# WEST VIRGINIA
# SECRETARY OF STATE

**KEN HECHLER**

# ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va.. Constitution, Article XII, §2, W.Va. Code § 18-20, et seq. and the Individuals with Disabilities Education Act (IDEA), as amended, Public Law 105-17

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
W.Va. Code §§29A-3B-1, et seq.; *W.Va. Board of Education v. Hechler*, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO __

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 16

TITLE OF RULE BEING AMENDED: Regulations for the Education of Exceptional Students (2419)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS January 13, 2000.

William J. Luff, Jr.
Associate State Superintendent

$16.30 w/out comments
$67.00 w/comments

126CSR16

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 16
REGULATIONS FOR THE EDUCATION OF
EXCEPTIONAL STUDENTS (2419)

## §126-16-1. General.

1.1. Scope. These regulations apply to preschool, early childhood, middle childhood, adolescent and adult students whose educational programs require special education and related services. These apply to three year olds, as of their third birth date, through five year olds with disabilities and those who are between five and 21 years of age prior to September 1 of such school year, unless the student has met graduation requirements as specified by the Individualized Education Program and within the state/local policy pertaining to graduation requirements.

1.1.1. West Virginia's mandatory special education statute legislates a child identification effort by county boards of education. Chapter 18, Article 20, Section 2, of the West Virginia Code states, "The board of education of each county is empowered and is responsible for providing suitable educational facilities, special equipment and such special services as may be necessary. Special services include provisions and procedures for finding and enumerating exceptional children of each type..." The mandated target group for the state child find requirements includes individuals with disabilities between birth and 21 years of age, gifted students from first through eighth grades, and exceptional gifted in grades nine through 12. Part C of the Individuals with Disabilities Education Act (IDEA) requires interagency collaboration in child find activities targeting children from birth through 5 years of age.

1.1.2. The intent of the federal and state legislative child find mandates is to require an aggressive search by the state and local education agencies for:

a. individuals with disabilities ages birth to 21, gifted individuals from first through eighth grades, and exceptional gifted in grades nine through 12, who are out of school and not receiving preschool, early childhood, middle childhood, adolescent, or adult educational programs; and

b. children with disabilities who are enrolled in preschool, early childhood, middle childhood, adolescent, and adult educational programs, gifted students who are in

grades one through eight, and exceptional gifted students in grades nine through 12, but who are receiving programs and services inappropriate to meet their needs.

1.2. Authority. W. Va. Const., Article XII, §2, W. Va. Code §18-20 et seq., and the Individuals with Disabilities Act (IDEA), as amended, Public Law 105-17.

1.3. Filing Date. December 14, 1999

1.4. Effective Date. January 13, 2000

1.5. Right to a Free Appropriate Public Education. Special education and related services shall be made available to all individuals with disabilities who are between three and 21 years of age, all gifted students in grades one through eight, and all exceptional gifted students in grades nine through 12. West Virginia Code, Chapter 18, Article 20, the state's mandatory special education statute and the Individuals with Disabilities Education Act are reaffirmations that education is a right extended to all exceptional individuals and not a privilege. The intent of the mandates is to assure that all of the aforementioned individuals with exceptionalities, including students with disabilities who have been suspended or expelled from school, have available a free appropriate public education which includes special education and related services to meet their unique educational needs. This applies to all public agencies that provide special education and related services to exceptional students.

1.6. Purpose and Intent of the IEP. Individualized Education Program (IEP) requirements describe two components: a process and a document. This policy emphasizes that the process is fundamental and that the document must reflect the full and complementary involvement of parents and educators. The overall IEP requirement, as described in the Individuals with Disabilities Education Act, has the following purposes and functions:

1.6.1. The IEP meeting serves as a communication vehicle between parents and school personnel and enables them, as equal participants, to jointly decide the student's educational needs, what services will be provided to meet those needs, and what the anticipated outcomes may be.

1.6.2. The IEP process provides an opportunity for resolving any differences between the parents and the public agency concerning the special education needs of an exceptional student; first, through the IEP meeting; and second, through the procedural protections that are available to the student and the student's parents.

1.6.3. The IEP sets forth in writing a commitment of resources necessary to enable an exceptional student to receive needed special education and related services.

1.6.4. The IEP is a management tool that is used to ensure that each exceptional student is provided special education and related services appropriate to the student's special learning needs.

1.6.5. The IEP is a compliance/monitoring document that may be used by authorized monitoring personnel from each governmental level to determine whether an exceptional student is actually receiving the free appropriate public education agreed to by the parents and the school.

1.6.6. The IEP serves as an evaluation device for use in determining the extent of the student's progress toward meeting the projected outcomes.

## §126-16-2. Identification/Referral.

2.1. Policy Statement: Each public agency shall conduct child find activities to ensure that all students with disabilities, ages 0-21, gifted students from first through eighth grades and exceptional gifted in grades nine-12, are identified and referred for appropriate evaluation. Specific methods for conducting these activities, including procedures for the referral of students suspected of having an exceptionality even though they are advancing from grade to grade, students in private/religious schools, highly mobile students, or for referral by any interested person or agency, shall be stated in each public agency's policies and procedures.

2.1.1. Public Awareness.

a. Each public agency shall conduct an on-going awareness campaign that informs the public of the nature of exceptional students, the availability of special education and related services, and the persons to contact for initiating a referral.

2.1.2. Referrals.

a. Each public agency shall establish a child identification system which includes referrals from at least the following sources:

A. the screening process;

B. school teams;

C. private/religious schools; and

D. any interested person or agency.

2.1.3. School Teams.

a. Each public agency shall establish a team in each school to assist in the identification/referral of students whose educational performance is not commensurate with non-exceptional peers.

b. Each public agency shall define the membership of the team and its relationship to the special education process.

**§126-16-3. Evaluation and Reevaluation.**

3.1. Policy Statement: Each public agency shall conduct an initial multidisciplinary evaluation of a referred student and conduct reevaluations of the student to determine the student's educational needs. Specific methods for providing those activities shall be stated in each public agency's policies and procedures.

3.1.1. General Responsibilities.

a. Each public agency shall conduct a full and individual multidisciplinary evaluation of the student's educational needs in accordance with Section 8.1.8 of this policy before any action is taken with respect to the initial placement of an exceptional student in a program providing special education and related services.

b. Each public agency shall conduct an appropriate, individual multidisciplinary reevaluation to determine the educational needs of each eligible student every three (3) years, or more frequently if conditions warrant, or if the student's parent or teacher requests an evaluation.

c. Each public agency shall complete the initial multidisciplinary evaluation and convene an Eligibility Committee and determine eligibility, as specified in Section 126-16-4 of this policy, within 80 days of receipt of the written parental consent for evaluation.

3.1.2. Multidisciplinary Evaluation Team.

a. An evaluation shall be conducted by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected exceptionality.

b. The multidisciplinary evaluation team (MDET) shall also consist of:

A. the student's regular education teacher; or

B. if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of that age; or

C. for a child of less than school age enrolled in an early intervention or other preschool special needs program, an individual qualified to teach a child of that age;

D. at least one person qualified to conduct individual diagnostic examinations of students, such as a certified school psychologist, speech-language pathologist or audiologist; and

E. for a student suspected of being sensory impaired (deaf, hard-of-hearing, blind, partially-sighted, or deaf-blind), physically disabled (orthopedically impaired, other health impaired, traumatic brain injured), or of having a voice disorder to verify the existence of a structural or functional pathology, by a licensed physician.

c. Members of the MDET shall be:

A. be appropriately certified, licensed or otherwise qualified to administer the evaluations for which they are responsible;

B. trained in the use of the specific assessment instruments or techniques for which they are responsible;

C. knowledgeable in the area of concern; and

D. knowledgeable in the applicable state and federal regulations.

3.1.3. Evaluation Components.

a. For an initial evaluation, the student shall be evaluated in all areas related to the suspected exceptionality including, if appropriate, health, vision, hearing, social and emotional status, adaptive skills, behavioral performance, general intelligence, academic performance, communicative status, motor abilities, assistive technology services and/or devices, post-secondary interests/preferences and vocational aptitudes.

b. When evaluating a student with an exceptionality, the evaluation shall be sufficiently comprehensive to identify all of the student's special education and related

services needs, whether or not commonly linked to the suspected or identified exceptionality.

c. For reevaluations and initial evaluations, if appropriate, a team which meets the membership requirements of Section 5.1.2.a:

A. shall review existing evaluation data on the student, including:

(a) evaluations and information provided by the parents of the student;

(b) current classroom-based assessments and observations; and

(c) observations by teachers and related service providers; and

B. shall, on the basis of that review, and input from the student's parents, identify what additional data, if any, are needed to determine:

(a) whether the student has an exceptionality or continues to have a disability;

(b) the present levels of educational performance and educational needs of the student;

(c) whether the exceptional student needs or the student with a disability continues to need special education and related services; and

(d) for reevaluations, whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate as appropriate in the general curriculum;

C. may conduct its review without a meeting;

D. shall administer tests and other evaluation materials as may be needed to produce the data identified as needed; and

E. shall use reevaluation information for gifted students for programmatic purposes and not eligibility.

d. If the determination under paragraph (c) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents:

A. of that determination and the reason for it; and

B. of the right of the parents to request an evaluation to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

e. The student's academic, behavioral, motoric and/or communicative performance shall be observed by at least one MDET member, other than the student's regular classroom teacher, in the regular classroom and, when appropriate, in at least one other setting.

A. In the case of a child of less than school age or out of school, a MDET member shall observe the child in an environment appropriate for a child of that age.

B. When the student is suspected of having only speech/language impairments or being gifted, the team members shall determine if observations are to be conducted.

f. When verbal communication is not an effective means of communication for the student, the student shall be evaluated to determine the need for an alternative means of communication.

g. Reevaluations of a sensory impaired student shall be conducted more frequently if specified on the certified audiologist's or physician's report.

h. A reevaluation of a gifted student shall also be conducted to determine eligibility for exceptional gifted during the eighth grade consisting of, at least, an appropriate individual achievement measure and an educational performance review.

i. The public agency shall document information from the parent concerning the student, such as developmental history and behavior in the home and community, and make the written information available to the Eligibility Committee.

j. For students with disabilities age 14 (or younger, if appropriate), the public agency shall obtain information pertaining to the student's post-secondary interests and preferences.

k. Each evaluator, including the classroom teacher, shall write, sign and date an individual evaluation report and make the written report available to the Eligibility Committee.

## §126-16-4. Eligibility.

4.1. Policy Statement: Each public agency shall establish and convene an Eligibility Committee to determine whether: 1 ) the referred student meets the eligibility criteria in one of the designated exceptionalities; and 2) by reason thereof, needs special education and related services. Specific methods for conducting these activities shall be stated in each public agency's policies and procedures.

4.1.1. Eligibility Meetings.

a. The public agency shall establish an Eligibility Committee (EC) of qualified professionals and the parent.

4.1.2. Procedures for Determining Eligibility.

a. The EC shall carefully consider documented information from a variety of sources, such as ability and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background and adaptive skills.

b. The EC shall:

A. utilize the results of the multidisciplinary evaluation as the primary source of information to determine the student's educational needs and if:

(a) the student meets the eligibility criteria in one of the designated exceptionalities; and

(b) needs specially designed instruction; or

(c) the student no longer meets the eligibility criteria or no longer needs specially designed instruction.

B. ensure that the determinant factor for a student's eligibility is not:
(a) lack of instruction in reading or math; or

(b) limited English proficiency.

C. When a student is suspected of being learning disabled, the committee must also complete a team report that includes:

(a) whether a student has a specific learning disability;

(b) the basis for making the determination;

(c) the relevant behavior noted during the classroom observation of the student;

(d) the relationship of that behavior to the student's academic functioning;

(e) the educationally relevant medical findings, if any;

(f) whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services;

(g) determination concerning the effects of environmental or cultural difference or economic disadvantage;

(h) written certification by each committee member as to whether the report reflects her or his conclusions. If the report does not reflect her or his conclusions, the committee member must submit a separate statement presenting those conclusions.

D. compile and submit determination results for eligible students to the IEP team;

E. document the specific exceptionality for state and federal reporting purposes;

F. recommend options for those students deemed ineligible and refer the student to the school team; and

G. provide parents copies of the evaluation reports and documentation of eligibility determination.

4.1.3. Definitions and Eligibility Criteria.

a. Autism

A. Autism is a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a student's educational performance. Other characteristics often associated with autism are irregularities and impairments in communication, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is affected primarily because the student

has a behavior disorder, as defined in these regulations. A child who manifests the characteristics of autism after age three could be diagnosed as having autism if the criteria in (B) of this section are satisfied.

B. Documentation will assure that the student meets a total of six (or more) items from (a), (b), and (c), with at least two from (a), and one each from (b) and (c):

(a) qualitative impairment in social interaction, as manifested by at least two of the following:

(A) marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction;

(B) failure to develop peer relationships appropriate to developmental level;

(C) a lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (e.g., by a lack of showing, bringing, or pointing out objects of interest);

(D) lack of social or emotional reciprocity.

(b) qualitative impairments in communication as manifested by at least one of the following:

(A) delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime);

(B) in individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others;

(C) stereotyped and repetitive use of language or idiosyncratic language;

(D) lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level.

(c) restricted repetitive and stereotyped patterns of behavior, interests, and activities, as manifested by at least one of the following:

(A) encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

(B) apparently inflexible adherence to specific, nonfunctional routines or rituals;

(C) stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements);

(D) persistent preoccupation with parts of objects.

b. Behavior Disorders

A. A behavior disorder is a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects the student's educational performance:

(a) an inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) inappropriate types of behavior or feelings under normal circumstances;

(d) a general pervasive mood of unhappiness or depression;

(e) a tendency to develop physical symptoms or fears associated with personal or school problems; or

(f) a schizophrenic condition.

B. The term does not apply to students who are socially maladjusted, unless it is determined that they meet the above definition.

C. Documentation will assure that a student meets all of the following criteria:

(a) continues to exhibit a behavior disorder consistent with the definition after interventions have been implemented;

(b) exhibits the characteristic(s) over an extended period of time and to a marked degree; and

(c) exhibits behavior(s) that is not primarily the result of physical, sensory, or intellectual deficits.

c. Blind and Partially Sighted

A. Blindness or partial sight is an impairment in vision that even with correction adversely affects the student's educational performance.

B. Documentation will assure that the student meets one or more of the following:

(a) Visual acuity - A measure of 20/70 or less in the better eye with best correction recorded in either far point or near point;

(b) Visual field limitation - Angle of vision is 20 degrees or less in the better eye;

(c) Progressive eye disease - A deteriorating eye condition which will result in loss of visual efficiency (e. g., glaucoma, retinitis pigmentosa or macular degeneration) as verified by a licensed optometrist or ophthalmologist;

(d) Cortical visual impairment - A visual loss caused by a disturbance of the posterior visual pathway and/or cortex.

d. Deaf-Blindness

A. Deaf-blindness is concomitant hearing and visual impairments the combination of which causes such severe communication and other developmental and educational needs that these impairments cannot be accommodated by special education services solely for the deaf or hard of hearing, or for the blind or partially sighted student.

B. Documentation will assure that a student meets all of the following:

(a) the eligibility criteria for deaf and hard of hearing; and

(b) the eligibility criteria for blind and partially sighted.

e. Deaf and Hard of Hearing

A. Deafness and other hearing impairments are auditory acuity deficits that delay or inhibit the development of speech and/or language skills and adversely affect developmental and educational performance.

(a) A hearing impairment is a deficit in hearing, whether permanent or fluctuating, that adversely affects the student's educational performance but that is not included under the deafness in this section.

(b) Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, to the extent that specially designed instruction is required.

B. Documentation of one or all of the following:

(a) a hearing loss; and/or

(b) auditory pathology impairments resulting in one of the impairments defined above.

f. Gifted

A. Giftedness is exceptional intellectual abilities that are evidence of outstanding capability and require specially designed instruction and/or services beyond those normally provided by the regular school program.

B. For gifted students, grades one (1) through eight (8), documentation that a student meets both of the following:

(a) Intellectual Ability

(A) General intellectual ability, a full scale score of 2.0 or more standard deviations above the mean on a comprehensive test of intellectual ability, with consideration of 1.0 standard error of measurement at the 68% confidence interval, and

(b) Achievement/Performance

(A) At least one area of academic achievement as measured by an individual standardized achievement test, indicating that the student requires specially designed instruction in one or more of the four (4) core curriculum areas; or

(B) At least one area of classroom performance, as determined during the multidisciplinary evaluation, indicating that the student requires specially designed instruction in one or more of the four (4) core curriculum areas.

C. For exceptional gifted, grades 9 through 12, documentation that a student meets the eligibility criteria for gifted and one or more of the following:

(a) the eligibility criteria for one or more of the disabilities as defined in this section; and/or

(b) the definition for economically disadvantaged as defined in the public agency's policies and procedures; and/or

(c) is underachieving which takes into consideration the student's ability level, educational performance and achievement levels; and/or

(d) is psychological adjustment disordered as documented by a comprehensive psychological evaluation.

D. Special Considerations:

(a) When a student is being considered for eligibility based upon an ability score that falls within the minus range of a 1.0 standard error of measurement, at 2.0 standard deviations above the mean, the EC shall document that the student has the potential to achieve or perform at a level expected of a student scoring 2.0 standard deviations above the mean.

(b) If determined that the eligibility criteria and/or assessment instruments discriminate against a student because the student belongs to an historically underrepresented gifted population, eligibility for gifted services shall be based upon criteria that complement the definition and eligibility for gifted as described in this policy.

(c) Before the end of the eighth grade year, the EC shall review the evaluation data for each identified gifted student to determine continued eligibility as an exceptional gifted student in grades 9 - 12. The records for each eighth grade student are then referred to the IEP team.

(d) If the student is eligible as exceptional gifted, the IEP team shall develop an IEP. If the student is not eligible as exceptional gifted, the IEP team shall write a four year plan that addresses the student's need for specially designed instruction,

including honors/advanced education, when appropriate. The implementation and annual review of this plan is required by the public agency.

g. Mentally Impaired

A. Mental impairments are substantial limitations in present functioning characterized by significantly subaverage intellectual functioning existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental impairments manifest before age 18.

B. Documentation that the student meets all of the following:

(a) general intellectual functioning level is approximately 70 to 75 or below on scales with a mean of 100 and standard deviation of 15;

(b) related limitations in two or more adaptive skill areas substantially below the average level of functioning; and

(c) age of onset is 18 or below.

h. Orthopedically Impaired

A. Orthopedic impairments are severe physical conditions which adversely affect the student's educational performance. The term includes: disabilities caused by congenital anomaly (e.g., spina bifida, congenital amputation, and osteogensis imperfecta), disabilities caused by disease (e.g., osyeomyelitis, poliomyelitis, arthritis), and disabilities from other causes (e.g., amputation, cerebral palsy, dystrophies and atrophies, and conditions which cause contracture).

B. Documentation of both of the following:

(a) a physical disability as diagnosed and described by a licensed physician; and

(b) the existence of educational needs as a result of the physical disability or health condition.

i. Other Health Impaired

A. Other health impairments are disabilities of limited strength, vitality, or alertness that adversely affect the student's educational performance including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, and that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, cancer, diabetes, epilepsy, heart condition, hemophilia, lead poisoning, nephritis, rheumatic fever or sickle cell anemia.

B. Documentation of both of the following:

(a) a chronic or acute medical or health condition as diagnosed and described by a licensed physician; and

(b) the existence of educational needs as a result of the medical or health condition.

j. Preschool Special Needs

A. Preschool special needs are developmental delays in two (2) or more of the following areas: cognition, fine motor, gross motor, communication, social/emotional/affective development, self-help that are manifested in children ages 3-5.

B. Documentation of the following:

(a) is functioning at, or lower than, 75% of the normal rate of development in two (2) or more of the following areas: cognition, fine motor, gross motor, communication, social/emotional/affective development and/or self-help skills.

