consultation in the revision.

The State provided an explanation of how COVID-19 impacted its ability to collect FFY 2020 data for this indicator and steps the State has taken to mitigate the impact of COVID-19 on data collection.

The State did not demonstrate that the LEA corrected the findings of noncompliance identified in FFY 2019 because it did not report that it verified correction of those findings, consistent with OSEP Memo 09-02. Specifically, the State did not report that it verified that each LEA with noncompliance identified in FFY 2019 is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.

## 12 - Required Actions

# Indicator 13: Secondary Transition

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / Effective Transition

**Compliance indicator**: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

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

**Data Source**

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

**Measurement**

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

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

**Instructions**

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

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

Targets must be 100%.

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

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2020 SPP/APR, the data for FFY 2019), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

## 13 - Indicator Data

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2019 | 99.84% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target  | 100% | 100% | 100% | 100% | 100% |
| Data | 94.75% | 99.67% | 99.15% | 99.49% | 99.84% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target  | 100% | 100% | 100% | 100% | 100% | 100% |

**FFY 2020 SPP/APR Data**

| **Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition** | **Number of youth with IEPs aged 16 and above** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 624 | 625 | 99.84% | 100% | 99.84% | Did not meet target | No Slippage |

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

State monitoring

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

WVDE/SES collects indicator 13 secondary transition data through a blended approach. A random sampling of students with an IEP that are 14 years of age or older will be reviewed by WVDE/SES for districts that are in the monitoring cycle for that school year. Each district is monitored on a four-year cycle. The remaining districts will be assigned a random sampling of files for a self-review to be completed within their annual desk audit (ADA) in April. Sampling size will range from 10-20 files based on the student population of the district. The secondary transition file review document used for self-review and cyclical monitoring can be found at https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwvde.us%2Fwp-content%2Fuploads%2F2021%2F02%2FTransition-File-Review-19.docx&wdOrigin=BROWSELINK.

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

**Provide additional information about this indicator (optional)**

West Virginia Board of Education Policy 2419 as of July 1, 2019, required secondary transition services within IEPs to be in effect when the student turned fourteen years old. WVBE Policy 2419 can be found at the link: https://wvde.us/special-education/policies-and-compliance/policy-2419/.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the current performance level of districts in meeting the secondary transition timelines. The targets were set to maintain full compliance at 100% each year from FFY2020 through 2025. The stakeholders indicated acceptance of these baselines and targets.

**Correction of Findings of Noncompliance Identified in FFY 2019**

| **Findings of Noncompliance Identified** | **Findings of Noncompliance Verified as Corrected Within One Year** | **Findings of Noncompliance Subsequently Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
| 1 | 1 | 0 | 0 |

**FFY 2019 Findings of Noncompliance Verified as Corrected**

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

The one district identified with noncompliance submitted an improvement plan to correct the deficiency in their Annual Desk Audit (ADA) which was reviewed and approved by WVDE/SES staff. Compliance with specific regulatory requirements was verified by requesting an updated sample of transition-age IEPs from this district previously identified with findings of noncompliance. IEP/transition documentation using updated individual student files for each district was reviewed and determined as compliant by WVDE/SES staff to be (1) correctly implementing with 100% compliance based on a review of updated data; and (2) has corrected each individual student case of noncompliance, unless the student was no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

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

Individual student files identified with noncompliance, during an on-site visit or on the ADA were reviewed by WVDE/SES staff to verify correction of noncompliance. During this process, WVDE/SES provided written communication to the special education director that the IEP was or was not corrected. WVDE/SES provided verbal and written communications to the special education director regarding the status of correction and further instructions as needed. For students reported by LEAs as no longer in the district, WVDE/SES staff verified that the students were exited through WVEIS student enrollment records to ensure correction of the noncompliance. WVDE/SES verified the one finding of individual compliance was corrected consistent with OSEP Memo 09-02.

**Correction of Findings of Noncompliance Identified Prior to FFY 2019**

| **Year Findings of Noncompliance Were Identified** | **Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2019 APR** | **Findings of Noncompliance Verified as Corrected** | **Findings Not Yet Verified as Corrected** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

## 13 - Prior FFY Required Actions

Because the State reported less than 100% compliance for FFY 2019, the State must report on the status of correction of noncompliance identified in FFY 2019 for this indicator. When reporting on the correction of noncompliance, the State must report, in the FFY 2020 SPP/APR, that it has verified that each LEA with noncompliance identified in FFY 2019 for this indicator: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2020 SPP/APR, the State must describe the specific actions that were taken to verify the correction.

If the State did not identify any findings of noncompliance in FFY 2019, although its FFY 2019 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2019.

**Response to actions required in FFY 2019 SPP/APR**

Individual student files identified with noncompliance, during an on-site visit or on the ADA were reviewed by WVDE/SES staff to verify correction of noncompliance. During this process, WVDE/SES provided written communication to the special education director that the IEP was or was not corrected. WVDE/SES provided verbal and written communications to the special education director regarding the status of correction and further instructions as needed. For students reported by LEAs as no longer in the district, WVDE/SES staff verified that the students were exited through WVEIS student enrollment records to ensure correction of the noncompliance. WVDE/SES verified the one finding of individual compliance was corrected consistent with OSEP Memo 09-02.

## 13 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2019, but OSEP cannot accept that revision because the State did not provide an explanation for the revision and also has not provided evidence of stakeholder participation or consultation in the revision.

## 13 - Required Actions

# Indicator 14: Post-School Outcomes

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / Effective Transition

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

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

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

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

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

**Data Source**

State selected data source.

**Measurement**

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

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

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

**Instructions**

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

Collect data by September 2021 on students who left school during 2019-2020, timing the data collection so that at least one year has passed since the students left school. Include students who dropped out during 2019-2020 or who were expected to return but did not return for the current school year. This includes all youth who had an IEP in effect at the time they left school, including those who graduated with a regular diploma or some other credential, dropped out, or aged out.

**I. *Definitions***

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

*Competitive employment* as used in measures B and C: States have two options to report data under “competitive employment”:

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

Option 2: States report in alignment with the term “competitive integrated employment” and its definition, in section 7(5) of the Rehabilitation Act of 1973, as amended by Workforce Innovation and Opportunity Act (WIOA). For the purpose of defining the rate of compensation for students working on a “part-time basis” under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment.

