

Action		Type	
N	No Response	-	Negative
NA	Not Accepted	+	Positive
A	Accepted	o	Neutral

DATE	INDIVIDUAL ORGANIZATION	COMMENTS	ACTION/ TYPE	RATIONALE
		§126-16-1 General		
01-24	Dr. Vic Fisher Supervisor, Pupil Services Harrison County Schools Clarksburg WV	(As there is not a section on the Online Comment Form for the glossary, I include these comments here.) Because there can, and has, been some confusion in the understanding and use of assessment terms used within Policy 2419, the addition of these terms in the Glossary may alleviate some of this. I recommend the inclusion of terms such as benchmarking, progress monitoring, and universal screening in the Glossary.		
01-27	Don Bucher President WV Council of Administrators of Special Education Franklin WV	Glossary – To promote the clarity of SPL we recommend the inclusion of several assessment terms such as, but not limited to, universal screening, progress monitoring, and benchmarking.		
		§126-16-1 General		
12-22	Karen Pennebaker Troy WV	Looking at the entire picture, it is obvious that the biggest problem with state and federal control of education is that there is		

more time spent fulfilling policies and rules than there is in actually teaching children. It does not take a rocket scientist to teach a child. Having guidelines of what each grade is expected to cover makes sense; most of the rest of the rules and policies are really not productive and do nothing to help children learn.

I homeschooled several of my grandchildren. One is severely dyslexic and knowing the problems we had in public schools getting help for her father, whose problem was not nearly as bad, he asked me to teach his children. They have a little brother now and since he needed some speech therapy, his mother thinks he should be in public school to get it. This is fine, at the moment, but he is learning very bad habits, academically. For one thing, they never have time to finish anything. So now, if you ask him to do something, he does half of it and quits. He could do things very neatly before he went to school. Not any more. If the students do not have time to be careful with what they are doing and take pride in it, there is something radically wrong with the system.

Living 4 miles from a school bus stop, it is costing us a fortune to send him to school. NOW the state, with its many policies and

procedures, thinks it would be more efficient to close even more schools, run more buses, keep kids away from home even longer - and they expect them to learn. I'd like to know how!

§126-16-2 Purpose

Education has one purpose: to allow you to learn how to find out what you need to know. This is true whether you are the garbage man or a neurosurgeon. A truly educated person is able to find the information necessary - whether this means by watching someone, by getting a degree, or by merely experimenting on their own, one is not educated if he/she merely has a list of letters after his/her name and no idea how to do anything! Let's put these sections of "policy" in normal, standard English rather than in "educationese" so anyone can read them - not just those of us who got A's in English!

12-22 Karen Pennebaker
Troy WV

§126-16-3 Incorporation by Reference

Your form here for response is very unusual. It shows you are expecting a response from someone familiar with your "procedures" and most people who end up on this page are not going to bother to try to give you a response.

12-22 Karen Pennebaker
Troy WV

Children with learning problems of any

kind need one on one time with a good teacher who can assess the learning style of the child and work with them that way. In a large school, this never happens because the child gets a different helper every year and not a teacher who knows them well. More on this under IEP section.

§126-16-4 Summary

The only solution to "fixing" the state education policy would be to start over, allowing local control of education with state oversight only if the community asks for it. Yes, buildings need to be kept up to safety codes, but that can be done without state or federal interference. Students do need to show progress, but testing them and merely sending them to the next grade, whether they can do the work or not, is NOT doing anyone any good. Some children learn different things at different rates. A child may be on a 1st grade level in reading and doing 6th grade work in math. This should be allowed and not punished.

12-22 Karen Pennebaker
Troy WV

§126-16-5 Severability

This

01-09 Brad

§126-16-5 Severability

The word should mean the ability for a community to withdraw it's schools from the state. It obviously does not mean that, does it?!

12-22 Karen Pennebaker
Troy WV

§Chapter 10 Procedural Safeguards

01-23 Mary Frye
special education teacher
Gilmer County (7-8)
Glennville WV

notifying the parent to see when she would be available for a meeting, would that be o.k.

P 98 C Paying for the IEE. School system has only 2 real options . . . pay the bill if asked to do so or file due process.

Extremely unfair to the school system.

Most counties would not be bothered by this but our county would be. Most definitely should be changed. If parents in this area, and they

01-24 Ron Brown
Executive Director of Special Education
Office of Special Education - Berkeley County Schools
Martinsburg WV

P 98 C Paying for the IEE. School system has only 2 real options . . . pay the bill if asked to do so or file due process.

Extremely unfair to the school system. Most counties would not be bothered by this but our county would be.

Most definitely should be changed. If parents in this area, and they are aggressive, center in on this we will be inundated with requests.

§Chapter 10 Procedural Safeguards

01-05 Lisa Martin
Special Education Director
Jackson County Schools
Ripley WV

Section 9.A & B: The new statement at the end of section 'A' references notification of transfer of rights of "the student" only.

Section 'B' states that, "the parent and student will be notified that the rights have transferred." The subsequent sentence again references only the student, "The IEP must continue to contain a statement

that the student has been informed of the special education rights that have transferred to him or her." This section needs to be clear and consistent regarding who must be notified, and also clarify the new language inserted, "continue to contain." The online IEP and accompanying instructions may need to be modified to address the requirement.

§Chapter 11 Dispute Resolution

01-09 Brad

That

01-30 Ron Brown
Executive Director of Special Education
Office of Special Educaiton - Berkeley County Schools
Martinsburg WV

Section 1 - A Paragraph 2 "The party filing the complaint must forward a copy of the complaint to the district or public agency serving the student at the same time the party files the complaint with the WVDE" This requirement to notify the district at "the same time" has not be followed by WVD OE and should be enforced. Thanks

§Chapter 11 Dispute Resolution

12-22 Karen Pennebaker
Troy WV

Are disputes ever resolved? Gilmer County schools were taken over by the state when the "test scores" were well above most counties around us - for what? Is the state that upset that the voters voted down the levy to consolidate the schools? Something is rotten in the education business and it needs to be resolved. All students are different. Students with exceptionalities are basically no different

than any other children if treated like human beings. They need special help but they do NOT need to be labeled.