C. Special Considerations:

(a) Special education and related services for the eligible preschool child shall be provided as of the child's third birthday;

(b) For a child transitioning from a Part C early intervention program, an interagency transition plan must be developed to assure that when a child turns three (3) years of age either an IEP or Individual Family Service Plan (IFSP) which meets the requirements of Section 5.1.3 and 5.1.4 of these regulations has been developed and implemented by the public agency;

(c) For a child who turns three (3) in the spring/summer, the LEA is responsible for implementation of the IEP services for children as of the third birthday, regardless of which agency provides the services;

(d) If appropriate, a child who turns three (3) years old in the fall may begin Part B services under the local educational agency at the beginning of the school year preceding the third birthday.

k. Specific Learning Disabilities

A. Specific learning disabilities are a heterogenous group of disorders manifested by significant deficits in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. Specific learning disabilities are intrinsic to the individual and may be present across the life span. Although specific learning disabilities may occur with other disabilities (for example, sensory impairments or behavior disorders), or with extrinsic influences (such as cultural differences, insufficient or inappropriate instruction), specific learning disabilities are not the result of these disabilities or influences. Deficits in attention, self-regulatory behaviors, social perception, and social interaction may also exist but do not by themselves constitute a specific learning disability.

B. Documentation of all of the following:

(a) General intellectual functioning at or above one standard deviation below the mean, in consideration of 1.0 standard error of measurement; and

(b) A severe discrepancy between achievement and intellectual ability in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, or mathematics reasoning.

(A) The discrepancy shall be determined by a comparison of age-based standard scores of ability and achievement. A regression formula shall be used to determine the severity of the discrepancy. A severe discrepancy is defined as a minimum of 1.75 standard deviations difference, taking regression and 1.0 standard error of measurement into account.

(B) A method utilizing the standard error of the difference scores shall be used only if the technical data (i. e., test correlations) necessary to account for the effects of regression are not available.

(C) A severe discrepancy between ability and achievement that is NOT primarily the result of:

1. a sensory or motor disability;

2. a mental impairment;

3. a behavior disorder;

4. environmental or cultural differences or economic disadvantage as determined by comparing the student to other students in a similar situation (e. g., the same geographical area, similar socio-economic status, etc.); or

5. insufficient or inappropriate instruction.

C. Special Considerations:

(a) The EC, on the basis of all evaluation data, may determine that a student is eligible for special education services when a valid determination of general intellectual functioning and/or a severe discrepancy cannot be obtained due to special considerations. The specific information regarding the criterion in question which supports the decision shall also be documented on the Specific Learning Disabilities Team Report.

I. Speech/Language Impairments

A. A speech/language impairment is a communication disorder such as stuttering (fluency), a language impairment, impaired articulation, or voice impairment that adversely affects a student's educational performance.

B. Documentation will assure that a student exhibits one or more of the following communication disorders:

(a) Language - A student with a language impairment exhibits;

(A) language abilities significantly below expected language performance for the students' chronological age, cognitive stage of development, gender or cultural/social background; and

(B) a language quotient (LQ) of 77 or less and/or at least 1.5 standard deviations (SD) below the mean, or a significant discrepancy between language and nonverbal reasoning; or

(C) a severe deficit in receptive, expressive or pragmatic language which prevents appropriate communication in school and/or social situations as measured by formal and/or informal diagnostic procedures.

(b) Articulation - A student exhibits an articulation impairment when:

(A) intelligibility due to speech sound errors is below the expected performance levels for the student's chronological age, cognitive stage of development, gender, or cultural/social background; and

(B) application of developmental norms and severity ratings from diagnostic tests verify speech sounds that may not develop without intervention.

(c) Fluency - A student exhibits a fluency impairment when:

(A) interruptions or dysfluencies in one or more speaking situations are inconsistent with normal patterns of fluency; and

(B) interpretation of evaluation data verifies the existence of a fluency impairment.

(d) Voice - A student exhibits a voice impairment when:

(A) impairment(s) in pitch, loudness or quality exist; and

(B) the existence or absence of a structural or functional pathology is verified by an otolaryngologist.

C. Special Considerations:

(a) Lack of discrepancy between cognitive level (i. e., mental age) and communication performance (i. e., language age) shall not be the sole factor to determine a severely speech and language disordered student's eligibility for services. Other factors which must be considered are informal evaluation results, physical ability, educational and therapy history.

(b) A student's eligibility for speech and language services cannot be determined on the basis of having a primary language other than English or a language difference. Appropriate evaluation must verify the presence of an impairment in the primary and/or all languages spoken.

m. Traumatic Brain Injury

A. Traumatic brain injury is an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory/perceptual/motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

B. Documentation of all of the following criteria:

(a) an injury to the brain caused by a physical force or internal occurrence has been diagnosed by a licensed physician or neuropsychologist; and

(b) the existence of cognitive, language, behavior, executive skills and/or motor problems as a result of the injury.

**§126-16-5. Individualized Education Program Process.**

5.1 Policy Statement: Each public agency shall initiate and conduct meetings for the purpose of developing, reviewing and, if appropriate, revising the Individualized Education Program (IEP) for an exceptional student at least once a year. Specific methods for conducting these activities shall be stated in each public agency's policies and procedures.

5.1.1. Individualized Education Program Team Timelines.

a. The Individualized Education Program (IEP) team shall be convened to develop a written IEP within thirty (30) calendar days of the determination of eligibility and prior to the initiation of services.

b. The IEP team shall be convened periodically, but not less than annually, to review and, if appropriate, revise the IEP for an exceptional student.

5.1.2. Individualized Education Program Team Membership.

a. General - The public agency shall establish an IEP team which shall include the following participants:

A. a representative of the public agency, who:

(a) is qualified to provide, or supervise, the provision of specially designed instruction to meet the unique needs of the exceptional student;

(b) is knowledgeable about the general curriculum; and

(c) is knowledgeable about the availability of resources of the public agency.

B. at least one regular education teacher of the student, including the referring and the receiving regular education teachers (if the student is, or may be, participating in the regular education environment);

C. at least one special education teacher of the student, or if appropriate, at least one special education provider of the student;

D the parent(s) of the student;

E. if appropriate, the student;

F. at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and,

G. an individual who can interpret the instructional implications of evaluation results.

b. Adolescent Transition - When considering transition services for a student with disabilities, at any age, the public agency shall also invite:

A. the student; and,

B. when the student is age 16 or older, a representative of any other agency that is likely to be responsible for providing or paying for the provision of transition services.

c. Private Schools - Before a public agency places a student with a disability in, or refers a student to a private school or facility, the agency shall invite a representative of the private school or facility.

5.1.3. Individualized Education Program Content.

a. The IEP for each student shall include:

A. a statement of the student's present levels of educational performance, including:

(a) how the student's exceptionality affects the student's involvement and progress in the general curriculum; or

(b) for preschool children, as appropriate, how the disability affects the student's participation in appropriate activities.

B. a statement of measurable annual goals, including benchmarks or short term instructional objectives, which show a direct relationship to the present levels of educational performance and are related to:

(a) meeting the student's educational needs that result from the student's exceptionality to enable the student to be involved in and progress in the general curriculum, or for preschool students, as appropriate, to participate in appropriate activities; and

(b) meeting each of the student's other educational needs that result from the student's exceptionality.

C. a statement of the specific special education and related services, and supplementary aids/services to be provided to the student, or on behalf of the student, and a statement of program modifications or supports for school personnel that will be provided to enable the student:

(a) to advance appropriately toward attaining the annual goals; and

(b) to be involved and progress in the general curriculum and to participate in extra-curricular and other non-academic activities; and

(c) to be educated and participate with other students with and without exceptionalities in the activities described above.

D. an explanation of the extent, if any, to which the student will not participate with non-exceptional students in the regular class and in the activities described in (C) above;

E. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the benchmarks or short-term instructional objectives are being achieved;

F. a statement of any individual accommodations/modifications in the administration of statewide assessment of student achievement that are needed in order for the student to participate in the assessment and, if the IEP team determines that the student will not participate in a particular statewide assessment of student achievement (or part of the assessment), a statement of:

(a) why that assessment is not appropriate for the student; and

(b) how the student will be assessed.

G. The projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services and modifications and supports for personnel;

H. a statement delineating extended school year services as specified in 5.1.5.i. of this section; and

I. a statement of how the student's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-exceptional student's progress, including:

(a) the student's progress toward the annual goals; and

(b) the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the academic year.

5.1.4. Consideration of Special IEP Factors.

a. The IEP team for a gifted student shall consider acceleration and the effects of acceleration on the student's graduation.

b. The IEP for a blind or partially sighted student shall also provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student.

c. The IEP for a student whose behavior impedes his or her learning or that of others shall also include, if appropriate, strategies, including positive behavioral interventions, strategies and supports to address that behavior.

d. The IEP for a student with limited English proficiency shall include, if appropriate, the language needs of the student as these needs relate to the IEP.

e. The IEP shall include:

A. for each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), a statement of the transition service needs of the student that focuses on the student's programs of study; and

B. for each student with a disability beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

f. At least one year prior to a student's reaching the age of 18, the IEP must include a statement that the student has been informed of his or her rights under this policy, if any, that will transfer to the student when reaching age 18.

g. The IEP team shall consider the communication needs of the student.

h. The IEP for a student requiring assistive technology services and/or devices shall also include a specific statement of such services, including the nature and amount of such services and provision for home use, if determined appropriate by the IEP team.

i. The IEP team for a student who is deaf or hard of hearing shall consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and a full range of educational needs, including opportunities for direct instruction in the student's language and communication mode.

j. If, in considering the special factors described above, the IEP team determines that a student needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the student to receive a free appropriate public education, the IEP team must include a statement to that effect in the student's IEP.

5.1.5. Individualized Education Program Team Responsibilities.

a. If additional evaluation is necessary, the IEP team shall refer the student for additional evaluation and may continue to develop the components of the IEP for which evaluation information is available.

b. The IEP team shall assure that:

A. If the student with disabilities, age 14 or older (or younger, if determined appropriate) does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered and documented;

B. If an agency invited to send a representative to a meeting at which transition services will be discussed does not do so, the public agency shall take other steps to obtain the participation of the other agency in the planning of any transition services;

C. If a participating agency, other than the public agency, fails to provide the transition services described in the IEP, the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives set out in the student's IEP; and

D. Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. The IEP team shall review the IEP to determine whether the annual goals for the student are being achieved and to revise the IEP as appropriate to address:

A. any lack of expected progress toward the annual goals and in the general curriculum, if appropriate;

B. the results of any reevaluation conducted;

C. any information about the student provided to, or by, the parents;

D. the student's anticipated needs; or

E. other matters.

d. In conducting a meeting to review, and, if appropriate, revise a student's IEP, the IEP team shall consider the factors described in paragraph (c) of this section.

e. The IEP team shall assure that:

A. to the maximum extent appropriate exceptional students, including students in public or private institutions or other care facilities, are educated with other students who are non-exceptional;

B. the removal from the regular education environment occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily or for gifted students, content pacing and peer group interaction with the use of curriculum and grouping modifications within the regular class cannot be achieved sufficiently; and

C. the reasons for any removal of an exceptional student from the regular education environment are documented.

f. For students ages 6 - 21, placement shall be documented as one of the following placement options:

A. Regular Education: Full-Time - wherein the student's specially designed instruction and related services are delivered with non-exceptional individuals outside regular education classes or integrated community settings for less than 21% of the school day. This may include students placed in:

(a) regular class with special education/related services provided within regular class;

(b) regular class with instruction within the regular class and with special education/related services provided outside regular class; or

(c) regular class with special education services provided in a resource room.

B. Regular Education: Part-Time - wherein the student's specially designed instruction and related services are delivered with non-exceptional individuals outside regular education classes or integrated community settings for at least 21% but no more than 60% of the school day. This may include students placed in:

(a) resource rooms with special education/related services provided within the resource room; or

(b) resource rooms with part-time instruction in a regular class.

C. Special Education: Separate Class - wherein the student's specially designed instruction and related services are delivered outside regular classes or integrated community settings for more than 60% of the school day. This may include students placed in:

(a) separate special classrooms with part-time instruction in a regular class; or

(b) separate special classrooms full-time on a regular school campus.

D. Special Education: Special School - wherein the student's specially designed instruction and related services are delivered in a special school that serves only exceptional students for more than 50% of the student's school day.

E. Special Education: Out-of-School Environment - wherein the student's specially designed instruction and related services are temporarily delivered in:

(a) a non-school environment, such as a public library, group home or mental health center;

(b) a medical treatment facility/hospital; or

(c) the home.

F. Special Education: Residential Facility - wherein the student's specially designed instruction and related services are delivered in a facility which provides twenty-four (24) hour care and supervision.

g. For students ages 3-5, placement shall be documented as one of the following placement options:

A. Home - wherein all of the specially designed instruction and related services are delivered in the principal residence of the child's family or care givers;

B. Early Childhood Setting - wherein all of the student's specially designed instruction and related services are delivered in educational programs designed primarily for children without disabilities. This may include, but is not limited to: regular kindergarten classes; public or private preschools; Head Start Centers; child care facilities; preschool classes offered to an eligible pre-kindergarten population by the public agency; home/early childhood combinations; home/Head Start combinations; and other combinations of early childhood settings;

C. Part-Time Early Childhood/Part-Time Early Childhood Special Education Setting - wherein the specially designed instruction and related services are delivered in multiple settings, such that: (a) general and/or special education and related services are provided at home or in educational programs designed primarily for children without disabilities, and (b) special education and related services are provided in programs designed primarily for children with disabilities. This may include, but is not limited to: home/early childhood special education combinations; Head Start, child care, nursery school facilities, hospital facilities on an outpatient basis, or other community-based settings with special education provided outside of the regular class; regular kindergarten classes with special education provided outside of the regular class; separate school/early childhood combinations; and residential facility/early childhood combinations;

D. Reverse Mainstream Setting - wherein all of the special education and related services are delivered in educational programs designed primarily for children with disabilities but that include 50 percent or more children without disabilities.

E. Early Childhood Special Education Setting - wherein all of the specially designed instruction and related services are delivered in educational programs designed primarily for children with disabilities housed in regular school buildings or other community-based settings. This may include, but is not limited to: special education classrooms in regular buildings; special education classrooms in child care facilities, hospital facilities on an outpatient basis, or other community-based settings;

F. Itinerant Service Outside the Home - wherein all of the special education and related services are delivered at a school, hospital facility on an outpatient basis, or other location for a short period of time. These services may be provided individually or to a small group of children. This may include, but not limited to: speech instruction up to 3 hours per week in a school, hospital, or other community-based setting.

h. The IEP team shall assure that the educational placement of each exceptional student, including a preschool child with a disability:

A. is determined at least annually;

B. is based on the student's written IEP;

C. is in the student's home school, unless the student's IEP requires some other arrangements;

D. is as close as possible to the student's home;

E. is made in consideration of any potential harmful effect on the student or on the quality of services that the student needs;

F. provides for participation with non-exceptional students in non-academic and extracurricular services and activities to the maximum extent appropriate to the needs of the student; and

G. is appropriate to meet the individual needs of the student and not based solely on any of the following:

(a) category of exceptionality;

(b) availability of special education placement options;

(c) availability of educational or related services;

(d) availability of staff; and

(e) availability of space

H. is in an age-appropriate setting and that the student is not removed from education in an age-appropriate regular classroom solely because of needed modifications in the general curriculum.

i. The IEP team shall annually determine and document a student's need for extended school year (ESY) services in accordance with the following:

A. Students with disabilities entitled to ESY services are those who require special education and related services in excess of the regular school year to maintain identified critical skills as described in the current IEP;

B. Documentation that a student meets the public agency's criteria for determining whether the student;

(a) exhibits, or may exhibit, regression during an interruption in educational programming;

(b) exhibits, or may exhibit, a limited ability to recoup, or relearn skills, once programming has resumed; and

(c) exhibits regression/recoupment problem(s) that interfere with the maintenance of identified critical skills as described in the current IEP; and/or

(d) other factors that interfere with maintenance of identified critical skills as described in the current IEP, such as likelihood of regression, slow recoupment and predictive data.

C. The lack of clear evidence of such factors may not be used to deny a student ESY services, if the IEP team determines the need for such services and includes ESY in the IEP;

D. The ESY services shall consist of activities developed to maintain critical skills identified on the IEP developed for the academic year;

(a) The IEP team shall document the duration, number of hours per week, and physical location of the special education and related services to be delivered;

(b) The type and length of the services the student requires is determined on an individual basis by the IEP team;

(c) ESY services for a student with disabilities do not have to be comparable to the services previously provided during the academic year.

E. ESY services may not be limited to a particular category of disability or be unilaterally limited in the type, amount or duration of those services;

F. The public agency shall annually inform parents of students with disabilities of the availability of ESY services and the procedures and criteria for determining a student's need for ESY services, and of their right to refuse ESY services.

**§126-16-6. Administration of Services.**

6.1. Policy Statement: Each public agency shall provide the special education and related services necessary to implement each student's Individualized Education Program (IEP). Specific methods for providing the services, including the accurate collection and reporting of student data, shall be stated in each public agency's policies and procedures.

6.1.1. Initiation of Services.

a. A complete IEP shall be in effect prior to the provision of special education and related services.

b. Services shall be implemented as soon as possible following the completion of the IEP.

c. Short delays in the immediate initiation of services can occur when IEP team meetings are held during the summer or a vacation period, or when arrangements for services, such as transportation, must be made.

d. A current IEP shall be in effect at the beginning of each school year for each exceptional student receiving special education and related services.

6.1.2. Provision of IEP Information.

a. The student's IEP shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

b. Each teacher and provider described in Section 6.1.2(a) shall be informed of:

A. His or her specific responsibilities related to implementing the student's IEP; and

B. The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

6.1.3. Provision of Staff.

a. Each public agency shall provide qualified personnel with the training and skills necessary to implement the IEP of each student assigned to them.

b. Professional special education personnel shall meet minimum certification standards for the area(s) of exceptionality(ies) in which they have primary responsibility for the provision of related and/or instructional services.

c. Service personnel shall be appropriately trained and supervised by qualified professionals.

6.1.4. Provision of Services.

a. Students with exceptionalities shall be provided services in settings that serve age-appropriate non-exceptional peers.

b. Appropriate grouping of students with exceptionalities for specially designed instruction must be based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs.

6.1.5. Caseloads.

a. The following caseloads remain effective until July 1, 2001.

A. The maximum caseload for teachers providing special education services for students with behavior disorders, mental impairments, orthopedic impairments, and specific learning disabilities are as follows:

(a) Regular Education: Full-Time - Assign no more than 40 exceptional students (unduplicated) who are placed in Regular Education: Full-time to a teacher providing consultative services. A teacher providing consultative services may serve additional exceptional students (duplicated), but the maximum number served shall not exceed a total of 45 students;

(b) Regular Education: Part-Time - Assign no more than 30 students (unduplicated who are placed in Regular Education: Part-time to a teacher providing services. A teacher providing services can serve additional exceptional students (duplicated), but the maximum number served shall not exceed a total of 35 students. The caseload during any one instructional period for a teacher providing services shall not exceed eight (8) students at the early childhood education level (ECE) or ten (10) students at the middle childhood (MCE) and adolescent education (AE) levels;

(c) Special Education: Separate Class - The caseloads for teachers providing instructional services to exceptional students who are served in regular education for 40% or less of the school day are specified in Section 6.1.4.b of this policy;

(d) Caseloads for special education teachers assigned to provide a combination of consultative, supplementary and separate class services shall be determined on a percentage basis;

(e) When students from more than one programmatic level are served together in one instructional period, the maximum class size shall be that of the programmatic level of the youngest student(s) served;

b. The maximum caseloads for teachers providing special education services for students with autism, blind and partial sight, deafness-blindness, deafness and other hearing impairments, giftedness, other health impairments, preschool special needs,

speech/language impairments, and traumatic brain injuries placed in Regular Education: Full-Time or Regular Education: Part-Time are as follows:

A. Autism

(a) Regular Education: Full-Time - Assign no more than 20 students;

(b) Regular Education: Part-Time - Assign no more than ten (10) students with a limit of six (6) during any one instructional period;

(c) Special Education: Separate Class - Assign no more than four (4) students with autism. An aide shall be assigned on the basis of student needs.