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

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

**II. *Data Reporting***

States must describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).

Provide the total number of targeted youth in the sample or census.

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

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

 2. Competitively employed within one year of leaving high school (but not enrolled in higher education);

3. Enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed);

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

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

States must compare the response rate for the reporting year to the response rate for the previous year (e.g., in the FFY 2020 SPP/APR, compare the FFY 2020 response rate to the FFY 2019 response rate), and describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented.

The State must also analyze the response rate to identify potential nonresponse bias and take steps to reduce any identified bias and promote response from a broad cross section of youth who are no longer in secondary school and had IEPs in effect at the time they left school.

**III. *Reporting on the Measures/Indicators***

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

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

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

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

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

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

**Beginning with the FFY 2021 SPP/APR, due Feb. 1, 2023,** when reporting the extent to which the demographics of respondents are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, States must include race/ethnicity in its analysis. In addition, the State’s analysis must include at least one of the following demographics: disability category, gender, geographic location, and/or another demographic category approved through the stakeholder input process.

## 14 - Indicator Data

**Historical Data**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Measure** | **Baseline**  | **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| A | 2009 | Target >= | 17.00% | 18.00% | 19.00% | 20.00% | 21.00% |
| A | 19.49% | Data | 16.78% | 19.22% | 16.42% | 18.03% | 19.86% |
| B | 2009 | Target >= | 51.00% | 52.00% | 53.00% | 54.00% | 55.00% |
| B | 48.84% | Data | 51.44% | 58.88% | 58.62% | 45.69% | 44.97% |
| C | 2009 | Target >= | 66.00% | 67.00% | 68.00% | 69.00% | 70.00% |
| C | 63.57% | Data | 65.34% | 69.09% | 69.31% | 70.51% | 68.42% |

**FFY 2020 Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target A >= | 19.03% | 20.03% | 21.03% | 22.03% | 23.03% | 24.03% |
| Target B >= | 47.69% | 49.69% | 51.69% | 53.69% | 55.69% | 57.69% |
| Target C >= | 71.01% | 71.51% | 72.01% | 72.51% | 73.01% | 73.51% |

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

**FFY 2020 SPP/APR Data**

|  |  |
| --- | --- |
| Total number of targeted youth in the sample or census | 2,273 |
| Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school | 1,692 |
| Response Rate | 74.44% |
| 1. Number of respondent youth who enrolled in higher education within one year of leaving high school  | 171 |
| 2. Number of respondent youth who competitively employed within one year of leaving high school  | 286 |
| 3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed) | 52 |
| 4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed). | 193 |

| **Measure** | **Number of respondent youth** | **Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| A. Enrolled in higher education (1) | 171 | 1,692 | 19.86% | 19.03% | 10.11% | Did not meet target | Slippage |
| B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2) | 457 | 1,692 | 44.97% | 47.69% | 27.01% | Did not meet target | Slippage |
| C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4) | 702 | 1,692 | 68.42% | 71.01% | 41.49% | Did not meet target | Slippage |

| **Part** | **Reasons for slippage, if applicable** |
| --- | --- |
| **A** | Slippage in 14A is most likely attributable to the COVID-19 pandemic. The pandemic has increased unemployment rates, decreased higher education enrollment numbers, and forced many schools and training programs to temporarily close or use remote/blended options. Many students did not do well with virtual school options in West Virginia and may be choosing to delay post-secondary education until more face-to-face options are available.  |
| **B** | Slippage in 14B is most likely attributable to the COVID-19 pandemic. The pandemic has increased unemployment rates, decreased higher education enrollment numbers, and forced many schools and training programs to temporarily close or use remote/blended options. Many students did not do well with virtual school options in West Virginia and may be choosing to delay post-secondary education until more face-to-face options are available. Additionally, jobs with pay above minimum wage in the state are not always available to individuals with limited experience and higher education. |
| **C** | Slippage in 14C is most likely attributable to the COVID-19 pandemic. The pandemic has increased unemployment rates, decreased higher education enrollment numbers, and forced many schools and training programs to temporarily close or use remote/blended options. Many are choosing not to work due to continued concerns with the new variants.  |

**Please select the reporting option your State is using:**

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

**Response Rate**

|  |  |  |
| --- | --- | --- |
| **FFY** | **2019** | **2020** |
| Response Rate  | 74.80% | 74.44% |

**Describe strategies that will be implemented which are expected to increase the response rate year over year, particularly for those groups that are underrepresented.**

WVDE/SES will continue to work with districts to support the collection of representative survey data. Strategies include providing LEAs with additional guidance on notifying students who drop out (and their families) that a survey will be available to them one year after they leave school, asking students (and their families) for their current contact information at the time of exiting, and creative ways to locate students (or their families) after they leave public school. Additionally, districts will be receiving regular reminders and technical assistance from WVDE/SES on how to review students who have yet to respond to the survey and emphasize encouraging responses from groups that were determined to be more likely not to respond.

**Describe the analysis of the response rate including any nonresponse bias that was identified, and the steps taken to reduce any identified bias and promote response from a broad cross section of youth who are no longer in secondary school and had IEPs in effect at the time they left school.**

WVDE/SES will continue to work with districts to support the collection of representative survey data. Strategies include providing LEAs with additional guidance on notifying students who drop out (and their families) that a survey will be available to them one year after they leave school, asking students (and their families) for their current contact information at the time of exiting, and creative ways to locate students (or their families) after they leave public school. Additionally, districts will be receiving regular reminders and technical assistance from WVDE/SES on how to review students who have yet to respond to the survey and emphasize encouraging responses from groups that were determined to be more likely not to respond.
Nonresponse bias analysis examined response and nonresponse on the survey at the unit level (i.e., participation v. nonparticipation), not the item level. The number of respondents in a specific ethnic/racial group (self-reported) in the survey were compared to the number of students reported in the ethnic/racial group in the Child Count for FY21 with relative percentages calculated. The non-response rate was indicative of some areas requiring targeted focus to encourage participation, but not a pervasive and pronounced nonresponse bias. For example, students with autism and those identified with intellectual disabilities were more likely to not respond. Additional supports will be provided on future collections to ensure these groups have an equitable opportunity to respond.