§Chapter 1 Free Appropriate Public Education

01-27 Don Bucher
President
WV Council of Administrators of Special Education
Franklin WV

Graduation Rate. Although we are aware that the requirement that only student's receiving a standard diploma will be counted toward a school's graduation rate is a federal mandate, we believe the exclusion of SWDs who earn a modified within this calculation is discriminatory. Therefore, we support any efforts by OSP, WVDE and the State Board to advocate this position.

§Chapter 1 Free Appropriate Public Education

12-22 Karen Pennebaker
Troy WV

This is a joke. Public education is extremely expensive for the taxpayer and isn't free for parents, either.

§Chapter 2 Child Find

D. Procedures for Written Referrals for Special Education Evaluation

01-13 Joyce
Special Services Liaison
Conrad
Fairmont WV

4. Change "Within five days of the SAT decision..." to "Within five school days of the SAT decision...".

This would be consistent with the wording in numbers 1 and 2 and further clarify if the days are to be calendar or school days.

01-24 Ron Brown
Executive Director of Special Education

All "days" cited should be "school days" or "business days."

Office of Special Education - Berkeley County Schools
Martinsburg WV

01-27 Don Bucher
President
WV Council of Administrators of Special Education
Franklin WV

SAT. We advocate that timelines within this document be expressed as school days whenever permissible.

§Chapter 2 Child Find

12-22 Karen Pennebaker
Troy WV

??? what on earth is this? a search option?

§Chapter 3 Evaluation/Reevaluation

02-13 Kim Scott
School Pysch
RESA V
St. Marys WV

It is necessary to obtain a pattern of strengths and weaknesses to know how to target interventions for the child.

§Chapter 3 Evaluation/Reevaluation

12-22 Karen Pennebaker
Troy WV

Standardized tests are not the way to measure learning. Good old fashioned essay tests might make a lot more sense, if you had teachers who were able to read them and interpret them.

01-05 Lisa Martin
Special Education Director
Jackson County Schools
Ripley WV

Section 3.A states that, “within five days of the district’s decision to evaluate or reevaluate, written notice requesting consent for evaluation or reevaluation must be provided to the parent/adult student.” An initial evaluation must be conducted within 80 days of receipt of consent, and timely request for consent is in the best interest of the student to avoid delay of identification and provision of

FAPE. Since the reevaluation timeline is three years from the previous evaluation, the same urgency to obtain consent does not exist. In many cases, the reevaluation determination plan is completed at the spring annual review for a reevaluation due date that will occur sometime during the next year. In the interest of good communication and working relationships with parents with parents, it makes more sense to request consent for evaluation when the evaluation is to be initiated rather than many months before. Please consider the five day written notice requirement for consent to be revised specific to initial evaluations only since the timeline for reevaluation dictates when that consent should be requested.

§Chapter 4 Eligibility

L. Specific Learning Disability.

Support:

I support the policy language revisions that both update the former RtI language and advance it to a component of the state's efforts to personalize learning for our students.

Recommendation:

I recommend that the language within this section of policy that describes the Components of Leveled Instruction and Intervention be considered for inclusion in

01-24 Dr. Vic Fisher
Supervisor, Pupil Services
Harrison County Schools
Clarksburg WV

Policy 2510 rather than Policy 2419.

While a summary of this section may be instructive in Policy 2419, the majority of this language would be more appropriately placed in Policy 2510 or a guidance document.

Caution:

The proposed policy language revisions include an alternate or additional Standard within the SLD Eligibility Standards section titled Exhibits a Pattern of Strengths and Weaknesses (S & W). This standard is modeled after the federal language in section 34 CFR 300.309 Determining the Existence of a Specific Learning Disability. This section of federal policy describes two determination methods options, RtI or the Exhibition of a Pattern of Strengths and Weaknesses... Federal policy requires states to adopt eligibility criteria within the following parameters: a) must not require a severe discrepancy approach b) must allow an RtI approach, c) and may permit the use of other alternative research based procedures. The Strengths and Weaknesses approach is, therefore, allowable but not required.

The assessment and identification of specific, psychological processing deficits, as intended by the Strengths and Weaknesses approach, is, of course,

preferable to any approach that determines eligibility based primarily on symptoms such as a poor response to intervention or a discrepancy between achievement and intelligence. It is, ultimately, in the best interest of our students. However...

My concern with the proposed policy language is twofold. First if listed as an alternate, stand alone, standard it may create an unintended back-door into SLD. For example, it could be insisted that a S & W evaluation be completed prior to and instead of the SPL process thereby circumventing the intent of policy and practice. Secondly, without any type of objective criteria in policy, a S & W approach would, therefore, be totally subjective and possibly result in an inappropriate increase in SLD identification similar to what we have witnessed with OHI over the last decade. To include and emphasize a S & W approach in policy and guidance is commendable and, I believe, represents a key piece in the future for how we can best help those students that struggle with the frustration of a learning disability. However, it can not be entered into lightly nor without the significant devotion of thought, expertise, and subsequently resources, to advantage its use.

SLD ---it would be helpful to not have a separate guidelines document, but rather

the new policy would subsume the guidelines. Specifically, if research and other states have supported the use of the 8th percentile for achievement testing then it should be in the policy. It could state, as the guidance doc did, that this criteria is not intended to be applied super rigidly but falls with a range. Teachers honestly think that kids who have scores at the 25th percentile in ach and are solidly avg should be sld; they are all for labeling without realizing the impact. This clarification would help since now they say that it's not in policy to have a percentile guideline and that the kids they refer, even if solidly avg, should qualify.

SLD Eligibility. The association supports the OSP's efforts to maintain the integrity of the response to intervention model through its redefinition as a component of support for personalized learning.

Intellectual Disability. We support the compliance with Rosa's Law and the change in terminology from mental impairment to intellectual disability. It is our belief that we should continue to attempt to remove the stigma created by disability labels whenever possible.

1)I have problems with the Targeted and Intensive intervention, especially if the intervention is to be done in the

01-27 Don Bucher
President
WV Council of Administrators of Special Education
Franklin WV

02-07 Cheryl Winston
School Psychologist
Jefferson County Schools

Charles Town WV

classroom. Does that impact Core instruction. If it is done during Core instruction then that reduces the amount of instruction for all students.

2) If targeted intervention can be as little as 3 times per week for as little as 15 minutes for 1 9-week period. That could mean intervention for as little as 6.75 hours of intervention. That is not enough. You know that if you give that range, people will use the minimum.