B. Behavior Disorders

(a) Special Education: Separate Class

(A) Assign no more than four (4) students without a full-time aide with a limit of four (4) during any one instructional period;

(B) Assign no more than eight (8) students with a full-time aide with a limit of eight (8) during any one instructional period.

C. Blind and Partially Sighted

(a) Regular Education: Full-Time - Assign no more than 30 students;

(b) Regular Education: Part-time -Assign no more than 15 students with a limit of five (5) during any one instructional period;

(c) Special Education: Separate Class

(A) Assign no more than five (5) students without a Full-Time aide with a limit of five (5) during any one instructional period;

(B) Assign no more than ten (10) students with a Full-Time aide with a limit of ten (10) during any one instructional period.

D. Deaf-Blindness

(a) Regular Education: Full-Time - Assign no more than 20 students;

(b) Regular Education: Part-time - Assign no more than ten (10) students with a limit of five (5) during any one instructional period.

E. Deaf and Hard of Hearing

(a) Regular Education: Full-Time - Assign no more than 30 students;

(b) Regular Education: Part-Time - Assign no more than 15 students with a limit of five (5) during any one instructional period;

(c) Special Education: Special Class

(A) Assign no more than five (5) students without a Full-Time aide with a limit of five (5) during any one instructional period;

(B) Assign no more than ten (10) students with a Full-Time aide with a limit of ten (10) during any one instructional period.

F. Gifted

(a) Regular Education: Full-Time - Assign no more than 45 students;

(b) Regular Education: Part-Time;

(A) Assign no more than 40 students;

(B) Assign no more than 15 students during any one instructional period.

(c) Special Education: Separate Class - Assign no more than 15 students with a limit of 15 during any one instructional period.

G. Mentally Impaired

(a) Special Education: Separate Class;

(A) Assign no more than eight (8) mildly mentally impaired students without a Full-time aide with a limit of eight (8) during any one instructional period;

(B) Assign no more than 12 mildly mentally impaired students with a Full-time aide with a limit of 12 during any one instructional period;

(C) Assign no more than five (5) moderately mentally impaired students without a Full-time aide with a limit of five (5) during any one instructional period.

(D) Assign no more than 12 moderately mentally impaired students with a Full-time aide with a limit of 12 during any one instructional period;

(E) Assign no more than six (6) mildly or moderately mentally impaired students to a combination program without a Full-time aide with a limit of six (6) during any one instructional period;

(F) Assign no more than eight (8) moderately or severely mentally impaired students to a combination program with a Full-time aide with a limit of eight (8) during any one instructional period;

(G) Assign no more than six (6) severely mentally impaired students with a Full-time aide with a limit of six (6) during any one instructional period;

(H) Assign no more than nine (9) severely mentally impaired students with two Full-time aides with a limit of nine (9) during any one instructional period;

(I) Assign no more than six (6) profoundly mentally impaired students with a Full-time aide with a limit of six (6) during any one instructional period;

(J) Assign no more than nine (9) profoundly mentally impaired students with two Full-time aides with a limit of nine (9) during any one instructional period.

(b) Instructional Assistance - In a severely or profoundly mentally impaired separate class of three (3) or less students, an aide shall be assigned on the basis of student needs;

(c) Combination Program - A combination program for students with different levels of severity (e.g. severe-profound, moderate-severe) may be used. Academic, self-care, affective, communication and sensorimotor needs of these students must be similar.

H. Orthopedically Impaired

(a) Special Education: Separate Class

(A) Assign no more than ten (10) students with a Full-time aide with limit of ten (10) during any one instructional period;

(B) In a separate class of three (3) or less students with orthopedic impairments, an aide shall be assigned on the basis of student needs.

I. Other Health Impaired

(a) Students identified as other health impaired shall be assigned to and served by personnel who have the training necessary to implement the student's IEP.

J. Preschool Special Needs

(a) Family Consultation - Assign no more than 15 children;

(b) Center-Based Programs;

(A) Regular Education: Full-Time - Assign no more than 20 children;

(B) Regular Education: Part-Time - Assign no more than 15 children;

(C) Special Education Program: Separate Class:

1. Assign no more than eight (8) eligible children per session with an aide for a maximum caseload of (16);

2. Assign no more than ten (10) eligible children per session with two (2) aides for a maximum caseload of twenty (20).

(c) Combination Center-Based/Family Consultation Program

(A) Assign no more than eight (8) children per session with an aide for a maximum caseload of sixteen (16);

(B) Assign no more than ten (10) children per session with two (2) aides for a maximum caseload of twenty (20).

K. Specific Learning Disabilities

(a) Special Education: Separate Class

(A) Assign no more than eight (8) students without a full-time aide with a limit of eight (8) during any one instructional period;

(B) Assign no more than 12 students with a full-time aide with a limit of 12 during any one instructional period.

L. Speech/Language Impairments

(a) Regular Education: Full-Time - Assign no more than 50 students without an aide;

(b) Regular Education: Part-Time;

(A) Assign no more than 50 students for those receiving services less than five hours per week with a limit of five (5) during a session;

(B) The caseload during any one instructional period for a therapist providing supplementary services shall not exceed eight (8) students at early childhood education level (ECE) or ten (10) students at the middle childhood (MCE) and adolescent education (AE) levels.

(c) Special Education: Separate Class

(A) Assign no more than ten (10) students without an aide with a limit of ten (10) during any one instructional period;

(B) Assign no more than 12 students with a Full-time aide with a limit of 12 during any one instructional period. (Special Education: Separate Class is a program delivery option for severely or multiply communicatively impaired students and those who exhibit normal potential in performance areas but severe language deficits. Application shall be made to the State Department of Education for approval of individual program).

M. Traumatic Brain Injuries

(a) Students identified as having traumatic brain injuries shall be assigned to and served by personnel who have the training necessary to implement the students' IEPs.

b. The following process for determining caseloads shall become effective July 1, 2001.

A. Each public agency shall establish and maintain a system for monitoring the collective caseload of each special educator, speech-language pathologist and/or speech-language assistant serving students within the public agency's jurisdiction.

B. Caseloads shall be based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the frequency of supplementary aids/services needed by the student and provided by a special educator and the other duties assigned to the special educator (e.g. screening, diagnostic evaluations, itinerant travel time).

C. Each public agency shall use the following process to determine caseloads:

(a) Document each student's level of need by aggregating the total amount of services required from a special educator, speech-language pathologist and/or speech-language assistant and assigning a "rating" for the services for each student as follows:

(A) Rating #1- wherein the IEP documents the student's need for direct or indirect instruction and supplementary aids/services which total **up to 360 minutes per week;**

(B) Rating #2 - wherein the IEP documents the student's need for direct or indirect instruction and supplementary aids/services which total **361-720 minutes per week**;

(C) Rating #3 - wherein the IEP documents the student's need for direct or indirect instruction and supplementary aids/services which total **721 or more minutes per week;**

D. The building level administrator, in collaboration with the public agency's administrator of special education, shall compile the ratings of services for students assigned to a school or area. Compiled ratings shall be used to determine a special educator's weighted caseload. Weighted caseloads shall not exceed a total of 40 per special educator, a total of 50 per speech-language pathologist or speech-language assistant and a total of 50 per teacher of gifted.

E. When a special educator provides other non-instructional special education services (e.g. itinerant travel time, diagnostic evaluations, screening services) during the week, the weighted caseload shall be lowered by multiplying the allowable weighted caseload by the percentage of the week the special educator has available to provide direct and indirect instruction and/or supplemental aids/services;

F. Service personnel shall be assigned to schools based upon students' needs for supports (either individually or collectively) as described in their IEPs.

6.1.6. Private School Placements by the Public Agency.

a. Before a public agency places a student with a disability in, or refers a student to, a private school or facility the public agency shall:

A. initiate and conduct a meeting to develop an IEP for the student; and

B. ensure that a representative of the private school or facility attends the meeting; or

C. use other methods to ensure participation by the private school or facility, including individual or conference telephone calls if the representative cannot attend.

b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the public agency. If the private school or facility initiates and conducts these meetings, the public agency shall ensure that the parents and an agency representative:

A. Are involved in any decision about the student's IEP; and

B. Agree to any proposed changes in the IEP before those changes are implemented.

c. Even if a private school or facility implements a student's IEP, responsibility for compliance with this part remains with the public agency and the West Virginia Department of Education (WVDE).

d. If placement in a public or private residential program is necessary to provide special education and related services to a student with a disability, the program, including non-medical care and room and board, must be at not cost to the parents of the student.

e. Out-of-State Placement.

A. Prior to placing a student with a disability in a private school or facility outside of West Virginia, the public agency shall document:

(a) a free appropriate public education cannot be provided within the county, within the region, or within the state, and that those determinations are justified;

(b) more than one private school or facility was investigated in regard to the feasibility of providing services;

(c) the selected private school or facility has approved status in the state in which it is located, and assurances were provided that the school or facility meets the requirements of the IDEA, as amended;

(d) a current and complete IEP has been developed; and

(e) a current signed contract between the public agency and the private school or facility exists.

6.1.7. Private School Placements by Parents.

a. No private school student with an exceptionality has an individual right or entitlement to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

b. Decisions about the services that will be provided to private school students with exceptionalities must be made in accordance with paragraphs (c) and (d) of this section.

c. Each public agency shall consult, in a timely and meaningful way, with appropriate representatives of private school students with exceptionalities, regarding the number of private school students with exceptionalities, the needs of private school students with exceptionalities, and their location to decide:

A. Which students will receive services under this section;

B. What services will be provided;

C. How and where the services will be provided; and

D. How the services provided will be evaluated.

d. Each public agency shall give appropriate representatives of private school students with exceptionalities a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in this section.

e. The consultation required in paragraph (c) of this section must occur before the public agency makes any decision that affects the opportunities of private school students with exceptionalities to participate in services under Section 6.1.7.

f. The public agency shall make the final decisions with respect to the services to be provided to eligible private school students.

g. If a student with an exceptionality is enrolled in a private school and will receive special education or related services from a public agency, the public agency shall:

A. Initiate and conduct meetings to develop, review, and revise a services plan for the student, in accordance with Sec. 6.1.7.j; and

B. Ensure that a representative of the private school attends each meeting. If the representative cannot attend, the public agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

h. The services provided to private school students with exceptionalities must be provided by personnel meeting the same standards as personnel providing services in the public schools.

i. Private school students with exceptionalities may receive a different amount of services than students with exceptionalities in public schools.

j. Each private school student with an exceptionality who has been designated to receive services under this section must have a services plan that describes the specific special education and related services that the public agency will provide to the student.

A. The services plan must, to the extent appropriate:

(a) Meet the requirements of Section 5.1.3 with respect to the services provided; and

(b) Be developed, reviewed, and revised consistent with §126-16-5 and §126-16-6 of this policy.

k. Services provided to private school students with exceptionalities may be provided on-site at a student's private school, including a religious school, to the extent consistent with law.

A. If necessary for the student to benefit from or participate in the services provided under this part, a private school student with an exceptionality must be provided transportation:

(a) From the student's school or the student's home to a site other than the private school; and

(b) From the service site to the private school, or to the student's home, depending on the timing of the service.

B. Public agencies are not required to provide transportation from the student's home to the private school;

C. The cost of the transportation described in paragraph (A) of this section may be included in calculating whether the public agency has met the requirement of Section 6.1.7.c.

**§126-16-7. Discipline.**

7.1. Policy Statement: Each public agency shall: 1) protect the rights of an eligible student with a disability whenever removal from the educational placement is considered as a disciplinary action; 2) proactively design and implement positive behavioral interventions, strategies and supports to address behaviors that interfere with learning; and 3) provide instruction to assist the student to access and progress in the general curriculum and meet the goals in the student's IEP. Specific methods for implementing these requirements shall be stated in each public agency's policies and procedures.

7.1.1. Authority of school personnel for removals of not more than 10 school days at a time.

a. School personnel may remove a student with a disability from the current educational placement for not more than 10 school days at a time for violations of school rules; and

b. School personnel may order additional removals from the current educational placement of not more than 10 school days at a time in the same school year for separate incidents of misconduct, as long as the additional removal is:

A. not a change of placement; and

B. administered for the same amount of time as for non-disabled students.

c. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP when removals accumulate to more than 10 school days in a school year and are not a change of placement.

d. Within 10 business days of the first time the student is removed from school for more than 10 cumulative school days in a school year; the public agency shall:

A. convene an IEP meeting to develop an assessment plan if the student has not previously had a functional behavioral assessment and behavior intervention plan; and

B. reconvene an IEP meeting when the functional behavior assessment is completed to develop interventions that address the removal behavior;

C. if the student already has a behavior intervention plan, convene an IEP meeting to review the plan and its implementation, and modify the plan and its implementation as necessary to address the removal behavior.

e. When the student receives further suspensions for up to 10 school days at a time, the IEP team members shall individually review the behavior intervention plan and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

7.1.2. Change of Placement.

a. A change of placement from the current educational placement occurs if:

A. the removal is for more than 10 consecutive school days (including removal to an interim alternative educational setting); or

B. the removals are administered in a series that constitutes a pattern because they accumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the student has been removed and the proximity of removals to one another.

b. Whenever a change of placement is being considered, the public agency shall:

A. immediately provide the parent with written prior notice as specified in Section 8.1.1 of the decision to remove the student and the procedural safeguards notice; and

B. immediately schedule an IEP meeting to be held within 10 business days of the change of placement removal decision to determine the relationship between the student's disability and the behavior subject to the disciplinary action (manifestation determination) and to conduct the activities listed in Section 7.1.1(d).

c. The IEP team, with parent agreement, may determine that a change in placement through the IEP process rather than through these disciplinary procedures is needed. Students may receive a change of placement through the IEP process for any time period determined appropriate by the team, as long as the parent does not object.

7.1.3. Manifestation Determination.

a. In making a manifestation determination, the IEP team shall:

A. consider all relevant information in terms of the behavior subject to the disciplinary action, including:

(a) evaluation and diagnostic results, including information supplied by the parents;

(b) observations of the student; and

(c) the student's IEP and placement.

B. determine that in relationship to the behavior subject to the disciplinary action:

(a) the IEP and placement were appropriate and the special education services, supplementary aids and services and behavior intervention strategies were provided consistent with the student's IEP and placement;

(b) the student's disability did not impair the student's ability to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) the student's disability did not impair the student's ability to control the behavior subject to disciplinary action.

b. If the IEP team determines that any of the standards in Section 7.1.3(a)(B) were not met, the behavior must be considered to be a manifestation of the student's disability;

c. If the IEP team identifies deficiencies in the student's IEP or placement or in their implementation, immediate steps must be taken to remedy those deficiencies;

d. If the IEP team determines the behavior was not a manifestation of the student's disability:

A. the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to other students; and

B. services must be provided to the extent necessary, as determined by the IEP team, to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

e. If the public agency initiates disciplinary procedures applicable to all students, the public agency shall transmit the special education and disciplinary records of the student for consideration by the person or persons making the final determination regarding the removal.

7.1.4. Removal for Weapons and Drugs.

a. If a student with a disability carries a dangerous weapon or knowingly possesses or uses illegal drugs or sells or solicits a controlled substance, an IEP team may change the student's placement to an interim alternative educational setting (IAES) for not more than 45 days, as long as such a placement is selected to:

A. enable the student to continue progress in the general curriculum;

B. enable the student to continue to receive those services and modifications including those in the current IEP that will enable the student to meet the goals in the IEP; and

C. include services and modifications to address the behavior for which the student has been removed which are designed to prevent the behavior from recurring.

b. A change of placement to an IAES invokes the procedures set forth in Sections 7.1.2 and 7.1.3.

7.1.5. Expedited Due Process Hearings and Student Status During Appeals.

a. A parent may request an expedited due process hearing if he or she disagrees with the manifestation determination made in Section 7.1.3 or any decisions regarding placement in this section.

A. if a parent challenges an IAES placement decision, the student remains in the IAES pending the hearing decision or until the expiration of the time period for the placement (up to 45 days), whichever comes first, unless the parent and public agency agree otherwise.

B. if the parent challenges a manifestation determination or change of placement decision (other than an IAES) in a case in which the student has been removed for more than 10 school days at a time, the student returns at the end of the 10 school day removal to the prior to removal placement, pending the hearing decision, unless the parent and public agency agree otherwise.

b. The public agency may request an expedited due process hearing, if, during the pendency of the expedited due process hearing to challenge a manifestation determination, school personnel maintain it is dangerous for the student to be in or return to the placement prior to removal placement.

A. the hearing officer shall determine whether the student may be placed in an IAES or in another setting for up to 45 days.

B. the public agency may repeat the process of requesting an expedited due process hearing to remove the student from school for up to 45 days, as necessary.

c. An expedited due process hearing request may be submitted in writing to the public agency or the WVDE. Requests submitted to the public agency shall be submitted to the WVDE by the next business day.

d. Expedited hearings shall be conducted and a written decision issued within 45 days of receipt of the hearing request by the WVDE, without exceptions or extensions.

e. Each party shall disclose to all other parties, at least two (2) business days prior to an expedited hearing, all evidence that party intends to use at the hearing.

f. The decisions rendered through the expedited hearing process may be appealed through civil action.

7.1.6. Authority of the Due Process Hearing Officer.

a. A hearing officer may order a change of placement to an IAES for not more than 45 days, if the hearing officer in an expedited due process hearing:

A. determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

B. considers the appropriateness of the student's current placement;

C. considers whether the public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

D. determines that the IAES that is proposed by school personnel who have consulted with the student's special education teacher:

(a) Is selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and

(b) Includes services and modifications to address the behavior subject to the disciplinary action that are designed to prevent the behavior from recurring.

b. In reviewing a manifestation determination decision, the hearing officer shall determine whether the public agency has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of Section 7.1.3.

c. In reviewing an IAES decision, the hearing officer shall apply the standards described in Section 7.1.6(a).

7.1.7. Referral To and Action By Law Enforcement and Judicial Authorities.

a. A public agency may report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities.

b. Law enforcement and judicial authorities may exercise their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.

c. Copies of the special education and disciplinary records shall be transmitted for consideration by the appropriate authorities to whom it reports the crime to the extent permitted by the Family Educational Rights and Privacy Act (FERPA) and Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Records.

7.1.8. Protections for Students Not Yet Determined Eligible.

a. A student may assert protections of this part if the public agency had knowledge as defined in A of this part that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

A. a public agency shall be deemed to have knowledge if:

(a) the parent expressed concern in writing (or orally if parent does not write or has a disability preventing a written statement) to personnel of the appropriate public agency that the student is in need of special education and related services;

(b) the behavior or performance of the student demonstrates the need for special education and related services;

(c) the parent has requested an evaluation of the student for special education and related services; or

(d) the teacher of the student or other personnel of the public agency expressed concern about the behavior or performance of the student to the director of special education or to other personnel in accordance with the public agency's child find or referral process.

B. a public agency would not be deemed to have knowledge if, as a result of receiving the information specified above, the public agency either:

(a) conducted an evaluation and determined the student was not a student with a disability; or

(b) determined that an evaluation was not necessary; and

(c) provided notice which meets the requirements of Section 8.1.1 to the parent of its determination.

b. If a public agency does not have knowledge prior to taking disciplinary measures, the student may be subjected to the same disciplinary measures as applied to non-disabled students who engaged in comparable behaviors.

c. If a request is made for a multidisciplinary evaluation during the time period in which the student is subjected to disciplinary measures:

A. the evaluation must be conducted in an expedited manner; and

B. until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

d. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the public agency and information provided by the parents, the public agency shall provide special education and related services in accordance with the provisions of this section and Section 6.1 of these regulations.