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

As part of the annual Indicator 14 data review, WVDE/SES performed analysis to measure the representativeness of former students responding to the One-year Follow-up Survey (the measurement tool used for Indicator 14). To measure the magnitude of the representativeness WVDE/SES compares the percentage point difference between survey respondents and the students who exited in the school year 2019-2020. Any data that exhibit 3.0 percentage points or greater difference indicates areas of over or under representativeness. The following results indicate, with very few exceptions, the survey responses are representative of all students who had IEPs when they exited school during 2019-2020.

The response rate, 74.4%, proves large enough to be representative of the 2019-2020 cohort when examining the demographic characteristics of gender, race/ethnicity, exit reason, primary exceptionality codes, and geographic location.

Among males and females, those who responded to the survey were nearly identical to their peers who exited school during the 2019-2020 school year. Likewise, when examining race/ethnicity data, survey respondents were representative of their peers. While racial and ethnic diversity is increasing, West Virginia remains relatively homogeneous. The state and our student body are predominantly white, with black being the second most common race/ethnicity. White students were overrepresented by only 0.46 percentage points, and black students were underrepresented by just 0.39 percentage points.

The primary exceptionality codes were equitably represented by the survey responders. All exceptionalities were adequately represented in the response data, with no differences more than 1 percentage point (range 0.01 - 0.82). The largest difference was noted in the emotionally disturbed category, which was underrepresented by 0.82%. This group was also noted previously to potentially have a nonresponse bias. Additional efforts will be made to ensure adequate representation from this group.

Representativeness by exit type was examined for those exiting with a standard diploma, with a modified diploma, reaching the maximum age of 21, and for drop outs. Students who graduated with a standard diploma were overrepresented in the survey data (by 2.95 percentage points) while those who dropped out of school were underrepresented (by 2.15 percentage points). This result is expected as contacting students who dropped out of school is challenging, however, the representativeness of this group is better than last year.

Although the state has 57 districts, two districts, WV Schools for the Deaf and Blind and the West Virginia Schools of Diversion and Transition (institutional education), unlike the other 55 county based districts, do not identify students for special education services. Of the 57 school districts, 56 participated in the One-year Follow-up Survey. All but one of the districts were able to obtain representative samples (with differences ranging from 0.02 to 1.85 percentage points). The other district failed to obtain any responses.

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

**The response data is representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school. (yes/no)**

YES

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

**Describe the metric used to determine representativeness (e.g., +/- 3% discrepancy in the proportion of responders compared to target group).**

To measure the magnitude of the representativeness WVDE/SES compares the percentage point difference between survey respondents and the students who exited in the school year 2019-2020. Any data that exhibit 3.0 percentage points or greater difference indicates areas of over or under representativeness.

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

**Provide additional information about this indicator (optional)**

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

## 14 - Prior FFY Required Actions

None

## 14 - OSEP Response

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts those targets.

OSEP cannot determine whether the State analyzed the response rate to identify potential nonresponse bias, including steps to reduce any identified bias and promote response from a broad cross section of youth who are no longer in secondary school and had IEPs in effect at the time they left school, as required by the Measurement Table.

## 14 - Required Actions

# Indicator 15: Resolution Sessions

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / General Supervision

**Results Indicator:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

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

**Data Source**

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

**Measurement**

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

**Instructions**

*Sampling is not allowed.*

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

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

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

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

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

## 15 - Indicator Data

Select yes to use target ranges

Target Range not used

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2020-21 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/03/2021 | 3.1 Number of resolution sessions | 2 |
| SY 2020-21 EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints | 11/03/2021 | 3.1(a) Number resolution sessions resolved through settlement agreements | 2 |

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

NO

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the number of resolution sessions and their efforts to resolve disputes fairly. The targets were set to maintain a slight increase from 75% each year from FFY2020 through 2025. This target takes into consideration the low number of resolution sessions handled by the state most years. The stakeholders indicated acceptance of this baseline and targets were set to 75%, but the targets were revised based on feedback from OSEP.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2019 | 75.00% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target >= | 75.00% | 75.00% | 75.00% | 75.00% | 75.00% |
| Data | 100.00% | 100.00% | 90.00% | 90.00% | 75.00% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target >= | 76.00% | 76.50% | 77.00% | 77.50% | 78.00% | 78.50% |

**FFY 2020 SPP/APR Data**

| **3.1(a) Number resolutions sessions resolved through settlement agreements** | **3.1 Number of resolutions sessions** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- |
| 2 | 2 | 75.00% | 76.00% | 100.00% | Met target | No Slippage |

**Provide additional information about this indicator (optional)**

The number of resolution sessions is lower than typical for the state and has likely been due to the efforts taken by the districts to continue providing services to students with disabilities during the COVID pandemic.

## 15 - Prior FFY Required Actions

None

## 15 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2019, but OSEP cannot accept that revision because the State did not provide an explanation for the revision and also has not provided evidence of stakeholder participation or consultation in the revision.

OSEP cannot accept the State's FFYs 2020-2025 targets for this indicator because OSEP cannot determine whether the State’s end targets for FFY 2025 reflect improvement over the State’s baseline data, given that the State's revised baseline cannot be accepted, as noted above. The State must ensure its FFY 2025 targets reflect improvement.

The State reported fewer than ten resolution sessions held in FFY 2020. The State is not required to meet its targets until any fiscal year in which ten or more resolution sessions were held.

## 15 - Required Actions

# Indicator 16: Mediation

**Instructions and Measurement**

**Monitoring Priority**: Effective General Supervision Part B / General Supervision

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

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

**Data Source**

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

**Measurement**

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

**Instructions**

*Sampling is not allowed.*

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

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

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

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

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

## 16 - Indicator Data

**Select yes to use target ranges**

Target Range not used

**Prepopulated Data**

| **Source** | **Date** | **Description** | **Data** |
| --- | --- | --- | --- |
| SY 2020-21 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/03/2021 | 2.1 Mediations held | 1 |
| SY 2020-21 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/03/2021 | 2.1.a.i Mediations agreements related to due process complaints | 1 |
| SY 2020-21 EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests | 11/03/2021 | 2.1.b.i Mediations agreements not related to due process complaints | 0 |

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

NO

**Targets: Description of Stakeholder Input**

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

The baseline for this indicator was presented to stakeholders and updated based on the most current year of data that was not impacted by COVID 19 in order to get the most accurate picture of the number of mediation hearings and their efforts to resolve disputes fairly. The baseline was the most recent year not impacted by COVID.