3) Same for the intensive, they could use 3 times a week for 30 minutes, that's 13.5 hours of intensive intervention. Not enough to determine if someone is making progress, when is the time to change interventions?

4) A concern - Rate of learning cannot apply to all students - A below average IQ student will not achieve at the same level as average ability students. They will learn at a slower rate.

5) What does not achieving adequately on Pg. 38 mean?

6) What does the paragraph on pg. 38 mean. Sounds like discrepancy. Is this in place of level and rate of learning.

Replace proposed wording under gifted section with the following statement:

A general intellectual ability score at the 97th percentile rank or higher on a comprehensive test of intellectual ability

02-13 Lanai Jennings
WVDE coordinator and school psychologist
Walton WV

02-13
Renee Eccles-Hardy
School Psychologist
Kanawha County Schools
Charleston WV

02-13
Leasha Trimble
school psychologist
Taylor county
Grafton WV

in consideration of 1.0 standard error of measurement.

Full Scale language is specific to the WISC-IV, not other instruments.

Chapter 4 section 3L. It is my opinion that it is very important to include the Pattern of Strengths or Weaknesses as a key component in the identification of a specific learning disability, especially since it lines up with what a LD actually is by definition by the state. It should not be merely an option, but a requirement.

I would like to propose that the Pattern of Strengths or Weaknesses is not just listed as an option or an aside to the criteria. Rather, the Pattern of Strengths or Weaknesses is an important component to identifying a learning disability. If we look at the federal definition of a learning disability “Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Our definition should be aligned with the federal definition.

For us to not include the Pattern of Strengths or Weaknesses in the identification of a learning disability does not make sense when this is what a learning disability is by definition. Second in the federal criteria utilizing this Pattern of Strengths or Weaknesses is listed as an alternative to Rate of Learning. So it is an OR instead of in addition to ----However, we need a uniform way to do this and not an excuse for schools to do nothing, not intervene, and just show up at the EC meeting. This is a call for some balance, please!

Section 3L: I would like to propose that the current eligibility criteria for a Specific Learning Disability be revised in order to be more reflective of the current federal definition of a Learning Disability. The EC should be able to utilize a "Pattern of Strengths or Weaknesses" as a sole determinant in the identification of a SLD as opposed to considering it as an option or an aside to the current criteria. This "Pattern of Strengths or Weaknesses" should be listed as an alternative method to the current process of identification which includes a child's rate of learning, thus making the criteria more aligned with

02-13 Ashley Riggleman
School Psychologist
Monongalia County Schools
Morgantown WV

02-13 Veria Hicks
School Psychologist
Roane County Board Of Ed
Spencer WV

the federal definition of a Learning Disability and making eligibility for services possible for students in which no data is available for rate of learning.

In order to determine eligibility as learning disabled, we need to make sure our definition is in alignment with the federal governments definition. To allow a team to make a decision as to whether or not to look at a student's strengths and weaknesses does not conform to the federal governments idea for learning disabled.

I wish to express the importance of including the Pattern of Strengths or Weaknesses as a key component in the identification of a specific learning disability.

02-13 Hope Reagan
school psychologist
Berkeley County PS
Martinsburg WV

Pattern of Strengths or Weaknesses is an important component to identifying a learning disability. If we look at the federal definition of a learning disability "Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities,

brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.”

Thanks

There needs to be clarification regarding gifted SEM in relationship to confidence interval and manual.

Please make sure to include the pattern of strengths and weaknesses for SLD identification. Guidance indicated RTI could not be the sole method of identification. How do you identify out-of-state transfer students for SLD who have not undergone this process? How do you identify parochial students who have been denied this process? How do you identify students when they have not been afforded the process and/or their records have been lost or are incomplete? How do you identify if parent demands evaluation and process has not been completed? There are

02-13 Stephanie Oberly
Coordinator of School Psychological Services
Monongalia County Schools
Morgantown WV

02-13 SLD Stakeholder Group
12/7/2011 Meeting @ MUGC

too many problems in using this as only method of identification.

- Remove the last sentence of section L. SLD Definition – Not in alignment with Federal Definition

- Section L. -Eligibility Options – add additional examples of tools for determining eligibility (add: cognitive assessments)

- Section L. – TARGETED INSTRUCTION – Add- “Targeted instruction continues only until the specific skill concept, behavior is in place (usually short term).”

- Section L. – INTENSIVE INSTRUCTION – Add- “TARGETED instruction must be documented prior to moving student to INTENSIVE.”

- Section L. – Standard 3 – Exclusion Factors – Strength and Weaknesses and Documentation should be deleted from Standard 3 and added to Standard 2

- Section L. – Strengths and Weaknesses should be required as an addition to, or in replacement of, Rate of Learning.

- Section L. – Documentation of Student Response to Leveled Instruction – Bullet

02-13 SLD Stakeholder Group
01/07/2012 Meeting @ MUGC

#2 – Change “Benchmark” to
“Formative/Classroom”

- Section L. – Documentation of Student Response to Leveled Instruction – Bullet #4 – Remove “intervention.”

- Replace the term “Leveled Instruction” with “Multi-Leveled Instruction” throughout the document.

- Section L. – CORE Instruction – Change “universal Screen 3 times per year for all students” to “All students are screened at the beginning of the school year to determine which students are at risk or not meeting grade-level standards. Those identified students at risk or not making progress are also screened at the middle and end of the year.”

- Section L. – CORE Instruction – remove “behavior”

- Replace the term “critical grade-level skills” with “State-approved grade-level standards” throughout the document.

- Section L. – CORE Instruction – add to last sentence – “by a problem solving team”.

- Remove the description of; “Core Instruction, Targeted Instruction, Intensive

Instruction, Components of a Systematic Problem Solving Process” – Reason – Should be in Policy 2510 to describe general education, also the language is confusing.

- Section L. – Standard 2 – Rate of Learning – Change heading to “Standard 2 – Rate of Learning and/or Alternate Criteria (Exhibits a Pattern of Strengths and Weaknesses)

- Section L. – Standard 2 – Rate of Learning – Add “And/Or” under the last bullet of “Documentation”

- Section L. – Remove “Alternate Criteria” from heading and leave “Exhibits a Pattern of Strengths and Weaknesses”

- Section L. - Alternate Criteria -Exhibits a Pattern of Strengths and Weaknesses – remove “may” in the first sentence. Reason – makes the process mandatory.