**§126-16-8. Procedural Safeguards.**

8.1. Policy Statement: Each public agency shall protect the rights of each exceptional student and her or his parents, with respect to the provision of a free appropriate public education. Specific methods for addressing these requirements shall be stated in each agency's policies and procedures.

8.1.1. Prior Notice; Content of Notice.

a. Written notice must be given to the parents of an exceptional student within a reasonable time before the public agency:

A. proposes to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student; or

B. refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education to the student.

b. If the notice relates to an action proposed by the public agency that also requires parental consent, the agency may give notice at the same time it requests parent consent.

c. The notice must include:

A. a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the public agency considered and the reasons why those options were rejected;

B. a description of each evaluation procedure, test, record or report the public agency used as a basis for the proposal or refusal; and

C. a description of any other factors which are relevant to the public agency's proposal or refusal;

D. a statement that the parents of a student with an exceptionality have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

E. sources for parents to contact to obtain assistance in understanding the provisions of the procedural safeguards.

8.1.2. Procedural Safeguards Notice.

a. A copy of the procedural safeguards available to the parents must be given to the parents, at a minimum:

A. upon initial referral for evaluation;

B. upon each notification of an IEP team meeting;

C. upon reevaluation of the student;

D. upon receipt of a request for due process hearing; and

E. with notification of a disciplinary change of placement.

b. The procedural safeguards notice must include a full explanation of all the procedural safeguards relating to:

A. independent educational evaluation;

B. prior written notice;

C. parental consent;

D. access to educational records;

E. opportunity to initiate due process hearings;

F. the student's placement during pendency of due process proceedings;

G. procedures for students who are subject to placement in an interim alternative educational setting;

H. requirements for unilateral placement by parents of students in private schools at public expense;

I. mediation;

J. due process hearings, including requirements for disclosure of evaluation results and recommendations;

K. civil actions;

L. attorneys' fees; and

M. the state complaint procedures, including a description of how to file a complaint and the timelines under those procedures.

8.1.3. Notice in Understandable Language.

a. Both prior notice and the notice of procedural safeguards must be:

A. written in language understandable to the general public; and

B. provided in the native language of the parent or other mode of communication used by the parent, unless it clearly is not feasible to do so.

b. If the native language or other mode of communication of the parent is not a written language, the public agency shall take steps to ensure:

A. that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;

B. that the parent understands the content of the notice; and

C. that there is written evidence that the above requirements have been met.

8.1.4. Parental Consent.

a. Parental consent must be obtained before:

A. conducting an initial evaluation or reevaluation; and

B. initial provision of special education and related services to an exceptional student.

b. When a student with a disability transitions from Part C to Part B, the public agency shall:

A. provide the student's parents a detailed explanation of the differences between an IFSP and an IEP; and

B. if the parents choose an IFSP, obtain written informed consent from the parents.

c. Except for pre-placement evaluation, initial placement, and reevaluation, refusal to consent shall not be used to deny the parent or student any other service, benefit or activity of the public agency;

d. Parental consent is not required:

A. before reviewing existing data as part of an evaluation or a reevaluation;

B. before administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students; and/or

C. for reevaluation, if the public agency can demonstrate that it has taken reasonable measures to obtain that consent and the student's parent has failed to respond. A public agency must have a record of its attempts to obtain parental consent such as;

(a) detailed records of telephone calls made or attempted and the results of those calls;

(b) copies of correspondence sent to the parents and any responses received; and/or

(c) detailed records of visits made to the parent's home or place of employment and the results of those visits.

e. If the parents of a student with an exceptionality refuse consent for initial evaluation or a reevaluation, the public agency may continue to pursue those evaluations by using the due process hearing procedures, or the mediation procedures if appropriate.

f. The public agency may use mediation or the impartial due process hearing procedures, if appropriate, to determine if the student may be evaluated, initially provided special education and related services or reevaluated without parental consent.

8.1.5. Surrogate Parents.

a. Each public agency shall assure that the rights of a student are protected when:

A. no parent can be identified;

B. the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

C. the student is a ward of the state under the West Virginia Statutes.

b. The duty of a public agency includes the assignment of an individual to act as a surrogate for the parents. This must include a method:

A. for determining whether a student needs a surrogate parent; and

B. for assigning a surrogate parent to the student.

c. Public agencies shall ensure that a person selected as a surrogate has no interest that conflicts with the interests of the student represented and has knowledge and skills that ensure adequate representation of the student;

d. A person assigned as a surrogate may not be an employee of the WVDE, the local educational agency or any other agency, that is involved in the education or care of the student. A person who otherwise qualifies to be a surrogate parent is not an employee of the public agency solely because he or she is paid by the public agency to serve as a surrogate parent;

e. A public agency may select as a surrogate a person who is an employee of a non-public agency that only provides non-educational care for the student and who meets the standards in c. and d. above;

f. The surrogate parent may represent the student in all matters related to:

A. the identification, evaluation and educational placement of the student; and,

B. the provision of a free appropriate public education to the student.

8.1.6. Transfer of Parental Rights at Age of Majority.

a. When an exceptional student reaches the age of majority (18) under state law that applies to all students (except for a student with an exceptionality who has been determined to be incompetent under state law);

A. the public agency shall provide any notice required to both the individual and the parents; and all other rights accorded to parents under this policy transfer to the student, and

B. all rights accorded to parents under this policy transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution;

b. Whenever rights are transferred to a student, the public agency shall notify the individual and the parents of the transfer of rights.

8.1.7. Parental Participation - To ensure parental participation in the special education process, the public agency shall:

a. Afford the parents of an exceptional student an opportunity to:

A. inspect and review all education records with respect to the identification, evaluation and educational placement of the student; and the provision of a free appropriate public education to the student; and

B. participate in meetings with respect to the identification, evaluation, and educational placement of the student and the provision of a free appropriate public education to the student.

b. Provide written notice to ensure that parents have the opportunity to participate in meetings, including EC and IEP meetings, with respect to the identification, evaluation and educational placement of the student, and the provision of a free, appropriate public education to the student;

A. Each public agency shall take steps to ensure that one or both of the parents of the exceptional student are present at each meeting and are afforded the opportunity to participate, including:

(a) notifying parents of the meeting early enough to ensure that they will have the opportunity to attend; and

(b) scheduling the meeting at a mutually agreed on time and place.

B. The written notice must include

(a) the purpose, time, and location of the meeting;

(b) who will be in attendance;

(c) an explanation that at the discretion of the public agency or parent other individuals who have knowledge or special expertise regarding the student, as determined by the public agency or the parent inviting the individual, can attend the meeting; and

(d) a full explanation of all the procedural safeguards available to the parents.

C. If a purpose of the meeting is also the consideration of adolescent transition service needs for the student, at age 14, or younger if appropriate, the written notice must also:

(a) indicate this purpose; and

(b) indicate that the agency will invite the student.

D. If a purpose of the meeting is also the consideration of needed adolescent transition services for the student, at age 16 or younger if appropriate, the written notice must also:

(a) indicate this purpose;

(b) indicate that the agency will invite the student; and

(c) identify any other agency that will be invited to send a representative.

c. Take whatever action is necessary to ensure that the parent understands the proceedings at a meeting including arranging for an interpreter for parents who are deaf or whose native language is other than English;

d. Conduct the EC and/or IEP team meeting without a parent in attendance only when the public agency has documentation that other methods of ensuring parent participation, such as correspondence, telephone calls, and visits to the parents' home have been attempted.

A. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

B. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must have a record of its attempts to arrange a mutually agreed on time and place such as:

(a) detailed records of telephone calls made or attempted and the results of those calls;

(b) copies of correspondence sent to the parents and any responses received; and/or

(c) detailed records of visits made with the parents and the results of those visits.

e. Obtain written parental consent for initial placement in special education or implement mediation or due process hearing procedures to obtain consent; and

f. Provide the parent a copy of the IEP, at no cost to the parent.

8.1.8. Evaluation.

a. Each public agency shall ensure, at a minimum, that the following requirements are met:

A. Tests and other evaluation materials used to evaluate a student:

(a) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

(b) Are provided and administered in the student's native language or other mode of communication, unless it is clearly not feasible to do so.

B. Materials and procedures used to evaluate a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has an exceptionality and needs special education, rather than measuring the student's English language skills;

C. A variety of evaluation tools and strategies are used to gather relevant functional and developmental information about the student, including information provided by the parent, and information related to enabling the student to be involved in and progress in the general curriculum (or for a preschool student, to participate in appropriate activities), that may assist in determining:

(a) Whether the student is a student with an exceptionality under Section 4.1.3; and

(b) The content of the student's IEP.

D. Any standardized tests that are given to a student:

(a) Have been validated for the specific purpose for which they are used; and

(b) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests;

(c) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications

of the person administering the test, or the method of test administration) must be included in the evaluation report.

E. Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;

F. Tests are selected and administered so as best to ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's ability or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure);

G. No single procedure is used as the sole criterion for determining whether a student is a student with an exceptionality and for determining an appropriate educational program for the student;

H. The student is evaluated in all areas related to the suspected exceptionality, including, if appropriate, health, vision, hearing, social and emotional status, adaptive skills, general intelligence, academic performance, communicative status, and motor abilities.

I. In evaluating each student with an exceptionality under as defined in 4.1.3, the evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the category of exceptionality in which the student has been classified;

J. The public agency uses technically sound instruments that may evaluate the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors;

K. The public agency uses evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

8.1.9. Independent Education Evaluation.

a. The parents of an exceptional student have the right to obtain an independent educational evaluation of the student. Each public agency shall provide to parents, on request for an independent education evaluation, information about where an independent

educational evaluation may be obtained and the agency criteria applicable set forth in (f) of this section.

b. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either initiate a due process hearing to show that its evaluation is appropriate, or ensure an independent educational evaluation is provided at public expense, unless the agency demonstrates in a due process hearing that the evaluation obtained by the parent did not meet agency criteria. If the public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent education evaluation but not at public expense.

c. If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

d. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

A. must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of a free appropriate public education to the student; and

B. may be presented as evidence at a due process hearing regarding that student.

e. If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

f. Whenever an independent evaluation is at public expense:

A. the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluator(s), must be the same as the criteria that the public agency uses when it initiates an evaluation to the extent those criteria are consistent with the parent's right to an independent educational evaluation; and

B. except for criteria in above paragraph of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

8.1.10. Mediation.

a. Mediation is encouraged and available to parties who have a dispute relating to the identification, evaluation, or educational placement of an exceptional student, or the provision of a free appropriate public education. Mediation is available independent of or subsequent to a due process hearing request, including expedited hearings regarding a disciplinary change of placement including removal to an IAES.

b. The WVDE shall administer a system of mediation which ensures:

A. mediation is voluntary on the part of the parties;

B. mediation may not be used to deny or delay a parent's right to a due process hearing or to any other rights under this policy;

C. mediation is conducted by a qualified and impartial mediator;

D. the WVDE bears the cost of the mediation process;

E. parties may be assisted in the mediation process by persons with special knowledge or training with respect to the student, the needs of exceptional students, mediation procedures or special education law and regulations;

F. each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute;

G. an agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement; and

H. discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to the mediation process may be asked to sign a confidentiality pledge prior to the commencement of mediation.

c. Qualifications of mediators:

A. a mediator may not be:

(a) an employee of any local educational agency or any State agency receiving IDEA, Part B sub-grants; or

(b) an employee of a state education agency that is providing direct services to a student who is the subject of the mediation process; or

(c) an attorney or advocate who represents boards of education or parents against boards of education; or

(d) a person having a personal or professional conflict of interest.

B. a person who otherwise qualifies as a mediator is not an employee of a local educational agency or State agency solely because he or she is paid by the agency to serve as a mediator;

C. a mediator must be trained in effective mediation techniques and in the requirements of the IDEA and these regulations; and

D. mediators are verified by the WVDE as having met the requirements for qualified mediators. The WVDE maintains a list of the individuals who are qualified mediators.

d. Process for initiating mediation:

A. a request for mediation may be filed independent of or subsequent to filing a due process hearing;

B. parents are informed of mediation:

(a) through the procedural safeguards notice;

(b) upon requesting information from the public agency or WVDE; and

(c) upon filing a request for a due process hearing;

C. a party may request mediation in a dispute relating to the identification, evaluation, or educational placement of an exceptional student, or the provision of a free appropriate public education by submitting a written request to the public agency or the WVDE;

D. a public agency receiving a mediation request shall forward the request to the WVDE within three (3) calendar days of receipt of the request, except when mediation is requested regarding issues in an expedited due process hearing, which shall be forwarded to the WVDE by the next business day;

E. if both parties agree to participate in mediation, the WVDE shall assign a mediator from the list of qualified mediators on a rotational basis;

F. the mediation session must be completed within 20 calendar days of receipt by the WVDE of a request for mediation unless the timeline is extended by agreement of the parties. Any written mediation agreement shall be signed by both parties and shall be submitted to both parties and the WVDE; and

G. if mediation fails to produce an agreement, or if either party requests termination of the mediation process, the mediator shall issue a statement to the parties and the WVDE that the process has been terminated.

8.1.11. Impartial Due Process Hearings.

a. A parent or a public agency may initiate a hearing relevant to the proposal or refusal to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education by submitting a written request for a due process hearing to the WVDE and/or the superintendent of the public agency.

b. The procedures relevant to due process hearings do not apply to students with exceptionalities placed in private schools by the parent for issues regarding the provision of services or the student's services plan. Due process procedures apply to child find, including evaluation and reevaluation.

c. The burden of proof as to the appropriateness of any proposed action, as to why more normalized placement could/could not adequately and appropriately service the individual's educational needs, and as to the adequacy and appropriateness of any test or evaluation procedure, will be upon the school personnel recommending the matter in contention.

d. Public agencies shall:

A. provide information to parents, upon request, relevant to submitting written requests for due process hearings and mediation, including the model form for filing

due process hearings, information regarding free and low cost legal services and attorneys' fees; and

B. forward any written requests received for due process hearings to the WVDE within five (5) days of the date of receipt.

e. The party requesting a hearing, or the attorney representing the party, shall provide notice (which must remain confidential) to the public agency, or to WVDE, in a request for a hearing. The notice must include:

A. The name of the student;

B. The address of the residence of the student;

C. The name of the school the student is attending;

D. A description of the nature of the problem of the student relating to the proposed or refused initiation or change, including facts relating to the problem; and

E. A proposed resolution of the problem to the extent known and available to the parents at the time.

f. The party's right to a due process hearing may not be denied or delayed for failure to provide the notice required in paragraph (e) of this section;

g. Not later than 45 calendar days after the Department receives a written request for a due process hearing, the hearing officer will issue a final decision, mailing a copy of the decision to each of the parties. A hearing officer may grant specific extensions of time beyond the timelines at the request of either party;

h. Each hearing involving oral arguments must be conducted at a time and place which is reasonably convenient to the parents and student involved;

i. The impartial hearing officer shall preside at the hearing, shall conduct the proceedings in a fair and impartial manner and shall take steps to assure that all hearings will be conducted and completed as quickly as possible;

j. Hearing officers shall have the power to issue subpoenas requiring testimony and/or the production of books, papers, and physical or other evidence. Any person served with a subpoena pursuant to this section may object and ask the hearing officer in writing to quash or modify the subpoena as illegally or improvidently issued. The hearing

officer shall immediately issue a decision on that validity of the subpoena. Any person served with a subpoena pursuant to this section shall have the right to petition the United States District Court for the county in which the hearing is to be held for an order to quash any subpoena issued pursuant to this section. A hearing officer may petition said court for an order of enforcement of a subpoena issued by the hearing officer. Nothing in this section shall prohibit the hearing officer from refusing to issue subpoenas which are requested for purposes of harassment, abuse of process, delay or which are obviously directed to persons who have no direct evidence in the matter to be heard;

k. At all stages of due process procedures, interpreters for the deaf or interpreters fluent in the primary language of the home shall be provided as needed at public expense;

l. Any party to a hearing has the right to:

A. be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the needs of exceptional students;

B. present evidence and confront, cross-examine and compel the attendance of witnesses;

C. prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

D. obtain a written or, at the option of parents, electronic, verbatim record of the hearing; and

E. obtain written, or at the option of parents, electronic findings of fact and decisions.

m. At least five business days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer may bar any party that fails to comply with this paragraph from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

n. Parents involved in hearings must be given the right to:

A. have the student who is the subject of the hearing present;

B. open the hearing to the public; and

C. obtain the record of the hearing and the findings of fact and decisions at no cost.

o. The public agency shall inform parents that reasonable attorney's fees may be awarded to parents of students with disabilities to cover attorneys' fees when the parent of a student with a disability is the prevailing party, subject to certain constraints, and that such attorney's fees may be agreed to by the parties or awarded by a court. IDEA, Part B funds may not be used to pay attorney's fees;

p. A decision made in a hearing is final, unless a party to the hearing appeals the decision through civil action;

q. Any party aggrieved by the findings and decisions made in a hearing has the right to bring a civil action in any state court of competent jurisdiction within 120 days of the date of the issuance of the hearing officer's written decision or in a district court of the United States.

r. Student Status During Proceedings:

A. Except as provided in procedures for placement in an interim alternative education setting for up to 45 days, during the pendency of any administrative or judicial proceedings, unless the public agency and the parents of the student agree otherwise, the student must remain in the student's present educational placement.

B. If the issue subject to any administrative or judicial proceeding involves an application for initial admission to public school, the student, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

C. If the decision of a hearing officer in a due process hearing agrees with the parents that a change of placement is appropriate, that placement must be treated as an agreement between the public agency and the parents for purposes of determining the student's current placement during the pendency of subsequent appeals.

**§126-16-9. Accountability.**

9.1. Policy Statement: Each public agency shall implement federal and state laws, regulations and policies that affect the provision of quality educational opportunities. The State Board of Education promulgates regulations to implement this policy and commits the Department of Education to work with public agencies to provide educational services that are student focused, successful and accountable.

9.1.1. Responsibilities of the West Virginia Board of Education.

a. The West Virginia Board of Education has primary responsibility for ensuring that educational services are provided to all eligible exceptional students. The general supervision of programs for exceptional students is vested with the West Virginia Board of Education.

b. To accomplish the objectives of serving all eligible exceptional students, it is the responsibility of the State Board to:

A. establish regulations pertaining to the education of all eligible exceptional students in the state;

B. establish standards pertaining to the education of all eligible exceptional students in the state;

C. establish regulations to protect student and parent rights as they pertain to the education of all eligible exceptional students in the state;

D. ensure that eligible exceptional students in the state, including individuals in residential institutions and private schools, receive an education in accordance with state and federal laws;

E. establish certification requirements for personnel providing educational services to eligible exceptional students;

F. approve allocations and disburse state and federal funds designated for the education of eligible exceptional students; and

G. administer education programs, including programs providing special education and related services for exceptional students, in the state's correctional institutions in accordance with applicable state and federal laws and regulations.