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2018 | 57.14% |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FFY** | **2015** | **2016** | **2017** | **2018** | **2019** |
| Target >= | 75.00% | 75.00% | 75.00% | 75.00% | 75.00% |
| Data | 90.00% | 61.54% | 75.00% | 57.14% | 100.00% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target >= | 58.00% | 58.50% | 59.00% | 59.50% | 60.00% | 60.50% |

**FFY 2020 SPP/APR Data**

| **2.1.a.i Mediation agreements related to due process complaints** | **2.1.b.i Mediation agreements not related to due process complaints** | **2.1 Number of mediations held** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | 0 | 1 | 100.00% | 58.00% | 100.00% | Met target | No Slippage |

**Provide additional information about this indicator (optional)**

The number of resolution sessions is lower than typical for the state and has likely been due to the efforts taken by the districts to continue providing services to students with disabilities during the COVID pandemic.

## 16 - Prior FFY Required Actions

None

## 16 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, but OSEP cannot accept that revision because the State did not provide an explanation for the revision and also has not provided evidence of stakeholder participation or consultation in the revision.

OSEP cannot accept the State's FFYs 2020-2025 targets for this indicator because OSEP cannot determine whether the State’s end targets for FFY 2025 reflect improvement over the State’s baseline data, given that the State's revised baseline cannot be accepted, as noted above. The State must ensure its FFY 2025 targets reflect improvement.

The State reported fewer than ten mediations held in FFY 2020. The State is not required to meet its targets until any fiscal year in which ten or more mediations were held.

## 16 - Required Actions

# Indicator 17: State Systemic Improvement Plan

**Instructions and Measurement**

**Monitoring Priority:** General Supervision

The State’s SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements set forth for this indicator.

**Measurement**

The State’s SPP/APR includes an SSIP that is a comprehensive, ambitious, yet achievable multi-year plan for improving results for children with disabilities. The SSIP includes each of the components described below.

**Instructions**

**Baseline Data*:*** The State must provide baseline data that must be expressed as a percentage and which is aligned with the State-identified Measurable Result(s) for Children with Disabilities.

**Targets*:*** In its FFY 2020 SPP/APR, due February 1, 2022, the State must provide measurable and rigorous targets (expressed as percentages) for each of the six years from FFY 2020 through FFY 2025. The State’s FFY 2025 target must demonstrate improvement over the State’s baseline data.

**Updated Data:** In its FFYs 2020 through FFY 2025 SPPs/APRs, due February 2, 2022, the State must provide updated data for that specific FFY (expressed as percentages) and that data must be aligned with the State-identified Measurable Result(s) for Children with Disabilities. In its FFYs 2020 through FFY 2025 SPPs/APRs, the State must report on whether it met its target.

Overview of the Three Phases of the SSIP

It is of the utmost importance to improve results for children with disabilities by improving educational services, including special education and related services. Stakeholders, including parents of children with disabilities, local educational agencies, the State Advisory Panel, and others, are critical participants in improving results for children with disabilities and should be included in developing, implementing, evaluating, and revising the SSIP and included in establishing the State’s targets under Indicator 17. The SSIP should include information about stakeholder involvement in all three phases.

*Phase I: Analysis:*

- Data Analysis;

- Analysis of State Infrastructure to Support Improvement and Build Capacity;

- State-identified Measurable Result(s) for Children with Disabilities;

- Selection of Coherent Improvement Strategies; and

- Theory of Action.

*Phase II: Plan* (which, is in addition to the Phase I content (including any updates) outlined above:

- Infrastructure Development;

- Support for local educational agency (LEA) Implementation of Evidence-Based Practices; and

- Evaluation.

*Phase III: Implementation and Evaluation* (which, is in addition to the Phase I and Phase II content (including any updates) outlined above:

- Results of Ongoing Evaluation and Revisions to the SSIP.

**Specific Content of Each Phase of the SSIP**

Refer to FFY 2013-2015 Measurement Table for detailed requirements of Phase I and Phase II SSIP submissions.

Phase III should only include information from Phase I or Phase II if changes or revisions are being made by the State and/or if information previously required in Phase I or Phase II was not reported.

***Phase III: Implementation and Evaluation***

In Phase III, the State must, consistent with its evaluation plan described in Phase II, assess and report on its progress implementing the SSIP. This includes: (A) data and analysis on the extent to which the State has made progress toward and/or met the State-established short-term and long-term outcomes or objectives for implementation of the SSIP and its progress toward achieving the State-identified Measurable Result(s) for Children with Disabilities (SiMR); (B) the rationale for any revisions that were made, or that the State intends to make, to the SSIP as the result of implementation, analysis, and evaluation; and (C) a description of the meaningful stakeholder engagement. If the State intends to continue implementing the SSIP without modifications, the State must describe how the data from the evaluation support this decision.

A. Data Analysis

As required in the Instructions for the Indicator/Measurement, in its FFYs 2020 through 2025 SPP/APR, the State must report data for that specific FFY (expressed as actual numbers and percentages) that are aligned with the SiMR. The State must report on whether the State met its target. In addition, the State may report on any additional data (e.g., progress monitoring data) that were collected and analyzed that would suggest progress toward the SiMR. States using a subset of the population from the indicator (e.g., a sample, cohort model) should describe how data are collected and analyzed for the SiMR if that was not described in Phase I or Phase II of the SSIP.

B. Phase III Implementation, Analysis and Evaluation

The State must provide a narrative or graphic representation, e.g., a logic model, of the principal activities, measures and outcomes that were implemented since the State’s last SSIP submission (i.e., Feb 2021). The evaluation should align with the theory of action described in Phase I and the evaluation plan described in Phase II. The State must describe any changes to the activities, strategies, or timelines described in Phase II and include a rationale or justification for the changes. If the State intends to continue implementing the SSIP without modifications, the State must describe how the data from the evaluation support this decision.