- Add a glossary to include “Assessment, Benchmark, Screening, Progress Monitoring”

I think the behavior and academic intervention need to be separated. Under eligibility for BD/Ed, intervention is not specified. It needs to be. Having intervention listed only under SLD would

02-13 Cheryl Winston
School Psychologist
Jefferson County Schools
Charles Town WV

02-13 Karen Cummings
School Psychologist
KCS, WVSPA
Charleston WV

02-13 Don Gossett
Psychologist
Cabell county Schools

lead people to think that it is not for BD/ED. Furthermore, intervention times are different for ED/BD vs. LD. 15 minutes may be adequate for BD/ED but definitely not for LD.

Section 3L: I believe the eligibility determination criteria for SLD should include a Pattern of Strengths or Weaknesses. The current criteria indicates that eligibility is determined by: 1) Level of Learning, 2) Rate of Learning, 3) Exclusion factors.

For us to not include the Pattern of Strengths or Weaknesses in the identification of a learning disability does not make sense when this is what a learning disability is by definition. Second in the federal criteria, utilizing this Pattern of Strengths or Weaknesses is listed as an alternative to Rate of Learning. So it is an OR instead of in addition to and if you think it is relevant. Our definition should be aligned with the federal definition. Also using the Pattern of Strengths and Weaknesses will help with students who move in to the district or who are referred by parents and rate of learning data is not available.

Regarding section 3L. As a dual licensed psychologist in WV, it is my opinion that all pertinent information should be

Huntington WV

reviewed in identification of a learning disability. It is a mistake to look at a single indication of a learning disability in making an eligibility decision. It is essential that the law mandates that the eligibility committee is required to consider a pattern of strengths and weaknesses relative to intellectual development in determining eligibility for special education services for a learning disability. No single measure such as a reading score or ability achievement discrepancy is sufficient for a diagnosis and should not be sufficient for eligibility determination.

The Eligibility Criteria for SLD list three Standards for Eligibility, as currently written: 1) Deficits in Level of Learning, 2) Deficits in Rate of Learning, and 3) Ruling out Exclusionary Factors. In the proposed regulatory changes, there is currently a stipulation that counties "may" consider a "Pattern of Strengths and Weaknesses," when making a determination of SLD eligibility. It is my belief that, without making the documentation of a "pattern of strengths and weaknesses" that indicates a process deficit, we have not mandated counties to complete a comprehensive evaluation. Earlier in Policy 2419, a comprehensive evaluation is given a definition, and that definition indicates consideration should

02-13 James E. Mullins, Ed.D.
Lead Psychologist/KCS Section 504 Coordinator
Kanawha County Schools
Charleston WV

be given to information from a variety of sources. The role contribution cognitive and achievement assessments is specifically mentioned. If we fail to incorporate a means of assessing "cognitive deficits" by way of these types of evaluations, I do not believe we can assure a comprehensive evaluation of all areas has been completed. In addition, federal and current WV State guidelines indicate the evaluation should assess all areas of potential disability, whether or not related to the disability in question. It is not possible to insure compliance with the federal and state guidelines for a comprehensive evaluation by relying solely on deficits in level and rate of learning. To adopt such a policy may leave county boards of education open to discrimination and due process complaints, because of lack of inclusion of recognized methods of evaluating learning disabilities. In addition, many counties, through lack of appropriate state-level guidance, will likely not perform any type of formalized or standardized assessment at all, when determining a student is eligible for services as learning disabled. Such a practice would certainly be contrary to federal guidance, which indicates that states "may not" use an RTI process as the sole means of identifying learning disabled students. Even though

the current structured tiered response to learning problems is titled "Support for Personalized Learning", it is still a 3-tiered system of intervention. Unless the proposed regulations are amended to incorporate a reasonable and comprehensive assessment of learning difficulties, through use of standardized assessment procedures (with appropriate state guidance to counties as to what that consists of), West Virginia will run afoul of the federal rules for identification of children with learning disabilities. The only reasonable way to do that is to incorporate a fourth standard, with the goal being the application of sound, research-based methods of assessing cognitive processing deficits. This may be accomplished through examination of the patterns of strengths and weaknesses, revealed through an analysis of each student's unique response on standardized assessment instruments, chosen to reflect processing deficits in the areas of suspected disability. These types of assessments are well within the abilities and scope of practice of certified and licensed school personnel currently providing services to the students of this state. It is my hope the the WV State Department of Education will take heed of the potential for misuse and misapplication of Policy 2419, unless

assurances are made that these concerns are met.

For SLD eligibility I believe it is important to make the Processing of Strengths and Weaknesses a required component because it helps align the eligibility for SLD with the definition of SLD. It will also help with providing targeted interventions toward the student's specific strengths and weaknesses.

Also if progress monitoring for level three is only every other week then there will not be enough data points to demonstrate a trend (which is needed for rate of learning). Six data points should be used to demonstrate a trend. Therefore, it should require progress monitoring weekly for students in level three.

Reducing minutes of groups and days they meet will only minimally help resource strapped schools. They need more help with the resources (e.g. more teachers/interventionists, smaller class sizes, etc.) and not reducing the children's educational opportunities.

§Chapter 4 Eligibility

02-13 Michael Powell
school psychologist
Raleigh County Special Education
Beckley WV

12-22 Karen Pennebaker
Troy WV

01-05 LeAnn Cooper
School Psychologist

no comment

I have serious concern with the Targeted Instruction only being 3-5 times a week

Jefferson County Schools
Charles Town WV

for 15-30 minutes and the Intensive Instruction being 3-5 times a week for 30-60 minutes. Some teachers are going to take this as a chance to only do intervention 3 times a week for 15 minutes each time and that is not enough to see a change in any student's ability, especially in reading. If it's called Intensive Instruction it should be 60 minutes 5 times a week.

§Chapter 5 Individualized Education Programs

01-24 Ron Brown
Executive Director of Special Education
Office of Special Education - Berkeley County Schools
Martinsburg WV

Page 45 F Invitation . . . number 2. What is "take steps?" Leaves too much to interpretation. Does not number 1 above cover the "take steps" requirement. This is a real "wiggle" word for advocates/lawyers to use. Should be explained or deleted.