9.1.2. Responsibilities of the WVDE.

a. The department has a primary leadership role in developing quality educational services for eligible exceptional students in the state, providing guidance in the implementation of State Board of Education policies and regulations governing the education of eligible exceptional students, and providing direction and assistance for special education services in the state.

b. It is the responsibility of the department to:

A. assist local educational agencies in the development and modification/adaptation of educational programs of study to meet the needs of exceptional students in early, middle, adolescent and adult education;

B. serve as the advocate for special education in state government;

C. work closely with, and provide staff support to, the West Virginia Advisory Council for the Education of Exceptional Children;

D. perform statewide planning for educational services for eligible exceptional students;

E. develop, provide and participate in programs for the training of educational personnel;

F. disseminate information concerning educational services for exceptional students to interested agencies, organizations and individuals;

G. serve as liaison with other state and regional agencies, parent and professional organizations, and private agencies serving exceptional students;

H. serve as liaison with colleges and universities preparing personnel to work with exceptional students;

I. serve as liaison with federal projects and national agencies which provide services for exceptional students;

J. inform local educational agencies, parents and other agencies of the content and implications of regulations and state and federal laws pertaining to the education of eligible exceptional students;

K. review and/or revise the State Improvement Plan for special education, as required by the U.S. Department of Education;

L. develop the necessary procedures, guidelines, forms and instruments to implement the State Board of Education policies and state and federal laws governing the education of exceptional students;

M. monitor the implementation of special education programs for all eligible exceptional students in the state, including students in residential institutions and private schools and incarcerated youth, to assure compliance with federal laws and regulations, state laws, policies, standards and regulations;

N. administer a process for investigating and resolving complaints;

O. initiate enforcement procedures in accordance with the State Improvement Plan, when determined that a public agency has violated these regulations;

P. review public agencies' special education plans and recommend action to the State Superintendent of Schools;

Q. administer the Individuals with Disabilities Education Act funds and monitor programs funded from these monies;

R. maintain reports and summary information on special education in the state;

S. compile and disseminate decisions, opinions and interpretations of the state and federal laws pertaining to education of exceptional students;

T. review and recommend action on certification requests of special education teachers and other agency personnel serving eligible exceptional students;

U. provide direct educational services, including special education and related services for exceptional students, in the state's correctional institutions in accordance with written procedures developed to implement applicable state and federal laws and regulations; and

V. administer the due process hearing system which shall:

(a) provide assistance in alternative means for submitting due process hearing requests in instances where parents are unable to submit written requests;

(b) maintain a list of attorneys trained to serve as hearing officers. The listing shall include a statement of the qualifications of each person. This information shall be provided to each public agency and to any party who requests the information in writing;

(c) inform parents, when a due process hearing is initiated or if the parent requests the information of the availability of mediation, of any free or low-cost legal and

other relevant services available in the area and that new federal legislation allows for the award of attorneys' fees to parents of students with disabilities to cover attorneys' fees and related costs when the parent of a student with a disability is the prevailing party in a due process hearing, subject to certain constraints, and that such attorney's fees may be agreed to by the parties or awarded by a court;

(d) ensure that not later than 45 days after the department receives a written request for a due process hearing:

(A) a final decision is reached in the hearing; and

(B) a copy of the decision is mailed to each of the parties.

(e) transmit findings and decisions from due process hearings, after deleting any personally identifiable information, to the West Virginia Advisory Council for the Education of Exceptional Children and make those findings and decisions available to the public;

(f) provide impartial due process hearing officers who:

(A) meet the following criteria:

1. a law degree;

2. admission to the West Virginia Bar;

3. demonstrated competencies in due process, special education law, effective writing and speaking, decision-making, and related areas, as evidenced through application, interview and competency-based training.

(B) A due process hearing may not be conducted by

1. a person who is an employee of the WVDE or the public agency that is involved in the education or care of the student; or

2. any person having a personal or professional interest that would conflict with objectivity in the hearing; or

3. a school board official; or

4. a lawyer who represent boards of education or parents in actions against boards of education.

(g) An otherwise qualified individual:

(A) shall be ineligible to begin hearing officer training or to serve as hearing officer during the pendency of any action in which he or she represents boards of education or parents in actions against boards of education and for one year following the conclusion of said representation;

(B) is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

(C) Upon receipt of a written request for a due process hearing, WVDE shall select a hearing officer by:

1. using a programmed selection process based upon rotation to select the hearing officer from the roster of qualified hearing officers;

2. making an initial determination whether the selected hearing officer has a personal or professional interest which would conflict with objectivity in the hearing;

3. selecting a new hearing officer if a conflict is determined; and

4. allowing either party to submit a challenge for cause to remove a biased hearing officer. Should a challenge for cause be filed, the state superintendent shall investigate the challenge and determine if cause for removal exists. The decision by the superintendent shall be final and not subject to appeal.

W. administer a state complaint system which shall:

(a) allow for an organization or individual, including from another State, to file a signed written complaint. The complaint must include:

(A) a statement that a public agency has violated a requirement of state or federal law or regulation that applies to Part B of the Individuals with Disabilities Education Act Amendments of 1997 and implementing regulations or West Virginia Code 18-20 and implementing regulations (Policy 2419: Regulations for the Education of Exceptional Students and/or Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data); and

(B) the facts on which the statement is based.

(b) require the complaint to allege a violation that occurred not more than one year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received;

(c) require, upon receipt of the complaint, the WVDE to determine if it is sufficient, that is, meets the requirements of paragraph (a) and shall initiate investigation procedures, or shall notify the complainant in writing that the statement is not sufficient to merit investigation;

(d) require within 60 calendar days of receipt of the complaint, the WVDE to:

(A) conduct an independent on-site investigation, if the WVDE determines such an investigation is necessary. Such determination will be made by the WVDE based on the nature of the allegations, review of information submitted by the public agency and information obtained through telephone interviews;

(B) give the complainant the opportunity to submit additional information, either orally or in writing about the allegations in the complaint;

(C) review all relevant information and make an independent determination as to whether the public agency is violating state or federal special education law or regulations; and

(D) issue a written decision to the complainant and public agency that addresses each allegation in the complaint and contains findings of facts and conclusions and the reasons for the WVDE's final decision. If determined that the public agency violated a federal or state law or regulation, the letter shall include the actions to be taken to correct each identified deficiency including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student and appropriate future provision of services for all students with exceptionalities.

(e) allow for the extension of timelines in (d) only if exceptional circumstances exist with respect to a particular complaint;

(f) include in the final decision technical assistance activities and negotiations, as appropriate and specific timelines for completing any corrective orders.

Timelines will only be extended if requested by the public agency based on exceptional circumstances; and

(g) require, upon receipt of documentation of implementation of corrective orders, the WVDE to determine if the decision has been appropriately implemented. Enforcement sanctions shall be recommended if corrective actions are not appropriately implemented and documented to WVDE within specified timelines;

(h) if a written complaint is received that is also the subject of a due process hearing or contains multiple issues, of which one or more are part of that hearing, allow for the WVDE to set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action shall be resolved using the timeline and procedures described in paragraphs (a) - (g) of this section;

(i) if an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties, allow for the hearing decision to be binding and inform the complainant to that effect;

(j) require that a complaint alleging a public agency's failure to implement a due process hearing decision to be resolved by the WVDE;

(k) require that a complaint alleging that the WVDE or public agency has failed to meet the requirements of Section 6.1.7. to be filed under this section.

X. provide for the participation of private school students with exceptionalities in the program assisted or carried out in accordance with this policy, to the extent consistent with their number and location in the State, by providing them with special education and related services and ensure that a services plan is developed and implemented for each private school student with an exceptionality who has been designated to receive special education and related services.

9.1.3. Responsibilities of Local Educational Agencies.

a. Each local educational agency has the responsibility for establishing and maintaining the special education programs and related services needed to provide a free appropriate public education for eligible exceptional students.

b. Special education programs and services can be provided by any one or more of the following: a single local educational agency; two or more local educational

agencies cooperatively; a regional educational service agency (RESA); or contract(s) for services from other public or private agencies or individuals.

c. Each public agency must provide special education and related services to a student with an exceptionality in accordance with an individualized education program. However, Part B of the IDEA does not require any agency, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and objectives. These regulations do not relieve agencies and teachers from making good faith efforts to assist the student in achieving the goals and objectives listed in the IEP, or limit the parents' right to complain and ask for revisions in the student's program, or to invoke due process procedures, if a parent feels these efforts are not being made.

d. Each public agency shall have a system for accessing a parent's public or private insurance to provide or pay for services required to provide a free appropriate public education to an eligible student.

e. It is the responsibility of each public agency to:

A. establish written policy and procedures to implement these regulations and to provide a free public education for eligible exceptional students;

B. provide qualified staff who are appropriately trained and adequate in number to implement these regulations;

C. conduct referral, evaluation, IEP development and placement activities within the timelines specified in these regulations;

D. conduct sweep screening in accordance with WV Code §18-5-17;

E. provide the special equipment, materials and supplies required to implement these regulations and provide the services specified in students' IEPs;

F. provide the assistive technology devices or assistive technology services or both, if specified in students' IEPs as a part of the students' special education, related services or supplementary aids and services;

G. make available to exceptional students the variety of educational programs and services available to non-exceptional students served by the public agency, including, but not limited to, art, music, industrial arts, consumer and homemaking education, and vocational education;

H. make available physical education services, specially designed if necessary, to every exceptional student, including students enrolled in separate facilities;

I. provide specially designed vocational education, as needed;

J. provide non-academic and extracurricular services and activities in such a manner as is necessary to afford exceptional students an equal opportunity for participation in those services and activities;

K. provide the opportunity for eligible exceptional students to earn the required credits for graduation;

L. make available special education and related services to meet the needs of private school students with exceptionalities in the jurisdiction of the agency, including consulting with appropriate private school representatives on how to locate, identify and evaluate all private school students with exceptionalities;

M. make available a continuum of alternative placements to meet the needs of students with exceptionalities for special education and related services. The continuum must include instruction in regular classes, special classes, special schools, the home, hospitals and institutions, and make provisions for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement;

N. conduct hearing aid monitoring in accordance with established procedures to assure that hearing aids worn by students in schools are functioning properly;

O. provide eligible exceptional students an instructional day and school calendar at least equivalent to that established for non-exceptional students of the same chronological age in the same setting;

P. provide classrooms to eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;

Q. provide services for eligible exceptional students in school and/or community settings that serve age appropriate non-exceptional peers;

R. provide classrooms for eligible exceptional students that are adequate, and that are comparable to the classrooms for non-exceptional students;

S. provide classrooms/facilities for eligible exceptional students with physical and/or sensory impairments that are in compliance, to the extent necessary, with the requirements of the Americans with Disabilities Act, the Rehabilitation Act of 1973, Section 504, the specifications outlined in West Virginia Code, Chapter 18, Article 10F, and the current Uniform Federal Accessibility Standards;

T. provide transportation, specially designed if necessary, for all students with exceptionalities in accordance with West Virginia Code 18-5-13 and State Board of Education policies governing transportation;

U. collect and maintain current and accurate student data for planning the delivery of a free appropriate public education and report data as required;

V. collect, maintain and disclose personally identifiable student data in accordance with state and federal confidentiality requirements;

W. conduct ongoing program evaluation to evaluate and improve the effectiveness of services provided to eligible exceptional students;

X. monitor the compliance with the regulations of agencies, organizations, or individuals who provide contractual special education and/or related services;

Y. inform other agencies, organizations, or individuals of the state and federal requirements pertaining to the education of exceptional students; and

Z. establish policies and procedures which include a practical method for determining which students are receiving needed special education and related services and which students are not currently receiving special education and related services.

**126-16-10. Glossary.**

10.1. Acceleration - Moving through a prescribed course of study at a faster or earlier rate. Acceleration includes, but is not limited to: compacted classes/schedules, testing out, advanced placement (if college credit is earned), fast-paced curriculum and high school credit for college classes.

10.2. Adaptive P.E. - regular physical education which has been modified, or adapted, so that a student with a disability can participate in the regular physical education program. Modifications may include, but are not limited to, instructional adaptations and/or modified or specialized equipment.

10.3. Adaptive Skills - those skills necessary to function adequately within a person's present environment. These skill areas are: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.

10.4. Adolescent Education - the educational program that addresses the intellectual, physical, social/emotional and transition needs of learners aged 14 through 21 for special education across all programs and areas of study in grades 9-12.

10.5. Adult Education - the educational program that addresses the intellectual, physical, social/emotional and occupational needs of persons 16 years old and older who presently are not enrolled in a public school.

10.6. Adversely Affects - interferes with the student's educational performance to the extent that the student is unable to achieve in the regular education program within the range of functioning of the student's non-exceptional chronological age peers.

10.7. Age-Appropriate - the term applies to peers of similar chronological ages or settings in which non-exceptional peers of similar chronological ages are served.

10.8. Annual Goal - are measurable statements developed from the present levels of educational performance that project what an exceptional student can reasonably be expected to accomplish within a 12 month period. For students with exceptionalities, annual goals must relate to helping students be involved in and progress in the general curriculum. For students with disabilities, annual goals will also address other educational needs that arise due to the student's disability and help them participate in extracurricular and nonacademic activities.

10.9. Assistive Technology Device - any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of students with disabilities.

10.10. Assistive Technology Service - any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes: a) the evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment; b) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities; c) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices; d) coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and

programs; e) training or technical assistance for a student with a disability or, if appropriate, that student's family; and f) training or technical assistance for professionals, (including individuals providing education or rehabilitation services) employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the student with a disability.

10.11. Audiology - includes: a) identification of children with hearing loss; b) determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; c) provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; d) creation and administration of programs for prevention of hearing loss; e) counseling and guidance of pupils, parents, and teachers regarding hearing loss; and f) an appropriate aid, and evaluating the effectiveness of amplification.

10.12. Business day - means Monday through Friday, except for Federal and State holidays, (unless holidays are specifically included in the designation of business day).

10.13. Caseload - the maximum number of students for whom a special education teacher has primary responsibility for the provision of special education consultative and/or direct instructional services.

10.14. Communication - includes the ability to comprehend and express information through symbolic behaviors (e.g., facial expression, body movement, touch, gesture). Specific examples include the ability to comprehend and/or receive a request, an emotion, a greeting, a comment, a protest, or rejection. Higher level skills of communication (e.g., writing a letter) would also relate to functional academics.

10.15. Community-Settings - community environment(s) in which the student will be expected to use/apply the skills or behaviors that are being learned.

10.16. Community Use - refers to the appropriate use of community resources. This includes traveling in the community, shopping for groceries and other items, purchasing or obtaining services from community businesses (e.g., gas stations, repair shops, doctor's offices), attending places of worship, using public transportation, and using public facilities (e.g., schools, parks, libraries, recreational centers, streets, sidewalks, theaters). Related skills include appropriate behavior in the community, indicating choices and needs, social interaction, and the application of functional academics.

10.17. Confidentiality - the protection of all personally identifiable data, information and records collected or maintained by any agency or institution under the general supervision of the West Virginia Board of Education.

10.18. Consent - a) the "parent" has been fully informed of information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; b) the "parent" understands and agrees in writing to the carrying out of the activity for which her or his consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and c) the "parent" understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

10.19. Consultative Services - assistance provided to a student's teacher(s) or other service providers for the benefit of an eligible exceptional student. Consultative services include, but are not limited to, selecting/designing/modifying materials, instructional strategies, management plans and evaluation procedures, and monitoring/evaluating student progress on short-term instructional objectives.

10.20. Continuum of Alternative Placements - a range of settings in which eligible exceptional students receive special education and related services.

10.21. Controlled Substance - a drug or other substance identified under schedules I, II, III, IV, or V in Section 202(c) of the Controlled Substances Act (21 U.S.C. 812 (c)).

10.22. Critical Skills - the cognitive, physical, communication, and/or social/emotional abilities needed for the student to maintain current levels of performance.

10.23. Counseling Services - services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

10.24. Day - means calendar day unless otherwise indicated as school day or business day.

10.25. Deadly Weapon - An instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to the instruments defined in subdivisions (1) through (8) of §61-7-2 of the West Virginia Code, or other deadly weapons of this kind or character which may be easily concealed on or about the person. The federal term "dangerous weapon" is the same as this term.

10.26. Destruction - physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

10.27. Direct Services - instruction, therapy or interventions provided one-on-one or in groups to an eligible exceptional student in school, home or community settings.

10.28. Due Process - a system that guarantees each individual equal protection and treatment under the 14th Amendment of the Constitution.

10.29. Early Childhood Education - the educational program that addresses the intellectual, physical, and social/emotional needs of learners age three through ten, across all programs and areas of study in grades PreK-4.

10.30. Early Identification and Assessment - the implementation of a formal plan for identifying a disability as early as possible in a child's life.

10.31. Education Records - those records which are directly related to a student and are collected, maintained or disclosed by an educational agency or institution or by a party acting for the agency or institution.

10.32. Educational Performance - a student's functioning (or performance) relative to age/grade performance in programs of study, basic communication skills, social interaction and emotional development within the school and/or community environments.

10.33. Educational Service Agency - means a regional public multi-service agency: a) authorized by State law to develop, manage and provide services or programs to local educational agencies; b) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State; and c) includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

10.34. Eligible Exceptional Students - those individuals who, in accordance with the definitions, eligibility criteria, procedures and safeguards contained in this document, have been determined to be: a) autistic, behavior disordered, blind and partially sighted, speech/language impaired, deaf-blind, deaf and hard of hearing, gifted, exceptional gifted (grades 9-12) mentally impaired, orthopedically impaired, other health impaired, preschool special needs, specific learning disabled, traumatically brain injured, and b) in need of specially designed instruction.

10.35. Eligible Students with Disabilities - those individuals who, in accordance with the definitions, eligibility criteria, procedures and safeguards contained within this

document have been determined to be: a) autistic, behavior disordered, blind and partially sighted, speech/language impaired, deaf-blind, deaf and hard of hearing, mentally impaired, orthopedically impaired, other health impaired, preschool special needs, specific learning disabled, traumatically brain injured, and b) in need of specially designed instruction.

10.36. Equipment - means a) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and b) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

10.37. Evaluation - procedures used in accordance with the protection in evaluation requirements of the Individuals with Disabilities Education Act (IDEA) to determine whether a student is exceptional and the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

10.38. Executive Skills - those functions which enable a person to plan, sequence and self-monitor multi-step activities and engage in organized, purposeful behavior.

10.39. Extended School Year Services - special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the student's IEP, and at no cost to the parents of the student; and that meet the standards of the state educational agency.

10.40. Firearm - Any weapon which will expel a projectile by action of an explosion.

10.41. Free Appropriate Public Education (FAPE) - special education and related services which: a) are provided at public expense, under public supervision and direction, and without charge to the parent; b) meet the standards of the state education agency, including the requirements of these regulations; c) include preschool, elementary school or secondary school education in the State, and d) are provided in conformity with an Individualized Education Program.

10.42. Functional Academics - functional academics refer to cognitive abilities and skills related to learning at school. Writing, reading, basic practical math concepts, basic science as it relates to the awareness of the physical environment and one's health and

sexuality, geography, and social studies are included. The focus is not on grade-level academic achievement but on the acquisition of academic skills that are functional in terms of independent living.

10.43. Functional Behavioral Assessment - a process in which informed hypothesis statements are developed about the relationships between events in the environment and the occurrence of a student's behavior.

10.44. General Curriculum - the curriculum adopted by a local educational agency, schools within the local educational agency, or where applicable, the state education agency for all students from preschool through secondary school. In these regulations, the term means the Instructional Goals and Objectives for West Virginia Schools.

10.45. General Intellectual Functioning - acquired learning and learning potential as measured by a systematic evaluation with one or more of the individually administered general intelligence tests or procedures.

10.46. Health and Safety - maintaining one's own well being; appropriate diet; illness identification, treatment, and prevention; basic first aid; sexuality; physical fitness; basic safety (e.g., following rules and laws, using seat belts, crossing streets, interacting with strangers; seeking assistance), regular physical and dental check-ups, and daily habits. Related skills include protecting oneself from criminal behavior, indicating choices and needs, interacting socially, and applying functional academics.

10.47. Historically Under-represented Gifted Population - Those students who have a disability in accordance with this policy, economically disadvantaged, African American and/or are Hispanic.

10.48. Home Living - daily functioning within a home; housekeeping, clothing care, property maintenance, food preparation, planning and budgeting for shopping, home safety, and daily scheduling. Related skills include orientation, behavior in the home and neighborhood, communication of choices and needs, social interaction, and application of functional academics in the home.

10.49. Illegal Drug - is a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal Law.

10.50. Independent Educational Evaluation - an evaluation conducted by a qualified evaluator who is not employed by the public agency responsible for the education of the student in question, and who is selected by the party seeking the independent evaluation.

10.51. Individualized Education Program (IEP) - a written plan for an eligible exceptional student that is developed, reviewed and revised in a meeting by educators, parents and related service personnel.

10.52. Individualized Education Program Team or IEP Team - a group of individuals described in regulations that is responsible for developing, reviewing or revising an IEP for an eligible exceptional student.

10.53. Individualized Family Service Plan or IFSP - a written plan for providing early intervention services to a child and the child's family.