The State must summarize the infrastructure improvement strategies that were implemented, and the short-term outcomes achieved, including the measures or rationale used by the State and stakeholders to assess and communicate achievement. Relate short-term outcomes to one or more areas of a systems framework (e.g., governance, data, finance, accountability/monitoring, quality standards, professional development and/or technical assistance) and explain how these strategies support system change and are necessary for: (a) achievement of the SiMR; (b) sustainability of systems improvement efforts; and/or (c) scale-up. The State must describe the next steps for each infrastructure improvement strategy and the anticipated outcomes to be attained during the next fiscal year (e.g., for the FFY 2020 APR, report on anticipated outcomes to be obtained during FFY 2021, i.e., July 1, 2021-June 30, 2022).

The State must summarize the specific evidence-based practices that were implemented and the strategies or activities that supported their selection and ensured their use with fidelity. Describe how the evidence-based practices, and activities or strategies that support their use, are intended to impact the SiMR by changing program/district policies, procedures, and/or practices, teacher/provider practices (i.e., behaviors), parent/caregiver outcomes, and/or child outcomes. Describe any additional data (i.e., progress monitoring data) that was collected to support the on-going use of the evidence-based practices and inform decision-making for the next year of SSIP implementation.

C. Stakeholder Engagement

The State must describe the specific strategies implemented to engage stakeholders in key improvement efforts and how the State addressed concerns, if any, raised by stakeholders through its engagement activities.

Additional Implementation Activities

The State should identify any activities not already described that it intends to implement in the next fiscal year (e.g., for the FFY 2020 APR, report on activities it intends to implement in FFY 2021, i.e., July 1, 2021-June 30, 2022) including a timeline, anticipated data collection and measures, and expected outcomes that are related to the SiMR. The State should describe any newly identified barriers and include steps to address these barriers.

## 17 - Indicator Data

**Section A: Data Analysis**

**What is the State-identified Measurable Result (SiMR)?**

86% of West Virginia students with disabilities will graduate with a regular diploma by June 2025.

**Has the SiMR changed since the last SSIP submission? (yes/no)**

YES

**Provide a description of the system analysis activities conducted to support changing the SiMR.**

Based on the need to set targets through 2025, WVDE/SES reviewed stakeholder feedback and previous data challenges before moving from using a state-developed 4-year adjusted cohort to using 618 graduation data. Although the SiMR did not change substantially, a change in data sources resulted in the need to clarify language in the SiMR.

**Please list the data source(s) used to support the change of the SiMR**.

The data source was changed from using a state-developed 4-year adjusted cohort to 618 graduation data used for indicator 1 (file specification FS009).

**Provide a description of how the State analyzed data to reach the decision to change the SiMR.**

The state-developed 4-year adjusted cohort data were calculated based on members who earned a regular high school diploma 4 years after enrolling as a 9th grader for the first time divided by the number of (first-time 9th graders from 4 yrs prior + students who transferred in over the 4 years – students who transferred out/moved/died during the same 4-year span). The newest 618 graduation data is calculated based on the number of students graduating with a regular high school diploma at the end of the school year divided by number of: (students earning a regular diploma + those receiving an alternate diploma + students who dropped out + those reaching the maximum age of 21).
Implications of using the 618 graduation data include:
• No penalty if a student takes longer than 4 years to earn their regular high school diploma;
• Graduation data and drop out data are now related to each other; and
• Summer school graduates will be counted in the next school year’s data.
Graduation trend data was calculated using both data sources and presented to OSEP, TA partners and stakeholders for feedback on changing data sources.

**Please describe the role of stakeholders in the decision to change the SiMR.**

On July 27, 2021, WVDE/SES held two identical virtual stakeholder meetings, one during the work day and one in the evening. The objective for these meetings was first to define and review calculations and trend data for indicators 1, 2, 14 and 17. Then WVDE/SES sought input for setting targets through 2025. Follow-up surveys were also sent to all participants to maximize opportunities for feedback. Demographic data from participants was analyzed and identified specific regional areas where additional in-person stakeholder meetings were held. Feedback from stakeholders indicated that using the federally required 618 graduation data would positively impact the SSIP as it was a more consistent measure for students with disabilities.

**Is the State using a subset of the population from the indicator (*e.g.*, a sample, cohort model)? (yes/no)**

NO

**Is the State’s theory of action new or revised since the previous submission? (yes/no)**

NO

**Please provide a link to the current theory of action.**

**Does the State intend to continue implementing the SSIP without modifications? (yes/no)**

NO

**If no, describe any changes to the activities, strategies or timelines described in the previous submission and include a rationale or** **justification for the changes.**

As a result of the new targets and data source, as well as vacancies in state and local staffing during both SY2020-2021 and SY2021-2022, the WVDE/SES will need to review, and revise as appropriate: theory of action, logic model, SiMR, implementation and evaluation of activities, strategies and timelines through 2025. Considerations requiring additional stakeholder engagement may include alignment of data for graduation, dropout, secondary transition and post-school outcomes. Any revisions will be reported in FFY2021 SPP/APR.

**Progress toward the SiMR**

**Please provide the data for the specific FFY listed below (expressed as actual number and percentages)*.***

**Select yes if the State uses two targets for measurement. (yes/no)**

NO

**Historical Data**

| **Baseline Year** | **Baseline Data** |
| --- | --- |
| 2018 | 83.21% |

**Targets**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **FFY** | **2020** | **2021** | **2022** | **2023** | **2024** | **2025** |
| Target>= | 83.71% | 84.21% | 84.71% | 85.21% | 85.71% | 86.21% |

**FFY 2020 SPP/APR Data**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Number of youth with IEPs (ages 14-21) who exited special education due to graduating with a regular high school diploma** | **Number of all youth with IEPs who exited special education (ages 14-21)** | **FFY 2019 Data** | **FFY 2020 Target** | **FFY 2020 Data** | **Status** | **Slippage** |
| 1,823 | 2,171 | 78.70% | 83.71% | 83.97% | Met target | No Slippage |

**Provide the data source for the FFY 2020 data.**

618 graduation data (file specification FS009)

**Please describe how data are collected and analyzed for the SiMR**.

Beginning with FFY2020, graduation baseline and target data are aligned with 618 graduation data, using the definitions in EDFacts file specification FS009. Graduation data were recalculated for FFY2018 and FFY2019 to help determine an appropriate baseline and targets. Stakeholders were presented with both the old and new calculations in order to gather informed feedback. It was determined that the most recent data not impacted by COVID-19 (school year 2018-2019) would become the new baseline.