01-27 Don Bucher
President
WV Council of Administrators of Special Education
Franklin WV

Part C to B Timeline Considerations. We recommend clarification or an additional consideration for instances when Part C does not notify LEAs in a timely manner that would allow adherence to the required timelines.

01-30 Ron Brown
Executive Director of Special Education
Office of Special Educaiton - Berkeley County Schools
Martinsburg WV

2 C The consideration of acceleration should not be eliminated. I just would seem very strange to me to have a state policy against a gifted student being prohibited from acceleration. Also, ending this policy presents PR problems with parents and students. If early graduation is a problem for you then let students get

02-02 Jeanie Booher
Jacksonburg WV

extra credits in Math. I don't understand why early graduation is a concern. Send them on to Community Colleges with or without a high school diploma. This is a step backwards. Thanks

It is my deepest and sincerest determination that the current policy for RIF of special needs instructors and aides be revised to include the needs of the affected students. Continuity is paramount in the development and progression of education with any student with special needs. Placing a special needs instructor/aide on the RIF list will have profound illeffect for any student that has been given the same personnel for years at a time and then suddenly take what is familiar to them, away. My daughter, has Down Syndrome. She has had the same teacher's aide for 5 years. She has come to know, trust, and progressively excell with this woman, and considers her her best friend. This aide gets Audrey off the bus, takes her to breakfast, sits with her at lunch, takes her to the bathroom, helps her with her classwork, puts her on the bus to go home. If this routine is interrupted with even a 2-hour delay, the outcome for Audrey's educational experience for that day is not condusive to learning. What will happen to her progress if her entire world of education is totally shattered with the RIF of her teacher's aide. This cannot

02-06 Annette Pratt
Director of Special Education
Putnam County Schools
Winfield WV

be allowed to continue as part of the procedural outlay for the Dept. of Education, especially when the sole purpose of the elimination of special needs staff is to reduce costs. Other means of financial restructure MUST BE attempted FIRST! And then, base these reductions on the basis of EACH CHILD'S NEEDS! Otherwise, my child IS being left behind!

I disagree with having to wait five days after an IEP meeting to initiate services. This is another whole week or sometimes longer that a student is being denied specially designed instruction or modifications.

02-07 Renee Crawford
Ms
parent
Falling Waters WV

I am a concerned parent. I have a child who has clearly met the criteria of having an IEP initiated, only after the 4th SAT meeting and a year later is my child FINALLY going to start this VERY lengthy process. I am concerned that I met so much resistance to having this process started, and now the school is stating that I am refusing to have the SPL process- which is not at all what I have stated. I am in agreement that the SPL process is beneficial, however my child, along with others I am sure, needs MORE help, more individualized attention and instruction. I have found that because the SAT personel do not know the proper process, that they have given very misleading information to

myself. There has to be a better process-timeline-for 2419 Chapter 5.

§Chapter 5 Individualized Education Programs

IEPs should only be done if the school is willing to make sure the same person works with a child all the way through school. Otherwise, it's pretty much a waste of time. A good resource teacher works with elementary children all the way through until they no longer need help. The child should have some input into this, as well. If the child knows he/she is not learning - and most children can tell you, truthfully, how good a teacher really is - then the child should be able to transfer to a teacher who can help.

12-22 Karen Pennebaker
Troy WV

I worked as a volunteer aide in an elementary school for 20 years and know that half the time in schools is wasted on trying to fulfill impossible regulatory goals rather than actual teaching and learning time.

Section 5.D: Part C to Part B transition timelines Considerations: Bullet #4 states, "The child was referred 'to' WV Birth to Three less than 90 days before the third birthday. This should be referred 'from' WV Birth to Three [to Part B/the district]. Districts often do not receive referrals from Part C in a timely manner making it difficult and, in some cases, impossible to

01-05 Lisa Martin
Special Education Director
Jackson County Schools
Ripley WV

meet the required timelines for 90-day face to face meetings, evaluation, eligibility and services by the third birthday.

§Chapter 6 Administration of Services

Section 4.B: While the policy is under revision, please consider increasing the allowable caseload of ECE level I students from six (6) to (8). Loss of funding (ARRA, Ed Jobs, cut in IDEA funds for FY12 and projected, additional cuts for FY13) makes it impossible for counties to add staff when students transfer in or are placed initially.

01-05 Lisa Martin
Special Education Director
Jackson County Schools
Ripley WV

§Chapter 7 Discipline

It of great concern to me that students with disabilities who violate the student code of conduct often get significantly less disciplinary action than those students who do not have IEP's. This is especially true when it comes to acts of violence, bullying and intimidation. Truly, the discipline code seems to be prejudicial against students without IEP's. In my opinion, we are doing students with disabilities no favors with regards to preparing them for life after high school. If they are adults and violate societal rules and laws, they will be punished in the same manner as their peers.

01-30 Tamara Banks
Fayette County Board of Education
Oak Hill WV

§Chapter 7 Discipline

12-22 Karen Pennebaker
Troy WV

If an individual teacher does not have the right to discipline a child, the child will know this and act accordingly. Discipline should never be harmful but it should be strict enough to make an impression.

§Chapter 8 Private School Students

12-22 Karen Pennebaker
Troy WV

This should be up to the private school, as long as they basically follow the standard grade level instruction - even if not all done in the order written due to different learning styles and abilities of children.

§Chapter 9 General Supervision and Accountability for Performance and Compliance

12-22 Karen Pennebaker
Troy WV

This is perhaps the most controversial of all issues with state and federal interference in education. WHOSE performance are we looking at? Individual students should be permitted to go through school at their own rate. It may take some 6 years and some 17 years. This "one size fits all" system is ridiculous and is the major cause of the high drop out rate in schools. If a child cannot do work on different levels in different subjects and progress at his/her level, what is the purpose of even trying to educate them? You certainly are not educating someone sending them to 7th grade when they cannot read and write proper English! However, look at our colleges. They are teaching remedial English in college that should have been learned by 6th grade.