10.54. Least Restrictive Environment - the educational placement which provides the services/conditions necessary to meet the unique educational and behavioral needs of the student, while providing the student with integration to the maximum extent appropriate with non-exceptional peers.

10.55. Leisure - a variety of leisure and recreational interests that reflect personal preferences and choices. Public activities should reflect age and cultural norms. Skills include choosing and initiating activities, using and enjoying home and community leisure and recreational activities along and with others, playing socially with others, taking turns, choosing not to participate in leisure activities, participating longer, and expanding one's awareness and repertoire of interests and skills. Related skills include behavior in the leisure and recreation setting, indicating choices and needs, social interaction, application of functional academics and mobility.

10.56. Local Educational Agency (LEA) - a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term includes: a) an educational service agency, as defined in these regulations; and b) any other public institution or agency having administrative control and direction of a public elementary or secondary school.

10.57. Mediation - an informal, non-adversarial and voluntary process in which the parties involved in a dispute are given an opportunity through an impartial third party, called

a mediator, to resolve their differences and find a solution satisfactory to the parties involved.

10.58. Medical Services - services provided by a licensed physician to determine a student's medically related disability that results in the student's need for special education and related services.

10.59. Meeting - a meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if these issues are not addressed in the student's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

10.60. Middle Childhood Education - the educational program that addresses the intellectual, physical, and social/emotional needs of learners aged 10 through 14 across all programs in areas of study in grades 5-8.

10.61. Multidisciplinary Evaluation - comprehensive procedures used to determine whether a student is exceptional and the nature and extent of the special education and related services that the student needs. The term means procedures that are conducted by a team of individuals representing a variety of disciplines. These procedures are used selectively with an individual student and do not include basic tests administered to or procedures used with all students in a school, grade or class.

10.62. Multidisciplinary Evaluation Team - a group of qualified personnel representing a variety of disciplines which determines the areas to be evaluated and conducts the multidisciplinary evaluation.

10.63. Native Language - a) if used with reference to an individual of limited English proficiency, means the language normally used by that individual, or, in the case of a student, the language normally used by the parents of the student; b) in all direct contact with a student (including evaluation of the child), the language normally used by the student in the home or learning environment; or c) for an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the student (such as sign language, braille or oral communication).

10.64. Non-academic Services - non-academic and extracurricular services and activities are those provided by the local educational agency in addition to the required and elective programs of study. The term includes counseling, athletics, transportation, health services, recreational activities, special interest clubs or groups sponsored by the public

agency, referrals to agencies which provide assistance, and employment of students, including both employment by the public agency and assistance in making outside employment available.

10.65. Non-aversive Behavioral Strategies - strategies that are employed to change or maintain behavior without the application of a noxious or painful stimulus or the use of a strategy that results in severe physical/ emotional stress/discomfort or the prolonged depravation of movement or basic biological needs.

10.66. Normal Rate or Level of Development - the average rate or level of developmental functioning as exhibited by students of the same chronological age. Rates or levels of development are indicated by age-equivalency measures such as developmental age, mental age, developmental quotient, intelligence quotient, standard scores and percentile and are dependent upon the type of evaluation instrument used.

10.67. Objective Criteria - standards established to determine whether a student is learning or has achieved a skill and if instruction is effective.

10.68. Occupational Therapy - services provided by a qualified occupational therapist, which include: a) improving, developing or restoring functions impaired or lost through illness, injury or deprivation; b) improving ability to perform tasks for independent functioning if functions are impaired or lost; and c) preventing, through early intervention, initial or further impairment or loss of function.

10.69. Orientation and Mobility - services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, including: a) teaching students spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street); b) teaching students to use the long cane, as appropriate, to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; c) teaching students to understand and use remaining vision and distance low vision aids, as appropriate; and d) other concepts, techniques, and tools, as determined appropriate.

10.70. Out-of-State Placement - the placement of a student with disabilities in a school/facility located outside of the state for special education and related services.

10.71. Parent - a parent, a guardian, a person acting as a parent of a child (e.g., grandparent, stepparent with whom a child lives, persons who are legally responsible for

a child's welfare and, at the direction of the State, a foster parent who meets the requirements in this definition) or a surrogate parent who has been appointed in accordance with state and federal requirements. The term does not include the state, if a child is a ward of the state. State law may provide that a foster parent qualifies as a parent under IDEA 97 and this policy if: a) the natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; b) the foster parent has an ongoing, long-term parental relationship with the child; c) the foster parent is willing to participate in making educational decisions on the child's behalf; and d) the foster parent has no interest that would conflict with the interests of the child.

10.72. Parental Consent - see Consent.

10.73. Parent Counseling and Training - assisting parents in understanding the special needs of their child, providing parents with information about child development and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

10.74. Parent Training - activities to improve the parents' understanding of child development, the specific educational needs of their exceptional child, procedural safeguards and surrogate responsibilities. The term includes the training of parents in specific skills relating to the management or education of the child while at home.

10.75. Participating Agency - a state or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing services to the student.

10.76. Personally Identifiable- information that includes: a) the name of the student, the student's parent, or other family member; b) the address of the student; c) a personal identifier, such as the student's social security number or student number; or d) a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

10.77. Physical Education - the development of: a) physical and motor fitness; b) fundamental motor skills and patterns; and c) skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). The term includes special physical education, adapted physical education, movement education, and motor development.

10.78. Physical Therapy - services provided by a qualified physical therapist.

10.79. Placement - the setting in which the eligible exceptional student receives special education and related services. For students ages 6-12, these settings are: Regular Education: Full-Time, Regular Education: Part-Time, Special Education: Separate Class, Special Education: Special School, Special Education: Out-of-School Environment and Special Education: Residential Facility. For students ages 3-5, these settings are: Home, Early Childhood Setting, Part-Time Early Childhood/Part-Time Early Childhood Special Education Setting, Reverse Mainstreaming, Early Childhood Special Education Setting, and Itinerant Services Outside the Home.

10.80. Present Levels of Educational Performance - are specific statements that describe the effect of the student's exceptionality on his/her educational performance, including how the student's exceptionality affects the student's involvement and progress in the general education curriculum; or for preschool children, how the exceptionality affects the child's participation in age- relevant developmental activities. Present levels of educational performance statements are written in objective measurable terms, to the extent possible, using relevant information such as recent evaluation reports, statewide testing results, current progress data and parent information.

10.81. Private/Religious School - an educational facility operated by a non-public agency or organization.

10.82. Procedure - any written course of action set forth to implement federal, state, and local policy which includes: a) a description of the actions to be undertaken; b) the criteria or standards to be used when decisions are required; c) the person(s) responsible for such actions, and d) the timelines for completion. Written procedures shall describe actions in terms which are both measurable and operational.

10.83. Procedural Safeguards - the due process protections afforded in the implementation of the West Virginia special education process.

10.84. Psychological Services - includes: a) administering psychological and educational tests, and other assessment procedures; b) interpreting assessment results; c) obtaining, integrating and interpreting information about child behavior and conditions relating to learning; d) consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests; e) planning and managing a program of psychological counseling for children and parents; and f) assisting in developing positive behavioral intervention strategies.

10.85. Program of Study - a K-12 curricular sequence which constitutes the subject matter to be offered in the public schools of West Virginia, e.g., reading, mathematics, social studies, vocational education, business education.

10.86. Public Agency - state educational agency, regional educational agency, local educational agency, and any other political subdivisions of the state which are responsible for providing education to exceptional students.

10.87. Public Expense - the public agency either pays for the full cost of the service or ensures that the service is otherwise provided at no cost to the parent.

10.88. Qualified Personnel - a person who has met state educational agency approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education or related services.

10.89. Recreation - includes: a) assessment of leisure function; b) therapeutic recreation services; c) recreation programs in schools and community agencies; and d) leisure education.

10.90. Regression/Recoupment - the loss of acquired skills and the inability to relearn those skills in a specified amount of time.

10.91. Regression Formula - a commonly used statistical procedure that provides an achievement range for a specific intelligence quotient. This method adjusts for the phenomenon of regression toward the mean, a statistical tendency for scores that are especially high or low to move toward the mean when measured a second time.

10.92. Regular Education Program - an educational program designed to meet the needs of all students in preschool, early childhood, middle childhood, adolescent, or adult education. Instruction in a regular education program includes community based, general and/or vocational education.

10.93. Rehabilitation Counseling Services - services provided by a qualified rehabilitation counseling professional, in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to students with exceptionalities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

10.94. Related Services - transportation and such developmental, corrective and other supportive services as are required to assist an eligible exceptional student to benefit from special education. The term includes, but is not limited to, assistive technology, audiology, speech and language pathology, psychological services, physical and occupational therapy, clean intermittent catheterization (CIC), recreation, including therapeutic recreation, counseling services, including rehabilitation counseling, orientation and mobility

services, social work services in schools, school health services, early identification and evaluation of disabling conditions in students, medical services for diagnostic or evaluative purposes only, and parent counseling and training.

10.95. Removal - exclusion of the student from school as a disciplinary action for a specified period of time.

10.96. School day - means any day, including a partial day, that children are in attendance at school for instructional purposes. The term school day has the same meaning for all children in school, including children with and without exceptionalities.

10.97. School Team - a team within a school whose major functions are to provide necessary assistance to any students within the regular classroom, and to identify and refer students for evaluation, when necessary.

10.98. School Health Services - services provided by licensed school nurses and other health care providers to identify health problems that interfere with learning and to promote a level of health which permits maximum utilization of educational opportunities.

10.99. Secondary School - a nonprofit institutional day or residential school that provides secondary education, as determined under State Law, except that it does not include any education beyond grade 12.

10.100. Self-Care - skills involving eating, dressing, grooming, toileting, and hygiene.

10.101. Self-Direction - making choices. Self-direction includes learning and following a schedule; initiating appropriate activities consistent with one's personal interests; completing necessary or required tasks; seeking assistance when needed; resolving problems in familiar and new situations; and demonstrating appropriate assertiveness and self-advocacy.

10.102. Serious Misconduct - Any activity for which suspension or expulsion is a punishment for regular education students. These activities include: 1) assault/battery on school employees (West Virginia Code §61-2-15); 2) possession of a deadly weapon (West Virginia Code §61-7-11a); 3) selling a narcotic drug on the premises of an educational facility, at a school sponsored function, or on a school bus (West Virginia Code §60A-1-101); 4) committing an act or engaging in conduct that would constitute a felony under the laws of this state if committed by an adult; 5) unlawfully possessing on the premises of an educational facility or at a school sponsored function, a controlled substance governed by the Uniformed Controlled Substance Act; 6) threatening to injure, or in any manner injuring, a pupil, teacher, administrator, or other school personnel; 7) willfully disobeying a teacher;

8) possessing alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; 9) using profane language directed at a school employee or pupil; 10) intentionally defacing any school property; 11) participating in any physical altercation with another person while under the authority of school personnel; 12) habitually violating school rules or policies.

10.103. Services Plan - a written statement of the special education and related services to be provided by the public agency to a private school student with an exceptionality placed by a parent.

10.104. Short-term Instructional Objectives - measurable, intermediate steps between a student's present levels of educational performance and the annual goals. Objectives are based on a logical breakdown of the major components of the annual goals.

10.105. Significantly Sub-average Intelligence - is an IQ standard score of approximately 70 to 75 on scales with a mean of 100 and standard deviation of 15 based on assessment that includes one or more individually administered general intelligence tests developed for the purpose of assessing intellectual functioning.

10.106. Social Skills - social skills refer to appropriate and inappropriate social behavior. Appropriate social behavior includes behaviors such as making friends; showing appreciation; smiling; taking turns; cooperating with others; demonstrating honesty; trustworthiness; and appropriate play; showing concern for others; displaying empathy; and being fair. Inappropriate behavior includes behaviors such as tantrums, jealousy, fighting others, overstaying a welcome, being overly demanding, constantly needing reassurance; and being non-assertive.

10.107. Social Work Services in Schools - services that include: a) preparing a social or developmental history on a student with a disability; b) group and individual counseling with the student and family; c) working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and d) mobilizing school and community resources to enable the student learn as effectively as possible in her or his educational program, and assisting in developing positive behavior intervention strategies.

10.108. Special Education - specially designed instruction, at no cost to parents, to meet the unique educational needs of an eligible exceptional student, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education. The term includes speech-language pathology services, or any other related service, if the service consists of specially-designed instruction, at no cost to the parents, to meet the unique needs of a student with an

exceptionality, and is considered special education rather than a related service under State standards. The term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a student with an exceptionality.

10.109. Special Transportation - modifications made in regular school transportation to assure accessibility of special education and other related services for students with disabilities. Special transportation includes special equipment (such as special or adaptive buses, lifts, and ramps), and special care (such as need for health and safety maintenance, assistance of aide, medication in transit and/or positioning), if required to provide school transportation for a student with an disability.

10.110. Specially Designed Instruction - is adapting content, methodology or delivery of instruction; a) to address the unique needs of an eligible student under this part that result from the student's exceptionality; and b) to ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all students.

10.111. Speech-Language Pathology Services - include: a) identification of children with speech or language impairments; b) diagnosis and appraisal of specific speech or language impairments; c) referral for medical or other professional attention necessary for the habilitation of speech or language impairments; d) provision of speech and language services for the habilitation or prevention of communicative impairments; and e) counseling and guidance of parents, children and teachers regarding speech and language impairments.

10.112. Standard Deviation - a statistic used to express the distance on the average of scores from the mean of the distribution. The standard deviation shows the variability of a series or group of scores or numbers.

10.113. Standard Error of Measurement - an indicator that allows a student's performance to be reported as a range of scores where it is highly probable the true score lies.

10.114. Supplementary Aids - any material/curricular resource or assistance, beyond what is normally afforded non- exceptional students, provided to support an exceptional student's placement. Supplementary aids may include, but are not limited to, large print books, assistive technology devices, auditory trainers, curriculum adaptations and

classroom modifications or aids, services and other supports that are provided in regular education classes or other education related settings to enable students with exceptionalities to be educated with non-exceptional students to the maximum extent appropriate.

10.115. Supplementary Services - any human resource or assistance, beyond what is normally afforded non-exceptional students, provided to support an exceptional student's placement, such as direct instruction, peer tutoring, interpreting, and note taking.

10.116. Supported Employment - paid work in the regular community work environment where persons without disabilities are employed. Individuals with disabilities are included in the work setting and receive initial training and on-going support services in the natural community work environment.

10.117. Suspension - removal of a student from school as a disciplinary action for misconduct.

10.118. Sweep Screening - the utilization of screening tests, instruments or procedures with designated groups of students to locate individuals who manifest, or are likely to manifest, attributes or behaviors which require special education.

10.119. Transition Services - a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including, but not limited to, post-secondary education, vocational training, integrated employment including supported employment, continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's preferences and interests, and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

10.120. Transportation - the term includes: a) travel to and from school and between schools; b) travel in and around school buildings; and c) specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a student with a disability.

10.121. Travel Training - means providing instruction, as appropriate, to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live

and learn the skills necessary to move effectively and safely from place to place within that environment (e.g. in school, the home and the community).

10.122. Vocational Education - organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

10.123. Work - holding a part- or full time job (supported or non-supported) or participating in a voluntary activity in the community. Related skills include specific job competencies, appropriate social behavior, appropriate work skills (e.g., completion of tasks, awareness of schedules, ability to seek assistance, take criticism), money management, the application of other functional academic skills, and skills related to going to and from work, preparing for work, managing oneself at work, and interacting appropriately with co-workers.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Carver Vocational Technical Center

**Title:** Special Needs Coordinators (Two Instructors)

**Street Address:** _____ **City/State/Zip:** _____

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Administration of Vocational testing for 10th grade Special Education students who are interested in attending Carver as an 11th Graders. Schools covered are: Riverside High
Herbert Hoover
Capital
George Washington

Consultative and Career counseling for all 11th & 12th grade Special Education students. Approx. - 70 students

Complete response form by listing each section of the policy. Suggestion of no more than 35 students per instructor for Consultative services.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

VIRGINIA DEPARTMENT OF EDUCATION
R. Marockie, State Superintendent of Schools
6, 1900 Kanawha Blvd. E., Charleston, West Virginia 25305-0330
Phone: 304-558-2681
Fax: 304-558-0048
http://wvde.state.wv.us



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James J. MacCallum
Jim L. McKnight
Paul J. Morris

MEMORANDUM

TO: Persons Addressed
FROM: Dee Bodkins, Ed.D.
Director
Office of Special Education
RE: Revisions to Policy 2419: Regulations for the Education of Exceptional Students
DATE: July 29, 1999

At its July 15, 1999 meeting, the West Virginia Board of Education approved revisions to Policy 2419: Regulations for the Education of Exceptional Students with the understanding that Section 126-16-6, specifically caseloads calculations, would be placed on public comment this fall. In addition, approval was given to revisions to Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data. Policy 2419 becomes effective August 15, 1999 and Policy 4350 becomes effective August 20, 1999.

Both Policy 2419 and Policy 4350 can be accessed through WVEIS and the Department's Internet home page. To access through WVEIS, sign on to WVEIS as usual. From the Office Vision menu, select the option to work with documents in folders. Choose the folder WVDOE. The names of the documents in this folder will be displayed. Follow the commands at the top of the screen to view and/or print the document. To access through the Internet, go to http://wvde.state.wv.us. That home page will allow you to choose State Board Policies, then choose the appropriate policy name within the Adopted Policies index. Local education agencies and organizations may also choose to make copies of these documents for dissemination to constituents. The Office of Special Education will disseminate copies of Policy 2419 and Policy 4350 to those individuals and organizations listed on the office mailing list. Additionally, one (1) copy for each school in each county will be provided to the district's director of special education for dissemination.

Comments concerning the caseloads calculation in Section 126-16-6 will be accepted through October 15, 1999. Any necessary changes, as a result of this public comment period, will be submitted to the Board at its November meeting. To submit written comments, please complete and return the attached comment form to:

Dee Bodkins, Ed.D.
Director, Office of Special Education
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0330

The Office of Special Education trusts the revisions to Policy 2419 and Policy 4350 will provide current and accurate guidance to schools and districts in the implementation of federal and state laws and regulations. Should you have any questions, please contact staff at the Office of Special Education at 1-800-642-8541 (V/TDD).

DB/RL/jly
Attachments

28070

I really feel the child is #1!!
If they have problems, children should be
in small class sizes to improve their disability!!

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Gary L. Cross

**Title:** Principal

**Street Address:** Rt 2 Box 22A **City/State/Zip:** Ravenswood, WV 26164

I have taken a lot of Special Ed classes and I have worked with these children and they need small classes and special attention!!!

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Please change to:

6.1.5 Caseloads for Special Education Teachers are too high! Very unreasonable considering these children need a lot of extra help!!

A. Regular Ed: Full Time – No more than 25 exceptional students (unduplicated) who are placed in Reg. Ed: Full time a teacher providing consultative services. A teacher providing consultative services may serve additional exceptional students (duplicated) but the maximum shall not exceed 28.

Please change to:

B. Regular Ed: Part Time: No more than 15 students (unduplicated) who are placed in Reg. Ed. A teacher providing services can serve additional exceptional students duplicated) but maximum number shall not exceed 20. The caseload during any one instructional period for teacher providing services shall not exceed 5 at all levels.

See Attached Changes

Class sizes for Special Ed very, very unreasonable!!
Speech classes 50 students reduction!! Too many students
Gifted Classes 50 students!! Too, Too, many!!!
Can't keep up with projects!!! Research, etc!!!

Complete response form by listing each section of the policy.

Please take a look at caseloads!!! B.D. Sincerely Unchanged L.D.

should have very low numbers to help children!

Speech Teachers Caseloads are very, very, very

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

AUG 30 1999

**EXECUTIVE SUMMARY**
**WEST VIRGINIA BOARD OF EDUCATION**

**POLICY NUMBER AND TITLE:** Policy 2419
Regulations for the Education of Exceptional Students

## BACKGROUND:

Policy 2419 is based upon the federal and State laws that are applicable to the education of students with exceptionalities and, therefore, must be revised periodically to reflect changes in legislation at either level. The most recent reauthorization of the federal special education legislation resulted in the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 97). The federal regulations for IDEA 97 were issued by the U.S. Department of Education in March of 1999.