**Optional: Has the State collected additional data *(i.e., benchmark, CQI, survey)* that demonstrates progress toward the SiMR? (yes/no)**

YES

**Describe any additional data collected by the State to assess progress toward the SiMR.**

In addition to 618 graduation data, WVDE/SES reviewed data obtained through implementation of West Virginia’s GRADUATION 20/20 initiative [https://wvde.us/wp-content/uploads/2018/08/2018grad2020\_onepager.pdf] to ensure that students with disabilities are continuing to receive supports and services necessary to graduate with a regular diploma.

**Did the State identify any general data quality concerns, unrelated to COVID-19, that affected progress toward the SiMR during the reporting period? (yes/no)**

YES

**Describe any data quality issues, unrelated to COVID-19, specific to the SiMR data and include actions taken to address data quality concerns.**

With the change in data source to 618 graduation data (FS009), previous data quality issues related to using state-developed 4-year adjusted cohort graduation results are no longer relevant. This alignment with other IDEA data collections will provide greater accuracy and fidelity when reporting progress on the SiMR. In addition, WVDE/SES has partnered with national technical assistance centers regarding general supervision systems and state/local capacity challenges that should continue to improve timely, accurate, and complete data collection and reporting.

**Did the State identify any data quality concerns directly related to the COVID-19 pandemic during the reporting period? (yes/no)**

YES

**If data for this reporting period were impacted specifically by COVID-19, the State must include in the narrative for the indicator: (1) the impact on data completeness, validity and reliability for the indicator; (2) an explanation of how COVID-19 specifically impacted the State’s ability to collect the data for the indicator; and (3) any steps the State took to mitigate the impact of COVID-19 on the data collection.**

West Virginia Governor Jim Justice announced the emergency closure of all West Virginia public schools on March 13, 2020 based on COVID-19. This extended through the remainder of the school year. West Virginia delayed the opening of the school year 2020-2021 through September 7, 2020 by an emergency order of the governor. There was one additional governor-ordered emergency closure from November 30 through December 2, 2020. School districts opened in traditional, blended or remote learning models on September 8, 2020. The options available for general education varied by district based on local board of education decisions (schools were to work with local health departments to determine closures, quarantines, and mitigating factors such as wearing masks and social distancing), with full-time in-person instruction for high school students starting February 2021. Intermittent closures, quarantines, and teacher/staff shortages continue to significantly impact data collection efforts (i.e. there was a 50% reduction in completion of evaluation tools for WVGrad 20/20 for this reporting period; Project SEARCH work was delayed in restarting in SY2020-2021 after the graduation of the FFY2019 cohort of students in June 2020; and some of the in-person activities outlined in the WVGRAD 20/20 implementation manual were not able to be completed as intended) which provided futher evidence for changing to 618 graduation data to measure SiMR progress. It is expected that COVID-19 will impact the variability of trend data and student learning outcomes for several more years.

**Section B: Implementation, Analysis and Evaluation**

**Please provide a link to the State’s current evaluation plan.**

[http://wvde.state.wv.us/osp/WV\_SSIP\_Phase2attachments.pdf] see page 49 of this document for the evaluation measurement table

**Is the State’s evaluation plan new or revised since the previous submission? (yes/no)**

NO

**Provide a summary of each infrastructure improvement strategy implemented in the reporting period:**

In this reporting period (March - December 2021) the WVDE/SES reorganized state-level staff to include reallocation of a vacant position as a dedicated SSIP/Secondary Transition Coordinator. This position was filled in December 2021.

WVGRAD 20/20 technical assistance and supports are provided through a contract with the West Virginia Transition Technical Assistance Center (TTAC). TTAC trains staff, teachers, students and parents in school districts (including the WV Schools for the Deaf and Blind and students being temporarily educated in the WV Schools of Diversion and Transition). TTAC trainings include “Pathways to the Future” materials found at [https://www.pathwayswv.org/]. TTAC also provides guidance and support to emerging and existing work exploration programs in the LEAs. Although TTAC was only able to continue providing work exploration at specific job sites in a limited capacity, they were able to engage students and teachers through use of their new online transition data collection system. Conover Online™ is a unique eleven step research-based process for assessing and teaching personal success skills for school, workplace, community and life. Additional information on this system can be found at [https://www.pathwayswv.org/conover-online.php]

WV GRADUATION 20/20 was established in 2015 as the major initiative supporting the State Systemic Improvement Plan (SSIP) and was at a minimum required to continue through 2020. WV GRAD 20/20 was specifically intended to assist districts in building capacity and increase high school completion rates for ALL students with a specific emphasis on students with disabilities (SWD) and those of low socio-economic status (low-SES). WVGRAD 20/20 is fully aligned with the West Virginia Board of Education’s Strategic Plan results-driven priorities for the development and growth of a comprehensive approach to closing the achievement, engagement, and graduation gaps.The WV GRADUATION 20/20 initiatve uses a data driven intervention framework developed by the National Dropout Prevention Center for Students with Disabilities (NDPC-SD) to address issues that have negatively impacted school completion.

**Describe the short-term or intermediate outcomes achieved for each infrastructure improvement strategy during the reporting period including the measures or rationale used by the State and stakeholders to assess and communicate achievement. Please relate short-term outcomes to one or more areas of a systems framework (e.g., governance, data, finance, accountability/monitoring, quality standards, professional development and/or technical assistance) and explain how these strategies support system change and are necessary for: (a) achievement of the SiMR; (b) sustainability of systems improvement efforts; and/or (c) scale-up.**

Many schools provided innovative supports, which resulted in an increase in graduation results. Qualitative data from the reflection rubric included specific comments from LEAs including: “students graduated with credit recovery available for students to recoup credits”, “working on iPads and pushing out assignments helped to reach more students and provide another mode of learning”, “students were provided with needed supplies, support, and technology”, and “meetings using TEAMS was also helpful when sharing information with coworkers”.The supports utilized by these schools will be evaluated for implementation in future years as part of reimagining the scope and focus of scaling-up the SSIP work in West Virginia.
As described in Section A, intermittent school closures, quarantines, and teacher/staff shortages continued to significantly impact implementation efforts.WVDE/SES continued to implement NDPC-SD improvement strategies with varying degrees of success during this reporting period (March – December 2021). Through a collaborative initiative between the West Virginia Division of Rehabilitation Services (WVDRS), WVDE/SES and TTAC, scale-up activities were implemented to the greatest extent possible through the first year implementation of the Conover Online™ system. Conover Online™ usage since inception includes 229 users from 7 counties and 14 schools. In this reporting period (March -December 2021) there were 1147 assignments made with approximately 32% completion of assignments.