Sandra McQuain

From: Beverly Winter [bwinter@access.k12.wv.us]
Sent: Tuesday, December 27, 2011 2:53 PM
To: smcquain@access.k12.wv.us
Cc: phomberg@access.k12.wv.us; Ghaski Browning; Cindy Hicks; Allen Sexton; sbeck@access.k12.wv.us
Subject: Comments to :Policy 2419
Attachments: Policy 2419 Comments.docx

Sandra, I attempted to send the attached comments that I cut and pasted into the comment form. However, I did not answer the "spam questions" correctly (whatever they are). Therefore, my comments were not accepted. So, I am sending this to you by email. If you cannot accept my comments by email, then help me get them in on the form. I completed it two times with no luck.

In general, my comments focused on:

Chapter 3 Evaluations

Changing the timelines from calendar days to school days is a conversation I had with Jim Brown when he was in your office. I had contacted a variety of states to determine what they used, including Lanai regarding Alaska. Many states use school days instead of calendar days which will really help when there are holidays like Thanksgiving/Christmas, and snow days. It turns out the same, if there are no lapses in days. However, it will help in the other instances.

Chapter 4 SLD Definition and Eligibility

As far as the SLD is concerned, I am basically requesting that we follow federal policy and regulations, which we are not doing in the additional sentence in the definition, and by not giving a "pattern of strengths and weakness" the strength of option it has in the federal guidelines. What is the problem with it anyway? SLD is a neurologically based disorder, so a pattern of strengths and weakness must be included. SPL (old Response to Intervention) address the issue of validating underachievement when scientifically researched programs and instruction are provided. And we all know how that varies from county to county and from school to school within each county.

SPL and Pattern of Strengths and Weaknesses are not mutually exclusive. I do not understand the rationale for weakening this component as our policy does at this time, as well as the proposed policy as it is currently written. Please advise me.

Beverly Winter, Ed.S., NCSP
Raleigh County Board of Education
301 Park Avenue
Beckley, WV 25801
304 256-4538 Telephone
304 237-3518 Cell
304 256-4715 FAX

Chapter 3 Evaluation/Reevaluation.
Initial Evaluation and Re-evaluation Timelines

Current Policy 2419 Timelines Chapter 3 Section 2A

Initial Evaluation: ... Within eighty days of the documented date, the district must conduct a full, individual initial evaluation and convene an eligibility committee to determine....

Current Policy 2419 Timelines Chapter 3 Section 2C

Additional evaluations requested by an EC or IEP Team ... Additional evaluations requested by the EC or IEP Team must be completed and an EC or IEP Team meeting held within sixty days from receipt of parental consent for the identified evaluations.

Rationale:

Change the number of days from parental consent for initial and re-evaluation dates to

1. Initial evaluation from 80 calendar days (11.4 calendar weeks) to 60 school days (12 school weeks) so that school systems that have frequent inclement weather days can not be penalized when no school is in session. The school days option is used in many states, therefore, it has met standards from OSEP.
2. For re-evaluations from 60 calendar days (8.7 calendar weeks) to 45 school days (9 school weeks) so that school systems that have frequent inclement weather days can not be penalized when no school is in session. The school days option is used in many states, therefore, it has met standards from OSEP.

PROPOSED CHANGE

Policy 2419 Timelines Chapter 3 Section 2A

Initial Evaluation: ... Within eighty school days of the documented date, the district must conduct a full, individual initial evaluation and convene an eligibility committee to determine....

Policy 2419 Timelines Chapter 3 Section 2C

Additional evaluations requested by an EC or IEP Team ... Additional evaluations requested by the EC or IEP Team must be completed and an EC or IEP Team meeting held within sixty school days from receipt of parental consent for the identified evaluations.

Chapter 4 Eligibility Specific Learning Disability

IDEA 04, and IDEA Regulations 2006 are different from WV Policy 2419. Policy 2419 must comply with the standards in IDEA and IDEA Regulations.

Adherence to IDEA Regulations is specified in the following:

IDEA Regulations

1. Add procedures for identifying children with specific learning disabilities.

A State must adopt, consistent with 34 CFR 300.309, criteria for determining whether a child has a specific learning disability as defined in 34 CFR 300.8(c)(10). In addition, the criteria adopted by the State:

- Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in 34 CFR 300.8(c)(10);
- Must permit the use of a process based on the child's response to scientific, research-based intervention; and
- May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in 34 CFR 300.8(c)(10).

A public agency must use the State criteria adopted pursuant to 34 CFR 300.307(a) in determining whether a child has a specific learning disability.

[34 CFR 300.307] [20 U.S.C. 1221e-3; 1401(30); 1414(b)(6)]

Reference: IDEA Web site at: <http://IDEA.ed.gov>.

However, there are two issues regarding Specific Learning Disabilities that are not in compliance with federal statute and regulations.

1. The definition of SLD (a neurologically based disorder) is not the same as in IDEA Regulations, and
2. the minimization of a pattern of strengths and weaknesses in the documentation and/or identification of SLD.

ISSUE 1: DEFINITION

See below the IDEA definition of SLD, and Policy 2419 Definition. I propose we follow the federal statute and regulations substitute the federal definition.

IDEA's Definition of "Specific Learning Disability" Individuals with Disabilities Education Act (IDEA) includes a definition of "specific learning disability" —as follows:

(10) *Specific learning disability* —(i) *General*. *Specific learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) *Disorders not included.* Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. [34 CFR §300.8(c)(10)]

As opposed to WVDE 2419 Definition of Specific Learning Disability as: **Policy 2419 Regulations are as follows: L. Specific Learning Disability**

Definition: Specific learning disability (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculation, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. It is not necessary to identify the specific psychological process as long as the student meets the Eligibility Criteria. (This is an addition by WVDE and has no reference in federal statute at all.

My proposal: Follow the IDEA Definition as follows:

Specific learning disability —Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

ISSUE 2: By the exclusion of at least equal consideration of a “pattern of strengths and weakness in performance, achievement or both”, WVDE Policy Regulations... is not in compliance with the IDEA Regulations. States are to develop regulations consistent with the federal regulations.

See below the IDEA definition of SLD, and Policy 2419 Definition. I propose we follow the federal statute and regulations substitute the federal definition.