## PURPOSE:

The proposed revisions to Policy 2419 reflect the changes in the federal legislation and regulations. The proposed revisions incorporate new and revised requirements in IDEA 97 and maintain the federal language whenever possible. The proposed revisions in Policy 2419 will provide current and accurate guidance to schools and districts in the implementation of the provisions of IDEA 97.

## PROPOSED CHANGES:

The proposed revisions provide general policy requirements emphasizing improved student results, improved instructional services, greater opportunities for students with exceptionalities to access and make progress in the general education curriculum, and increased parent and student involvement in the educational process. Major proposed changes include additional requirements from IDEA 97 in the following areas: 1) private school placements by parents; 2) mediation; and 3) complaint procedures.

Based upon submitted comments, minor wording and editorial changes in the proposed revisions were made for clarity and better understanding. Additional changes are recommended to the requirements that apply to preschool children with disabilities. These additional proposed revisions reflect the additional federal regulations for Part C: The Early Intervention Program for Infants and Toddlers with Disabilities, which apply to public schools, and current federal terminology for reporting data on the least restrictive environment (LRE) placement options for preschool children with disabilities.

The fourth major change is a proposed method of determining caseloads based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the supplemental aids/services needed by the students and the other duties assigned to the special education instructional personnel. This proposed method of determining caseloads will: a) provide districts and schools with more flexibility in scheduling and staffing to genuinely meet the needs of students; b) reflect the extent of a student's needs regardless of the setting(s) in which the specially designed instruction is delivered; and c) increase the opportunities for more students with disabilities to be served in regular education classrooms with **adequate supports.**

Changes in the proposed method of determining caseloads are being recommended at this time based upon suggestions and data submitted during the comment period by county special education administrators who applied the proposed caseload formula, using both a three (3) point and five (5) point weighted scale, to existing caseloads. Therefore, based upon their comments, it is recommended that the three (3) point weighted scale be adopted, rather than the five (5) point weighted scale as originally proposed. The three (3) point weighted scale reflects current practice and staffing.

**IMPACT:**

The proposed revisions in Policy 2419 will incorporate all current federal requirements into State policy and maintain, whenever possible, the language of the federal legislation. Revised Policy 2419 will, then, provide guidance and direction to the local school districts in the implementation of IDEA 97. When revised Policy 2419 is in effect, local school districts will be required to revise their local special education policies and procedures to reflect the current changes.

Changes in State and local policies and procedures will require extensive staff development statewide for educators, students and their families, and other agency people in the new or revised requirements. The needed staff development will be provided by Department personnel, RESA coordinators, district school personnel and Parent/Educator Resource Center staff members.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Gary L. Cross

**Title:** Principal of Ravenswood Grade

**Street Address:** Rt 2 Box 224 **City/State/Zip:** Ravenswood, WV 26164

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Additional Comment - Aide assignments need to be defined as is presently. The change after July 1, 2000 which states "An aide shall be assigned on the basis of student needs" is ineffective and should be changed!!!

Caseloads in all Special Ed areas need to be decreased instead of pro rating on a three point formula. Speech Teachers LD, & B.D. teachers need special attention!! Enrollments or caseloads too high!! Something needs to be done about duplication of students. These students should be counted as receiving these services.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 | Date 8/30/99 | # of pages 1
To Karen Layne
Fax# 348-6107
From Ruth Hilley
Phone# 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kanawha County Schools
**Title:** Karen Layne (Lead teacher of gifted)
**Street Address:** 1109 Galway Cir **City/State/Zip:** Chas, WV 25314

**Comments / Suggestions**

**§126-16-6. Administration of Services**

In a rural state like ours, the itinerant teachers of gifted are unable to provide adequate direct services to students because of the number of students served. Forty-five is 15 too many to provide the adequate teaching/learning contact time AND collaborate with 15 plus regular ed. teachers, document, write IEP's, facilitate new referrals (Find), conduct MDET's, SAT's, and IEP reviews. The current caseload of 45 is a sore disserviice to West Virginia's gifted populatich. Thirty students per teacher should be the maximum number served.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 Date 8/30/99 # of pages 1
To Karen Layne
Fax# 348-6107
From Ruth Hilley
Phone# 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Benita Murray

**Title:** Teacher of Gifted - Webserwood

**Street Address:** 732 Gordon Dr. **City/State/Zip:** Charleston, WV 25313

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I feel that the class size should be limited to no more than 15 students in a Quest-aut class. Even this size can be difficult to accommodate with the variety of strengths.

I also strongly feel that a case load of 40 students is too many students to serve with the time involved in MDET's, IEP's and documentation requirements as well as instruction & planning. In addition, when traveling to various schools, the time factor for itinerant teachers becomes overwhelming.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 | Date 8/30/99 | # of pages 1
To Karen Kayne
Phone# 348-6707
From Ruth Hilly
Phone# 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Christi Somerville/Kanawha Co. Schools

**Title:** Teacher of Gifted

**Street Address:** 504 Waverly Dr. **City/State/Zip:** Cross Lanes, WV 25313

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Teachers of Gifted are overloaded with paperwork, travel time, and collaboration time. Raising caseload numbers would be a huge mistake and would greatly affect the quality of services for high-ability students. To truly individualize services provided to students, we need the time and support. Time is needed for IEP meetings, MDETs, and collaboration with teachers. (And, every once in a while, I'd like time to actually teach.)

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 | Date 8/30/99 | # of pages 1
To Karen Layne
Fax# 348-6107
From Ruth Hilley
Phone# 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kelly Kendrick / Kanawha Co. Schools

**Title:** Itinerant Teacher of Gifted

**Street Address:** 238 Shepherd Ave **City/State/Zip:** So. Chas, WV 25303

**Comments / Suggestions**

**§126-16-6. Administration of Services**

This is in regards to the caseload numbers assigned to gifted teachers. The new regs place caseload between 45 to 50 students. This number is too high to meet every child's IEP goals. As a gifted group, we suggest "no more than 30 students" per teacher to meet IEP Goals, paperwork involved with each, travel time to schools, and varies meetings from Annual, Triannual, and MDETS.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 to:

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pearte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 | Date 8/26/99 | # of pages 1
To Karen Layne
Fax # 348-6107
From Ruth Hilby
Phone # 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Frances Layne - Kanawha County Schools

**Title:** Director of Special Education

**Street Address:** [illegible] **City/State/Zip:** Charleston WV 25311

**Comments / Suggestions**

**§126-16-6. Administration of Services**

In order to serve children and meet their needs, the IEP team must be allowed to provide the necessary related services to meet the needs of children. Due to the paperwork load [illegible] and IEP/MDT/Team meetings, the time given to serve the gifted children is [illegible]. This will [illegible] quality of services [illegible] gifted students.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it® Fax Note #7673 | Date 8/30/99 | # of pages 1
To Karen Layne
Fax # 348-6107
From Ruth Hilley
Phone # 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Deborah Spradling / Kanawha Co. Schools

**Title:** Teacher of Gifted

**Street Address:** [illegible] **City/State/Zip:** [illegible]

**Comments / Suggestions**

**§126-16-6. Administration of Services**

[illegible]

✓

Post-it Fax Note 7673 | Date 8/30/99 | # of pages 1
To Karen Kayse
Fax # 348-6107
From Ruth Hilly
Phone # 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Susan Dooper/Kanawha Co. Schools

**Title:** itinerant teacher of gifted

**Street Address:** Rt 5 Box 293-A **City/State/Zip:** Charleston WV 25312

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Case load is too high at forty, would be better at 30 when you have travel time between schools. Also, the preparations for the IEP, triennial, MDET meetings are very difficult with the folders kept at the home schools. Students should not be required grade-wise to make up routine class work missed.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 | Date 8/30/99 | # of pages 1
To Karen Payne
Fax # 348-6107
From Ruth Hilley
Phone # 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** M. Williams Kanawha Co.

**Title:** teacher of gifted

**Street Address:** 200 President St. (W) Dr. **City/State/Zip:** Chas. WV 25314

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The services to our children are so watered down and demands so high that the children are the ones suffering. The case loads need to be reduced to no more than 30 per teacher in order to manage case loads more effectively.

Elementary classes need to be at 15-1 so teachers are able to implement the objectives the way they should be.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

✓

Fax Note 7671 | Date 8/30/99 | # of pages 1
To Karen Kayne
Fax # 348-6107
From Ruth Hilby
Phone # 558-2696

**Policy 2419. Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Carol Gernert (Kanawha Co)

**Title:** Teacher of Gifted

**Street Address:** 2002 Pleasant Dr. **City/State/Zip:** Charleston, WV 25314

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Advanced and capable students should be placed on a no more than 30 to 1 basis.

Class sizes remain at 15 or less

The program has been watered down due to the impossible paperwork and guidelines needed to document all students.

CAROL GERNERT

Complete respo

Post-it Fax Note #7673 | Date 8/30/99 | # of pages 1
To Karen Layne
Fax# 348-6107
From Ruth Billy
Phone# 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kanawha Co. Marjorie Greer

**Title:** Itinerant Gifted - Middle School

**Street Address:** 2110 Breezy Dr. **City/State/Zip:** Charleston, WV 25311

**Comments / Suggestions**

**§126-16-6. Administration of Services**

This is regards to the case load for Teachers of gifted. The changes in Policy 2419 that increases the numbers to be served by a teacher from between 45 to 50 students is unrealistic for teachers who serve several schools requiring travel time, student direct service, various meetings for regular consultation, annual and triennial reviews. It would be better to return to "30 students per teacher" to better serve the gifted student.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7679 | Date 8/30/99 | # of pages 1
To Karen Kayne
Fax # 348-6107
From Ruth Hilly
Phone # 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Linda D. Sweeney, Kanawha Co. Schools

**Title:** Teacher of the Gifted

**Street Address:** 2115 Weberwood Dr. **City/State/Zip:** So. Charleston, WV 25303

**Comments / Suggestions**

**§126-16-6. Administration of Services**

This is in response to the change in State Policy 2419 and the case load for gifted. Fifty is unrealistic when a teacher is serving nine elementary schools as I do. Thirty would be ideal, 40 the maximum number of students I could adequately serve appropriately. Attempting to do consultation with over 25 regular educators in nine schools, teach class, maintain documentation, conduct IEP reviews, create curriculum and contact parents is an impossible task! The actual direct services to students suffers under the current caseload – it should not be increased, but decreased.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Post-it Fax Note 7671 | Date 8/30/99 | # of pages 1
To Karen Kayse
Fax# 348-6107
From Ruth Hilly
Phone# 558-2696

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kanawha County Schools

**Title:** Katherine Seaman (Teacher of Gifted)

**Street Address:** 1116 Meadow Way **City/State/Zip:** Cross Lanes, WV 25313

**Comments / Suggestions**

**§126-16-6. Administration of Services**

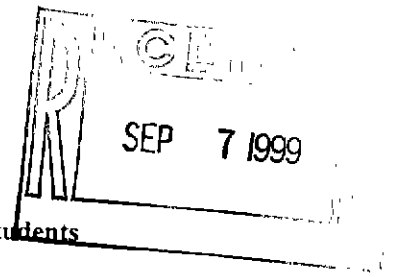
Gifted caseloads should not exceed 30 students. It took a formal complaint to get my schedule changed so that I am not teaching regular classes.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

1 ✓




**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Margaret Bailey / Kanawha Co. Schools

**Title:** Speech Therapist

**Street Address:** 1955 Parkwood Rd. **City/State/Zip:** Charleston, WV 25314

**Comments / Suggestions**

**§126-16-6. Administration of Services**

It is extremely important to "weight" the speech therapy students in a therapist's caseload. A child who needs five hours of therapy per week should certainly be counted differently than a child needing thirty minutes per week. Rarely can a severely impaired child be grouped, often their therapy requires the therapist to travel to their school more often, reducing therapy time even more.

Complete response form by listing each section of the policy.

Please consider allowing a therapist who has a student >

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Grandview Elementary

**Title:** _____

**Street Address:** 959 Woodward **City/State/Zip:** Charleston, WV 25312

**Comments / Suggestions**

**§126-16-6. Administration of Services**

SEP 9 1999

Case load should not exceed 30 per teacher, if teachers must write IEPs also.

Our school needs more space in the facility. We have 2 spec. ed. resource teachers in one room with over 20 students at once.

We have 1.5 teachers and cannot stay within class size limits due to IEP requirements.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

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SEP 1 4 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Greg Dodd

**Title:** Chemistry I Instructor

**Street Address:** 708 Viewmont Drive **City/State/Zip:** Charleston W. Va. 25302

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Large classes may result in the elimination on the number of students being served during instructional times

Fewer special education aides may result with the elimination of the requirement that aides be assigned after specified caseloads are met.

Larger caseloads may be created as a result of the new rating system. i.e. Under the new recommendations there is a potential to have 13 severe/profound students per Special educator.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

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4

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Linda Sample

**Title:** Early Childhood Aide

**Street Address:** P.O. Box 74 **City/State/Zip:** Elkview WV 25071

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Larger classes may result with the elimination of limits on the number of students being served during instructional times.

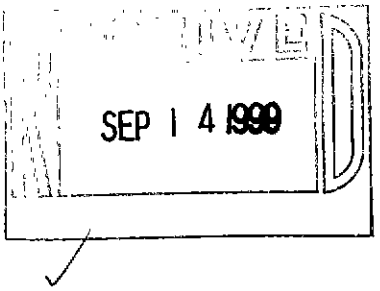
Fewer Special Education Aides may result with the elimination of the requirement that aides be assigned after specified caseloads are met.

Larger caseloads may be created as a result of the new rating system. i.e. Under the new recommendations there is a potential to have 13 severe/profound students per special educator.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741




**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Brandon Brown Hampshire County Public Schools

**Title:** special education teacher (BD)

**Street Address:** (h) 84 Box 91 Keyser WV (w) Augusta WV

**City/State/Zip:** (h) Keyser, WV 26726 (w) Augusta, WV 26759

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I teach a self contained Behavior Disorders class in Hampshire County. This is my first year of teaching in West Virginia. I have have come from Virginia where I had been teaching emotionally disturbed, or learning disability classes for last twelve years.

I am very positive about the new policy limits for the BD classes. I think that it is very important though that a compounding factor is not only the number of students in the self contained class, but the grade level that each student is on. Four students in a self contained class might sound as if this teacher has a very easy class size. However there would be a great difference if each student were at a different class level than if all of the four BD students were at the same grade level doing the same lesson.

Teaching a self contained class of any size with a mulitude of lesson going on, limits the presentation of each lesson to essentially drill and practice and moves each student very slowly.

If BD students are essentially part time, or of a minor IEP perecentage, I think that guidance and counseling is mainly what is wanted and needed. Shouldn't the guidance counselor be appropriate to work with these students?

If the class is made up of students that spend their whole academic day in self contained then the teacher should be able to teach to the needs of the group and present lessons to the small group. By taking the IGO goals as long term objectives the teacher can effectively work within the class limits set up in the new policy and can be more effective than trying to teach several things at the same time.

I have to say that this seems to be practice here in West Virginia and I'm glad to be teaching here.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:** Brandon Brown

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 14 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Mason County Vocational Center

Title: Vocational / ABE / Technology Director

Street Address: Ohio River Road City/State/Zip: Pt. Pleasant WV 25550

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Vocational Educators need to be involved in the IEP team & the process. It needs to be Clearly written in the policy that they are involved

One Special Ed. Instructor told me - "we can write anything we want to in the IEP and with the new policy - vocational people will not be a part of the IEP process"

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**

SEP 14 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Rec Houston, South Charleston J.H.S.

**Title:** Teacher, resource

**Street Address:** 400 Third Ave. **City/State/Zip:** South Charleston WV 25303

**Comments / Suggestions**

**§126-16-6. Administration of Services**

1- watch that caseload phraseology. I teach 6 classes daily, have one prep period, and must monitor my students (caseload) in 24 classrooms of other teachers, daily attending those classes; I monitor bi-weekly and/or as needs arise).
I also prepare, log, disseminate, & am responsible for an actual counted average of 17 pcs. of paper ~~per day~~ between myself & and other teachers (those 24).
2- More paperwork means less teaching. I am here from 6:45 to 4pm daily. Enough.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Nancy Berry

**Title:** Special Education Teacher K-12 Resource

**Street Address:** 12020 MacCorkle Ave **City/State/Zip:** Chesapeake WV 25315

**Comments/Suggestions**

**§126-16-6. Administration of Services**

It is impossible to serve the caseload numbers we have now. We cannot be expected to deal with more students, especially in multicategorical class rooms, with no assistance. The B.D. rooms should remain with 8 total 4 or more with an aide. The resource classrooms should be divided into primary and intermediate situations with no more than 30 per teacher. The paper work for these type students takes half of a teacher's day, and a planning period is never enough time to do all the paperwork the caseload calls for. Please consider leaving the support personnel in place and the caseloads as they currently are.

Thank you,
Nancy Berry

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

7.1. Policy Statement: Each public agency shall: 1) protect the rights of an eligible student with a disability whenever removal from the educational placement is considered as a disciplinary action; 2) proactively design and implement positive behavioral interventions, strategies and supports to address behaviors that interfere with learning; and 3) provide instruction to assist the student to access and progress in the general curriculum and meet the goals in the student's IEP. Specific methods for implementing these requirements shall be stated in each public agency's policies and procedures.

7.1.1. Authority of school personnel for removals of not more than 10 school days at a time.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Rick White

**Title:** Special Education Teacher MI/LD/BD

**Street Address:** Post Office Box 543

**City/State/Zip:** Point Pleasant WV 25550

**Comments/Suggestions**

See attached page.

**§126-16-6. Administration of Services**

**Ruth Lilly**

Post Office Box 543
Point Pleasant, WV 25550
Phone (304)-657-3875
Email: eagle1@access mountain.net

# Rick White

West Virginia Department of Education
Att: Ruth Lilly
1900 Kanawha Boulevard East
Charleston WV 25305

9-11-99

Dear Sirs:

Following is my response to Policy 2419 class size.

The proposed policy removes the maximum caseload numbers and does not define what the new limits will be. We teachers are being asked to approve a formula that will be developed by the county at a later date.

We need a state-wide uniform formula that is easily understood and that quickly determines what caseloads are by principals and teachers.

Sincerely,

Rick White

Rick White, LD/MI/BD Special Education Teacher

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SEP 14 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kelly Ann Harlow

**Title:** Aide IV Grandview Elementary School

**Street Address:** 615 Broadway Ave **City/State/Zip:** Parkersburg, WV 26101

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Policy 2419

* Larger classes
I am against larger classes in all forms. If special education students are to be included they (classes) need to be smaller.

# Fewer aides - S.E. aides are a vital part of the education of special needs children. They do not need to be eliminated.

+ Thirteen severe/profound students per classroom is ludicrous! No one in their right mind would allow this.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

SEP 1 4 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Laura Stungiel

**Title:** Special Education Teacher

**Street Address:** 236 W. Main St. **City/State/Zip:** St. Albans, WV 25177

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I am a Special Educator at Dunbar Jr. I'm responding to the proposal of Section 126-16-6: Caseload Calculation. Personally, I'm absolutely amazed the subject has is even being discussed. I currently have eight behavior disorded students and struggle each day to maintain an environment conducive to learning. An IEP is an Individualized Education Plan, our caseloads are higher than they should be right now. How individualized can a program be if the "Powers to Be" want higher caseloads. Give us a break, please!! If you want to increase the numbers, why don't you spend a few weeks in the classroom, teaching!!

P.S. If you would like to increase something, how about Salary!!!