**Did the State implement any new (newly identified) infrastructure improvement strategies during the reporting period? (yes/no)**

NO

**Provide a summary of the next steps for each infrastructure improvement strategy and the anticipated outcomes to be attained during the next reporting period.**

As a result of the new targets and data source, as well as state and local staffing changes during SY2020-2021, the WVDE/SES will review, and revise as appropriate: theory of action, logic model, SiMR, implementation and evaluation activities, strategies and timelines through 2025. Considerations requiring additional stakeholder engagement may include alignment of data for graduation, dropout, secondary transition and post-school outcomes. All infrastructure improvement strategies and evidenced based practices will be reviewed and revisions will be made as appropriate. The results of the infrastructure review will be aligned with 618 graduation data and reported in FFY2021.

**List the selected evidence-based practices implement in the reporting period:**

WVDE/SES continued to implement NDPC-SD improvement strategies with varying degrees of success during this reporting period. However, due to local and state capacity issues, intermittent school closures, and quarantines, the previously reported CEEDAR transition practices frameworks were not implemented as intended. These frameworks can be found online on page 42 of the document located at [https://wvde.us/wp-content/uploads/2021/01/WV\_SSIP\_Phase3\_Yr4\_ACCESSIBLE\_FINAL\_2021-1.pdf].

**Provide a summary of each evidence-based practices.**

As part of the National Dropout Prevention Center for Students with Disabilities (NDPC-SD) framework, LEAs are required annually to complete a reflection rubric and point of contact feedback form designed to capture implementation stages for five (5) core steps with multiple key components to each step. The five steps are: 1. Utilize a school leadership team; 2.Analyze data; 3.Identify target areas for intervention; 4.Develop goal(s) for school action plan; 5. Implement, monitor and evaluate action plans to assess practice change. Based on the reflection rubric data, family engagement strategies were utilized more often than other interventions. Two (2) specific comments from the data exemplified the work done in many counties - “Some teams grew stronger during this time. They really went above and beyond to reach out to kids and develop positive relationships with families”; “staff at some schools were willing to do whatever it took to help students graduate, including home visits in some cases”; and “thinking that you could only be affective in a face to face model has been proven NOT to be the only way at-risk students can be reached. Challenging, yes.....but, in the long run, we have had much better contact with families, not just the individual student”.
Use of evidence-based practices has been limited due to multiple factors including changes in state and local level staffing, reduction of incentive funds for participants, and post-pandemic initiative fatigue at the local level. However, professional development and technical assistance around evidence-based practices and family engagement continued to be provided virtually through the Transition Technical Assistance Center (TTAC). This resulted in a 15% increase in the number of users on the PathwaysWV.org website with a reported 22% increase in the number of pages viewed and a 20% increase in the number of completed sessions.

**Provide a summary of how each evidence-based practice and activities or strategies that support its use, is intended to impact the SiMR by changing program/district policies, procedures, and/or practices, teacher/provider practices (e.g. behaviors), parent/caregiver outcomes, and/or child /outcomes.**

All strategies and activities related to WVGRAD 20/20 were intended to impact the SiMR through increased student and family engagement which would then effect attendance with the ultimate goal of improved academic outcomes leading to graduation. As mentioned elsewhere in this section, WVDE/SES will need to reimagine the WVGRAD 20/20 strategies and outcomes for a post pandemic educational environment. Results will be reported in FFY2022.

**Describe the data collected to monitor fidelity of implementation and to assess practice change.**

As part of the National Dropout Prevention Center for Students with Disabilities (NDPC-SD) framework, LEAs are required annually to complete a reflection rubric and point of contact feedback form designed to capture fidelity of implementation for five (5) core steps with multiple key components to each step. The five steps are: 1. Utilize a school leadership team; 2.Analyze data; 3.Identify target areas for intervention; 4.Develop goal(s) for school action plan; 5. Implement, monitor and evaluate action plans to assess practice change. Data was analyzed using R programming language to calculate measures of central tendency and dispersion. Statistical significance was established by conducting paired t-tests where the P value was 0.05 or less. Effect sizes were determined by using Hedge’s g criteria and indicated that implementation of steps 2, 4 and 5 had a moderate impact while implementation steps 1 and 3 had a relatively small impact.

**Describe any additional data (e.g. progress monitoring) that was collected that supports the decision to continue the ongoing use of each evidence-based practice.**

WVDE/SES also collected and analyzed the dropout rate data. The dropout rate is 4.61% which represents 1.56% below target. This drop-out rate indicates that the efforts to maintain the EBPs and other coherent improvement strategies positively impacted school engagement.

**Provide a summary of the next steps for each evidence-based practices and the anticipated outcomes to be attained during the next reporting period.**

Level of implementation for EBPs WVDE/SES will need to pause and reassess current WVGRAD 20/20 practices. This began with the hiring of a dedicated coordinator whose role will focus on SSIP and Transition work at the state level.

The SSIP work in WV will need to be reimagined based on stakeholder feedback and evolving state-level priorities. This work will include identifying and evaluating current and new evidence-based practices identified by research, and recommended by national technical assistance centers, that will improve student outcomes for graduation in a post-pandemic educational environment. These could include reviewing Check and Connect, Accelerated Middle Schools (within the school, not as separate schools), Dual Enrollment, as well as evidence-based practices currently being implemented in the general education population.

**Section C: Stakeholder Engagement**

Description of Stakeholder Input

The WVDE/SES conducted a series of four stakeholder meetings to solicit feedback on the proposed targets for the new SPP/APR package starting in July 2021. An initial series of stakeholder sessions were designed to review current progress and proposed targets as well as the State’s Systemic Improvement Plan (SSIP) with stakeholder groups. Sessions were held for special education directors and practitioners, and for parents, students, and the public. All meetings were held remotely on Teams, announced through existing listservs, and posted on the state webpage. Attendance was collected using a Forms link and participants were invited to provide input in the form of a survey following each session. Recordings of the sessions and links to the survey were posted on the department webpage.