IDEA Regulations

3. Add criteria for determining the existence of a specific learning disability.

The group described in 34 CFR 300.306 may determine that a child has a specific learning disability, as defined in 34 CFR 300.8(c)(10), if:

- The child does not achieve adequately for the child’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards:
 - o Oral expression.
 - o Listening comprehension.
 - o Written expression.
 - o Basic reading skills.
 - o Reading fluency skills.
 - o Reading comprehension.
 - o Mathematics calculation.
 - o Mathematics problem solving.
- The child does not make sufficient progress to meet age or State-approved grade-level

standards in one or more of the areas identified in 34 CFR 300.309(a)(1) when using a process based on the child's response to scientific, research-based intervention; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR 300.304 and 300.305; and the group determines that its findings under 34 CFR 300.309(a)(1) and (2) are not primarily the result of:

- o A visual, hearing, or motor disability;
- o Mental retardation;
- o Emotional disturbance;
- o Cultural factors;
- o Environmental or economic disadvantage; or
- o Limited English proficiency.

To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in 34 CFR 300.304 through 300.306:

- Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in 34 CFR 300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in 34 CFR 300.306(a)(1):

- If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in 34 CFR 300.309(b)(1) and (b)(2); and
- Whenever a child is referred for an evaluation.

[34 CFR 300.309] [20 U.S.C. 1221e-3; 1401(30); 1414(b)(6)]

Policy 2419

Policy 2419 must comply with the standards in IDEA. The current proposed regulations minimize the fact that the IDEA regulations provide for two areas: the lack of progress on state approved standards and a pattern of strengths or weaknesses in performance, achievement or both.

Using an RTI SPL process the EC must determine SLD based on the following standards for comparison. Each standard must be discussed at the EC meeting and corresponding documentation must be on file for each student.

Standard 1- Level of Learning

The first element in identifying a student with a specific learning disability is whether the student

demonstrates low academic performance compared to same-grade peers in response to general classroom instruction that includes grade-level learning experiences, including appropriate targeted interventions, based on state-approved standards in one or more of the following areas:

1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skill;
5. Reading fluency skills;
6. Reading comprehension;
7. Mathematics calculation; or
8. Mathematics problem solving.

The performance measure used to verify this standard must be both representative of the student's curriculum and useful for instructional planning. The student's response to validated instruction and intervention must be documented.

Documentation:

- Results of formative assessments administered pre- and post-interventions;
- Cumulative record reviews;
- Student class work samples; and
- Anecdotal teacher records.

Standard 2- Rate of Learning

The second element in identifying a student with a specific learning disability is whether the student has made sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in Standard 1 in response to carefully planned and explicitly delivered intervention instruction. The data used to determine if this standard has been met are developed through ongoing progress monitoring of the student's performance during an intervention period.

This standard is met when the student's learning rate or growth toward target skills is substantially below grade-level peers and, based on progress monitoring data (i.e., charting), a reasonable rate of progress cannot be projected even when the student is provided supplemental intervention instruction of reasonable intensity and duration.

Documentation:

- Progress monitoring data collected before, during and after the provision of at least two one nine weeks rounds of Tier 2 Targeted supplemental instruction; and one nine weeks of Intensive instruction; and
- Records indicating specific interventions provided, including frequency and duration (e.g., tiered instructional plans, Critical Skills Platform, daily lesson plan).

Standard 3- Exclusion Factors

The final standard by which the EC may determine SLD eligibility is the assurance that the student's underachievement is not primarily the result of any of the following:

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38

1. A visual, hearing, or motor disability;
2. Mental impairment Intellectual disability;
3. Behavior/emotional disorder;
4. Cultural factors;
5. Environmental or economic disadvantage; or
6. Limited English proficiency.

Additional Criteria – Strengths and Weaknesses

Subsequent to (or, in addition to) verification of the Level of Learning, Rate of Learning and Exclusion Factors standards, the EC also may consider determining whether a student exhibits a pattern of strengths

and weaknesses by examining specific areas of cognitive processing and linking them to areas of achievement. SLD is neurological in origin and intellectual development may be used as evidence to support findings. In addition to not achieving adequately on age or grade level achievement standards, strengths and weaknesses may help to confirm the presence of a learning disability if a student exhibits a pattern in performance, achievement, or both relative to age, grade-level standards, or function, such as:

- Working and long term memory
- Processing speed
- Attention
- Non-verbal problem solving; and/or between specific areas of cognitive function and academic achievement.

Documentation:

- Formal educational, cognitive and/or medical evaluation reports;
- Formative assessments and progress monitoring data;

MY PROPOSED CHANGE

AND/OR
STANDARD FOUR

PATTERN OF Strengths and Weaknesses

Subsequent to (or, in addition to) verification of the Level of Learning, Rate of Learning and Exclusion Factors standards, the EC also may consider determining whether a student exhibits a pattern of strengths and weaknesses by examining specific areas of cognitive processing and linking them to areas of achievement. SLD is neurological in origin and intellectual development may be used as evidence to support findings. In addition to not achieving adequately on age or grade level achievement standards, strengths and weaknesses may help to confirm the presence of a learning disability if a student exhibits a pattern in performance, achievement, or both relative to age, grade-level standards, or function, such as:

- Working and long term memory
- Processing speed
- Attention
- Non-verbal problem solving; and/or between specific areas of cognitive function and academic achievement.

January 10, 2012

I would like to make some comments about the Policy 2419 draft.

I particularly agree with using the term "intellectual disability" in place of mental retardation. I also appreciate the new timelines considerations for transition from WV Birth to Three to the local school districts. There has been a need to address when referrals were given less than 90 days before the child's 3rd birthday, severe weather conditions and when parents repeatedly miss scheduled appointments. These are very good recommendations. The possibility of identifying students with "high acuity needs" so that counties can secure additional funding is also a very positive addition.

My only unfavorable comments are that I have heard from parents that the RTI process was helping their children to learn to read because of the intensive levels of intervention. Although at first the RTI process seemed a little complicated, I feel that this new "Support for Personalized Learning" is a bit vague, especially given the statement on page 34 "In West Virginia Support for Personalized Learning (SPL) is the framework that uses a continuum of multiple supports for all students and includes the concept of Response to Intervention." So how do you use the "concept" of RTI? And if it is for "all" students, why is it even in Policy 2419? Should it be in a Policy of its own? I'm a little confused. Changing the terms from "tiers" to "level" is also confusing. Level, to most people, means a single level. Then on page 36 it mentions "Interventions are described in an instruction/intervention plan that includes goals, a progress monitoring plan, persons responsible for implementation and intervention timelines." Will this document be attached to the IEP? I'm just afraid this new process will be more confusing for parents. The RTI process seemed to be improving student performance. Why the change to this new model? If there was an exhibit at the end of the draft or something that showed research from another state implementing this process or a study by a university etc. then maybe this would help. Otherwise, I really don't understand the change.