Special Education directors from geographic areas needing additional representation based on the demographic data from the collected survey responses and those from districts with more racial/ethnic diversity were contacted to make arrangements for additional in-person meetings with parent focus groups. This strategy resulted in additional parent feedback from in-person presentations of the current state performance and proposed targets.
Internal input was also solicited to ensure feedback was gathered from interested groups outside of special education. The recordings and surveys were shared with WVDE staff in targeted offices, such as Assessment, School Improvement, and Elementary and Secondary Education.

On July 27, 2021, WVDE/SES held two identical virtual stakeholder meetings, one during the work day and one in the evening. The objective for these meetings was first to define and review calculations and trend data for indicators 1, 2, 14 and 17. Then WVDE/SES sought input for setting targets through 2025. Follow-up surveys were also sent to all participants to maximize opportunities for feedback. Demographic data from participants was analyzed and identified specific regional areas where additional in-person stakeholder meetings were held. Feedback from stakeholders indicated that using the federally required 618 graduation data would positively impact the SSIP as it was a more consistent measure for students with disabilities.

 **Describe the specific strategies implemented to engage stakeholders in key improvement efforts.**

The responses which were collected indicated that stakeholder groups were in agreement with the proposed targets and supported continuation of the SSIP with modifications to include a change in data source from the state-developed graduation cohort to 618 graduation data.

**Were there any concerns expressed by stakeholders during engagement activities? (yes/no)**

YES

**Describe how the State addressed the concerns expressed by stakeholders.**

Concerns with data quality issues were previously identified by stakeholders and with the change in data source to 618 graduation data (FS009), issues related to using state-developed 4-year adjusted cohort graduation results are no longer relevant.

**Additional Implementation Activities**

**List any activities not already described that the State intends to implement in the next fiscal year that are related to the SiMR.**

As a result of the new targets and data source, as well as state and local staffing changes during SY2020-2021 and SY2021-2022, the WVDE/SES will review, and revise as appropriate: theory of action, logic model, SiMR, implementation and evaluation of activities, strategies and timelines through 2025. Considerations requiring additional stakeholder engagement may include alignment of data for graduation, dropout, secondary transition and post-school outcomes. Specific activities may include any of the following:

• Intentionally choose evidence-based practices which will target staying in school and school completion for students in grades 7-12.
• Align SSIP work more closely to the state’s strategic plan [https://wvde.us/strategic-plan/], specifically goal 3 which focuses on expanding college/career/workforce readiness and entrepreneurship.
• Review evaluation plan and current surveys used to gather data for measuring progress on SiMR.
• Develop intentional partnerships to align initiatives. These could include Communities in Schools (this initiative has a dedicated site coordinator for each LEA), family engagement work at state and local levels, Career and Technical Education (CTE), Project SEARCH, and other teams that work with students with disabilities ages 14-21.

Any revisions or new activities implemented for SSIP will be reported in FFY2021 SPP/APR.

**Provide a timeline, anticipated data collection and measures, and expected outcomes for these activities that are related to the SiMR.**

WVDE/SES will continue to implement as many interventions and strategies from the WVGRAD 20/20 work as possible, while simultaneously conducting the following activities related to reimagining West Virginia’s SSIP work in light of the past year’s implementation dips and current fiscal priorities:

January 2022
Engage internal WVDE stakeholder groups to reestablish a state-level leadership team with representation from initiatives across the entire WVDE (e.g. Family Engagement, Communities in Schools, CTE, Project SEARCH); Work with National TA Centers to assist in developing plans to align SSIP work with other current education initiatives.

February 2022
Schedule two open door meetings with current WVGRAD 202/20 participants focused on soliciting feedback related to successes and challenges linked to the WVGRAD 20/20 initiative and exploring ways to enable SSIP scale-up to middle schoolers. Determine next steps for stakeholder engagement in SSIP work.

March 2022
Based on stakeholder feedback, review/revise current theory of action, logic model, and evaluation plan;
Review current surveys used to gather data for measuring progress on SiMR.

April – May 2022
Identify evidence based practices which will fit the SSIP priorities established by state and local level implementation teams;
Hold quarter 2 stakeholder meetings.

June – August 2022
Identify local leadership/implementation teams for school year 2022-2023;
Conduct local level training using a train-the-trainer model for evidence based practices;
Hold quarter 3 stakeholder meetings.

September – December 2022
Implement interventions and data collection;
Analyze data for continuous improvement activities;
Hold quarter 4 stakeholder meetings.

**Describe any newly identified barriers and include steps to address these barriers.**

One major barrier identified by school-level stakeholders may be LEA/school level buy-in due to reduction of monetary incentives for participation. Previously WVGRAD 20/20 participating schools received a small stipend for use in implementation of activities. This stipend was not renewed after June 30, 2020. Despite this, it is feasible that schools could reallocate some COVID relief monies, or other IDEA funds, to finance additional interventions targetting student engagement and drop out prevention. Additionally, funding barriers may be overcome through intentional alignment of SSIP work with other initiatives already being implemented in schools. WVDE/SES intends to increase their partnership with WVDE’s Communities in Schools and Family Engagement programs to determine how these initiatives and associated funding can work together to maximize outcomes.

It is expected that COVID-19 will impact the variability of trend data and student learning outcomes for several more years, and may also have short-term impact on budgeting constraints related to state level capacity.

**Provide additional information about this indicator (optional).**

The theory of action can be found on the WVDE/SES website at https://wvde.us/wp-content/uploads/2022/01/THEORY-OF-ACTION.pdf

## 17 - Prior FFY Required Actions

None

## 17 - OSEP Response

The State has revised the baseline for this indicator, using data from FFY 2018, and OSEP accepts that revision.

The State provided targets for FFYs 2020 through 2025 for this indicator, and OSEP accepts those targets.

The State must provide a link or narrative description of the current Theory of Action.

## 17 - Required Actions

# Certification

**Instructions**

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

**Certify**

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

**Select the certifier’s role:**

Designated by the Chief State School Officer to certify

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

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**Submitted on:**

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