On page 47 under 4. it is confusing mentioning both 5 days and 21 days in the same sentence. Does it mean if the county is refusing to convene a meeting then it has 5 days to do so and if not refusing must convene the meeting within 21 days of receipt? Or, does it mean that the county can wait 16 days and then tell the parent they "refuse" because there is still 5 more days until the 21 days has expired? This needs to be clearer.

Thank you for the opportunity to comment.

Sincerely,

Marilyn Wolfingbarger Nichols
KCS PCRC Parent Coordinator



*West Virginia Council of
Administrators of Special Education*

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Franklin, WV 26807
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Don Bucher, President
Lesla Hines, President Elect
Gia Deasy, Vice President
Lynne Shroads, Secretary
Vic Fisher, Treasurer
Donna Simmons, Communications

January 27, 2010

Sandra McQuain, Ed.D., Assistant Director
Office of Special Programs
West Virginia Department of Education
Capitol Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

Dear Dr. McQuain,

The West Virginia Council of Administrators of Special Education submits the following comments regarding the proposed changes to State Policy 2419: Regulation for the Education of Students with Exceptionalities:

Chapter 1 – Graduation Rate. Although we are aware that the requirement that only student's receiving a standard diploma will be counted toward a school's graduation rate is a federal mandate, we believe the exclusion of SWDs who earn a modified within this calculation is discriminatory. Therefore, we support any efforts by OSP, WVDE and the State Board to advocate this position.

Chapter 2 – SAT. We advocate that timelines within this document be expressed as school days whenever permissible.

Chapter 4 –SLD Eligibility. The association supports the OSP' efforts to maintain the integrity of the response to intervention model through its redefinition as a component of support for personalized learning.

Chapter 4 – Intellectual Disability. We support the compliance with Rosa's Law and the change in terminology from mental impairment to intellectual disability. It is our belief that we should continue to attempt to remove the stigma created by disability labels whenever possible.

Chapter 5 – Part C to B Timeline Considerations. We recommend clarification or an additional consideration for instances when Part C does not notify LEAs in a timely manner that would allow adherence to the required timelines.

Glossary – To promote the clarity of SPL we recommend the inclusion of several assessment terms such as, but not limited to, universal screening, progress monitoring, and benchmarking.

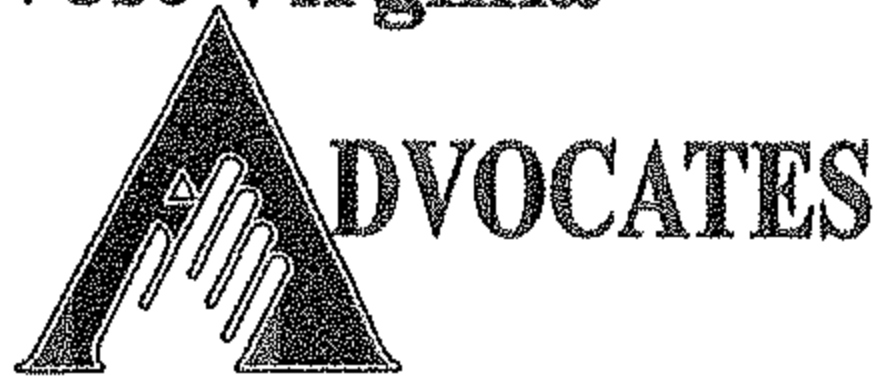
Please note these comments have also been submitted online.

Sincerely,

A handwritten signature in cursive script that reads "Don Bucher".

Don Bucher, President
WVCASE

West Virginia



Protection and Advocacy for Individuals with Disabilities in WV since 1977

SUBMITTED VIA EMAIL TO: smcquain@access.k12.wv.us

February 13, 2012

Sandra McQuain, Ed.D., Assistant Director
Office of Special Programs
West Virginia Department of Education
Capitol Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

Re: Policy 2419 – Regulations for Education of Students with Exceptionalities

Dear Ms. McQuain:

West Virginia Advocates submits the following public comments on Policy 2419, Regulations for the Education of Students with Exceptionalities:

1. *On page 14, under “D. Procedures for Written Referrals for Special Education Evaluation”, number (6) gives the Student Assistance Team (SAT) the option to refuse a parental request for evaluation.*

Comment: Upon a parental request or referral from teacher, school districts are required to perform multidisciplinary evaluations under Child Find.

2. *On page 34, under “Eligibility Determination: Support For Personalized Learning”:*

Comment: Define “intensive”. This term is used several times; what constitutes an “intensive intervention”?

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Litton Building, 4th Floor
1207 Quarrier Street
Charleston, WV 25301-1842

3. *On page 47, under "Scheduling IEP Meetings":*

Comment: This section should require that all meeting notices be provided to parents by U.S. Mail (and/or email upon parents' request). Meeting notices should not be sent home with students in backpacks. Meeting notices become lost this way and there are also confidentiality issues and concerns.

4. *On page 74, under "A. District Actions When Conduct is Determined to Be a Manifestation of the Student's Disability":*

Comment: In addition to "develop a behavior intervention plan (BIP), ADD "or a Positive Behavior Support (PBS) Plan".

Comment: This section should clarify that it is NOT appropriate for the IEP/MDR team to do the Functional Behavior Assessment during the meeting! The IEP/MDR teams are doing Functional Behavior Assessments and developing Behavior Intervention Plans during these meetings. This does not follow the definition of a Functional Behavior Assessment in the Policy 2419 Glossary and best practices.

5. *On page 75, under "C. District Actions When a Behavior Violation Involves Weapons, Illegal Drugs or Serious Bodily Injury", number (1), the definition of "weapon":*

Comment: This definition appears to be inconsistent with language found in Policy 4373, which refers to a knife with a blade that is less than 3 ½ inches in length.

If you have any questions, you may contact me at 1-800-950-5250.

Sincerely,



Clarice E. Hausch
Executive Director