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

1103 Plum Street
Parkersburg, West Virginia 26101

Phone: 304-420-6554
Fax: 304-420-9507

**Jefferson Elementary Center**

# Fax

| | | | |
|---|---|---|---|
| **To:** | Dr. Dee Bodkins,Director | **From:** | Edward J. Alfred, Principal |
| **Fax:** | 304-558-3741 | **Date:** | September 15, 1999 |
| **Phone:** | | **Pages:** | 1 |
| **Re:** | Policy 2419 Comments | **CC:** | |

☐ **Urgent** x☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

**•Comments:**

126 CSR 16 pg 38, D.F.

Weighted caseloads are the same for all exceptionalities except gifted and speech. Policy 2419 has long since recognized the differentiated need of different exceptionalities, such as LD, BD and MM. To cause all these exceptionalities to have the same caseload defies all good reason to reach IEP goals according to their specific need. This proposed concept abandons all logic in relation to the heretofore successful delivery models. How could a BD teacher continue to address the behavioral needs of an even larger number of students?

The proposed assignment of aides to these increased caseloads makes this new concept even more unacceptable. Aides must continue to be placed according to specified caseloads as opposed to being assigned only to specific need.

I have never seen research that indicates going away from exceptionality specific caseloads and reduction in instructional support service is beneficial to students or the instructor's ability to serve those students adequately.

RECEIVED
SEP 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Debra M. File Grades 10-11-12

**Title:** Mildly Mentally Impaired / Teacher / Parkersburg High School

**Street Address:** 2101 Dudley Avenue **City/State/Zip:** Parkersburg WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

To Whom it May Concern:

I am a high school teacher of mildly mentally impaired students, grades 10-11-12, with ability levels all over the scale. With 7 periods a day, I have 6 different preparations per day. I have 5 non readers among the 28 students I teach per day. I have mounds of paperwork that takes up most of my free time. The non readers, in addition to being taught the text with the rest of the class, need every exercise, every activity, every test, read to them. This is an ongoing and every day task. An aide is crucial to this process. With 8-10 and even more students in a class, it will be impossible to meet their needs without an aide. Everyone of these kids needs help every period of every day. It is not a sit at your desk job. There will definitely be students whose needs do not get met if the aides are removed from programs like mildly mentally impaired. Talk about the "dumbing down of America" - well Special Education cannot afford to be "dumbed down" any more. We are making every effort to prepare these students for productive post graduate work. Removing our aides will be the first step in reverting back to a system that did nothing for these students in getting them organized and prepared. →

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Debra Fide teacher Grades 10-11-12

**Title:** Mildly Mentally Impaired Parkersburg High School

**Street Address:** 2101 Dudley Ave **City/State/Zip:** Parkersburg WV 26101

**Comments/Suggestions**

**§126-16-6. Administration of Services**

(Continued)

I have been teaching for 24 years and I have put all my energies into it, and done my best to make a difference for all the special education students I have. I feel very strongly about this issue. Our aides are an integral and important part of our program here at Parkersburg High School. I have worked very hard to bring this program into the 21st century. Why would the state want to take such a giant step backwards and return us to the dark ages, where our jobs become lost in trying to educate a class of students with varying degrees of ability? I know I couldn't handle a larger caseload - it is a job dealing with eight kids who all need help at once, plus having non readers. The kids who can't read by age 16, aren't going to improve much - so the only way to teach them is orally and kinesthetically. This takes a lot of one on one work. Special Education programs without aides, will ruin all the work we have spent years doing, and plunge us back into a time where little or no progress can be made.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

SEP 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jennifer Weekley

**Title:** LD teacher

**Street Address:** 340 W. High Street **City/State/Zip:** Harrisville, WV 26362

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The rating system proposed will require counties to hire an abundance of special education teachers. This would have to be done with budgets already stretched. For example, a teacher currently teaching L.D. may be over on caseloads based on the rating system. This same teacher with 30 students would be able to instruct these students under current regs.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

7.1. Policy Statement: Each public agency shall: 1) protect the rights of an eligible student with a disability whenever removal from the educational placement is considered as a disciplinary action; 2) proactively design and implement positive behavioral interventions, strategies and supports to address behaviors that interfere with learning; and 3) provide instruction to assist the student to access and progress in the general curriculum and meet the goals in the student's IEP. Specific methods for implementing these requirements shall be stated in each public agency's policies and procedures.

7.1.1 Authority of school personnel for removals of not more than 10 school days at a time.

SEP 15

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Sheila Poettker

**Title:** MMI teacher

**Street Address:**

**City/State/Zip:** Central Elem.
1200 Main St.
Pt. Pleasant, WV 25550

**Comments/Suggestions**

**§126-16-6. Administration of Services**

**Ruth Lilly**

Dear Sirs,

I am writing in reference to the new special education state regs. I do not agree with the class load section. It does not give enough specifics. Any board or committee could assign whatever they choose. It needs to be uniform and equal state-wide. Many people deciding these numbers are not in the classroom and they do not know what can and cannot be accomplished. I would appreciate your consideration in changing what is written now.

Thank you,

Sheila Raettker

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Central School Faculty Senate

**Title:** Staff of the school

**Street Address:** Central school
1200 Main Street
Point Pleawant WV 25550

**City/State/Zip:**

**Comments/Suggestions**

See attached letter

**§126-16-6. Administration of Services**

**Ruth Lilly**

**West Virginia Department of Education**

**Bldg. 6, Room 304**

**1900 Kanawha Boulevard, East**

**Charleston, WV 25305-0330**

**FAX: (304) 558-2696**

**E-Mail:** ralilly@access.k12.wv.us



RSAC

**CENTRAL SCHOOL**

Ms Ruth Lilly
West Virginia Department of Education
Bldg. 6 Room 304
1900 Kanawha Boulevard, East
Charleston WV 25305-0330

9-13-99

Dear Ms Lilly,

We the faculty senate of Central Elementary School wish to comment on the proposed changes to Policy 2419 Caseloads.

We believe that there should be uniform state-wide formula that is easily understood with a maximum caseload number attached to the formula. The proposed changes will create varying case loads from school to school from year to year. Teachers do not feel comfortable with the proposed formula.

Sincerely,

Rick White, Faculty Senate Chair

☎ (304) 675-3670 **FAX** (304) 675-3676 ✉ 1200 Main Street , Point Pleasant, WV 25550

Marsha T. Lewis
Chairman, Special Ed. Dept.
Moundsville Jr High School
Moundsville, WV 26041

SEP 20 1999

Alice Bodkins, Ed.D
Director, Office of Sp. Ed.
WV Dept of Education
Building 6, Room 304
1900 Kanawha Blvd.
E. Charleston, WV 25305-0330

SEP 2 1999

Dear Dr. Bodkins,

In reference to your article in the Newsletter, August 1999, my heavens they won't give us enough sp. ed. teachers - surely they won't take away the aides. We can not adequately service these special needs students when there are more than 8 students in a classroom without an aide. Believe me, we need help!!

I have taught special education for 25 years - I just feel like I am spinning my wheels.

Sincerely,
Marsha T. Lewis

**Policy 2419: Regulations for the Education of Exceptional Students**

SEP 2 0 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Marsha Platnick

**Title:** LD/MI Resource Teacher

**Street Address:** 2506 Cliffmont Ave. **City/State/Zip:** Bluefield, WV 24701

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I think the 1, 2, 3 rating is very equitable. I'm concerned about 2 issues:
(1) The maximum number of students that can be in a special education class at one time is not addressed. I fear that some resource rooms will have 15+ students grades K-5 with no aide in the morning and 5 or less students in the afternoon. Every teacher has math & reading in the morning and wants to send their little dears to the special ed room at that time. I use the law to attempt to schedule efficiently but am still overloaded in the morning.
(2) No criteria for aides are specified. A BD class with severe behavior problems needs 2 adults A class with 13 self contained students needs an aide. Yes an aide can be specified on an IEP, but I've never been allowed to specify one

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

SEP 2 0 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jan Woodward

**Title:** Teacher

**Street Address:** 116 Lake St. **City/State/Zip:** Bfd. WVa

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Provisions need to be made for paraprofessionals in the classroom.

Limits need to be made as to how many can be in the special education class at one time.

Limits need to be made as to how many special needs (regular ed) children can be in one classroom.

Complete respons form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

✓

**Policy 2419: Regulations for the Education of Exceptional Students**

SEP 20 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** AFT

**Title:** educator

Roberta Sue Gunchuck
4 Wildwood Dr
Parkersburg, WV 26101

**Street Address:** **City/State/Zip:**

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Please consider the impact of individual development that an exceptional child needs. The emotional support, the small instructional setting to give confidence to learn on their level plus the self-esteem that develops through positive experience. In a classroom of 24 children and one teacher do you feel the child with exceptionalities has a chance to grow and develop at their individual need level? A classroom teacher battles daily to assist all children - however he/she is only one among many children now-a-day that need special assistance. Help our children grow - keep class size down.

CLARKSBURG WV 263 PM 16 SEP 1999

Honoring Those Who Served
The United States of America 33

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
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SEP 20 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Heather Yoder Myers

**Title:** BD/LD teacher at Capon Bridge Middle School, Hampshire Co.

**Street Address:** P.O. Box 454 **City/State/Zip:** Capon Bridge, WV 26711

**Comments / Suggestions**

**§126-16-6. Administration of Services**

- p. 38, Part C: This process to determine caseloads seems very complicated and time-consuming. Will someone need to be hired to determine caseloads? Or will this responsibility fall back on the sp. ed. teachers themselves? I liked the caseload law with a set # of students per instructional period. And who will monitor whether or not the caseloads are exceeded? Right now, in our school, several sp. ed. self-contained classes have numbers of 12 + 13 with no assistant. We are told that there is no money for more teachers or support staff and are expected to make things work out somehow.

- p. 38, Part E: Yes! Non-instructional services should be weighted. However, this means we'll need more teachers to divide our caseload among. Our county says it has no ~~money~~ money. Who will hire the extra staff or ensure that we get the extra staff? Enforcement of these policies is a real concern. They are good ideas, but without enforcement and funds for extra staff they will change nothing.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 0 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Millie Odell

**Title:** LD/MI/BD Teacher

**Street Address:** 2004 Walton Avenue **City/State/Zip:** Bluefield WV 24701

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I disagree with making these changes for the following reasons:

1) Because these students have identified learning problems, they need smaller classes in order to be provided more individualized instruction;

2) IEP's are specifically written for most students to be provided small group instruction. This accommodation is an integral reason students are placed in a special ed. classroom for a particular class; and

3) With a nationwide emphasis on smaller class size, why are we considering policy that has the potential to increase class size for our special needs students?!

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

SEP 20 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Bridge Elem. Faculty Senate

**Title:** _____

**Street Address:** 5120 Elk River Rd. N **City/State/Zip:** Elkview, WV 25071

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The Faculty Senate Members ~~of~~ Bridge Elementary are very concerned about the increased number of students allowed for a Special Educator's caseload. We all feel that the Special Educator's job is especially challenging. They must work with the most challenging students in the school, complete an overwhelming amount of paperwork, and attend numerous meetings that relate to their students. We feel that any increase in the Special Educator's workload would be both detrimental to the students and the Special Educator.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 1 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Teacher

**Title:** Doris Connell

**Street Address:** 109 Big Tree Dr #5 **City/State/Zip:** Fairmont WV 26554

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Public Law 94-142 was implemented to ensure special education students receive specialized instruction in a small group setting. Children with exceptional needs were to be guaranteed by law a free & appropriate education in a least restrictive setting. Promoting large class sizes violates the public law ensuring success for these students being educated in a one on one small group setting. Having taught Special Ed for 22 years, I am very concerned about some of the delegation being proposed. We have come so far to start going backward. Please help to continue advocating small classroom size for the special needs students. Thank you for your time. Doris Connell

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

SEP 21 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Tammy Fisher

**Title:** Substitute teacher elementary

**Street Address:** 1015 Tenth Street **City/State/Zip:** Nitro, WV 25143

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I believe the above mentioned policy will adversely effect the students that it will cover. Last year I subbed in a resource class as a "2nd teacher in a classroom because of the numbers, and I can say we had approximate 25 students in and out, and on various levels, border line behavior disorder, MMI's to MI's to LDs and the situation was not conducive to proficient learning. (I can not see 40 students in a BD room!)

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

SEP 2 1 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Elizabeth Russell Sissonville HS

**Title:** Faculty Senate Chair

**Street Address:** 6100 Sissonville Dr. **City/State/Zip:** Charleston WV 25312

**Comments/Suggestions**

**§126-16-6. Administration of Services** 126-16-6 Caseload Calculations

1. The elimination of limits on the number of students served during instructional times may result in much larger classes - this inhibits the ability of teachers to individually assist students.

2. Fewer Special Education aides could cause a decrease in the assistance needed by the teacher for adequate instruction of students.

3. This new rating system appears to increase the case load of special educators rather than decrease the load --- which makes more sense.

* There is no assistance with inclusion which is something that need be addressed.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

✓

**Policy 2419: Regulations for the Education of Exceptional Students** SEP 2 1 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.


**Individual/Organization:** MARCUM E. ELLIOTT

**Title:** MI, SELF-CONTAINED TEACHER

**Street Address:** 843 Daverton Rd. **City/State/Zip:** Charleston, WV 25303-2310


**Comments/Suggestions**

**§126-16-6. Administration of Services**

I am deeply concerned about the effect 2419 will have on Special Education in this state. This proposal will allow the elimination of teacher jobs, aides, and the quality of services that these children are entitled to. They will be profoundly short-changed, Not to mention personnel jobs.

We, as Special Educators, have grown to know our students unique needs. We have become attached to them and have followed their progress to this point. To sever this bond now would do irrepairable harm to their psyche. This would result in emotional turmoil on their part, if not the teacher SP. Ed. also.

I cannot believe such a cold and callous proposal would be presented. These students deserve the best quality services that they are now receiving from us, Special Educators. To take this away is an immoral act on behalf of the State Dept. of Education. Thus, I am firmly against this proposal and hope in good conscience it is firmly defeated.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Sincerely,

Marcum E. Elliott,
SP. Ed. Teacher,
Riverside High School
9-17-99

RECEIVED
SEP 22 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419 You may attach additional sheets if necessary.

**Individual/Organization:** Nitro Elem.

**Title:** Kindergarten Teacher

**Street Address:** 1921 19th St **City/State/Zip:** Nitro, WV 25143

**Comments / Suggestions**

**§126-16-6. Administration of Services**

(1) There is no consistency within the program. Things change too often.

(2) Keep minutes of IEP in accessible area.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 22 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Carol Young West Teays Elementary

**Title:** Teacher Putnam County

**Street Address:** 3676 Teays Valley Rd. **City/State/Zip:** Hurricane WV 25526

**Comments / Suggestions**

**§126-16-6. Administration of Services**

We need more special ed. teachers, not less! To illustrate: A 3rd grade class gets 2 hours per day of reading, spelling, and language. A 3rd grade child from the same class who goes to the resource room for these subjects only gets 1 hour per day. (Then they are sent back to regular class with nothing to do except sit and get frustrated because they can't keep up.) So a child already below level is only getting half the instruction of kids on level. This makes no sense.

Need more special ed. teachers who can take students for subjects the full length of time and at the same time the regular class is having that subject.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 ? 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Celtic Haught

**Title:** Teacher

**Street Address:** 211 Faris Ave **City/State/Zip:** Bridgeport WV 26330

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Classrooms cannot be imposed upon of learning is to continue at the standards expected.

Changing caseload should be evaluated Closely before removing an aide from a needed situation.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

RECEIVED
SEP 22 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Marsha T. Lewis

**Title:** Special Education Teacher LD/MI - Department Chairperson

**Street Address:** 401 Tomlinson Avenue **City/State/Zip:** Moundsville, WV 26041

**Comments/Suggestions**

**§126-16-6. Administration of Services**

A change in Policy 2419 eliminating limits of the number of students being serviced during instructional times as well as the possiblity of decreasing special education aides assigned for specific caseloads would be devastating for special education students.

Furthermore, special education classrooms would become even more so a dumping ground and special needs students would bare the misservice.

I have been a special educator for 25 years. These proposed changes would negate all of the progress special education has made over the past years.

Marsha T. Lewis

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

SEP 2 6 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** SUSAN E. KNOTTS / ROANE COUNTY H.S.

**Title:** DEPARTMENT CHAIR - SPECIAL EDUCATION

**Street Address:** 702 CHARLESTON RD. **City/State/Zip:** SPENCER, WV 25276

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The Special Education department of Roane County High School has reviewed the proposed changes to Policy 2419. In the areas of Mentally Impaired and Specific Learning Disabilities, it is recommended that the caseload remain at ten (10) students without a full-time aide during one instructional period instead of the proposed number of eight (8). May it also be noted that resource or consultative services need to be provided in addition to specific instructional time periods.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 6 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Larry Lawson - Teacher - Putnam Co.

**Title:** Teacher

**Street Address:** 216 Rockledge Dr **City/State/Zip:** Nitro WV 25143

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I have 26 years of teaching experience. I spent 17yrs with Severe/Profound and the last 9 years with Mild/Moderately Impaired.

Surely your joking about cutting back on Teachers aides. Yes we have smaller classes than regular teachers - but we also have kids who have multiple problems - That's why they are in Sp. Edu.. If there are schools or counties that are abusing the system then deal with them on an individual basis. If your changing the system for financial reasons - then shame on you. I know from experience that I could never get the results that we do, without the help of our aides.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Mr Larry Lawson
Winfield Elem.
Winfield WV.

SEP 27 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Sandra Gillespie
**Title:** Kindergarten Teacher
**Street Address:** 445 Conner St **City/State/Zip:** Hurricane WV 25526

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I have serious reservations about the revisions the State Dept is recommending.
- I do not want larger classes.
- Special Education needs their aides.

and finally
- The special educator can not handle 13 severe/profound students.

I am gravely concerned about the revisions.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

P.S. Larger classes could result in Babysitting rather than teaching.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Ronald Blankenship

**Title:** Superintendent, Calhoun County Schools

**Street Address:** Rt 1, Box 1E

**City/State/Zip:** Grantsville WV 26147

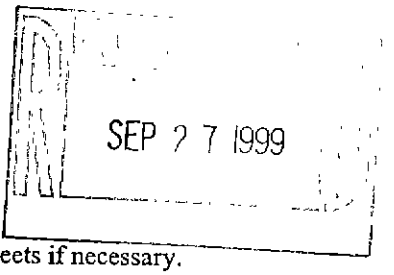
**Comments/Suggestions**

**§126-16-6. Administration of Services**

In Calhoun County, we have a combination center-based / family consultation preschool program, and the preschool teachers can each serve 16 preschool students with special needs under the old regulations. The teachers serve each of these16 students two days per week, for a total of at least 760 minutes per week each. Under the new regulations, 760 minutes of services is assigned a rating of "3" for each of these children for a total weighted caseload of 48 (3 times 16). This exceeds the weighted caseload limit of 40 proposed in the new regulations. I suggest the following remedy for this: Allow the weighted caseload limit for preschool special needs teachers to be 50 as it is for teachers of gifted and for speech/language pathologists. This would make the actual caseload for teachers of preschool special needs students the same as it was under the old regulations (no more than 16 special needs students). It would have an additional advantage of keeping it relatively simple, since there would be only two caseload levels to remember (50 for teachers of gifted and preschool special needs students and speech language pathologists and 40 for everyone else).

**Ruth Lilly**
**West Virginia Department of Education**
**Bldg. 6, Room 304**
**1900 Kanawha Boulevard, East**
**Charleston, WV 25305-0330**
**FAX: (304) 558-2696**
**E-Mail:** rallily@access.k12.wv.us

**Policy 2419: Regulations for the Education of Exceptional Students**




Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Angela Carvelli and Melissa Tenney

**Title:** Teachers, Specific Learning Disabilities - Lumberport Middle School

**Street Address:** Rt 1 Box 2 **City/State/Zip:** Lumberport, WV 26386

**Comments/Suggestions**

**§126-16-6. Administration of Services**

In response to the proposed changes in the above policy, we would like to comment from a special educator's viewpoint. Currently, we are servicing 45-50 learning disabled students between two teachers at the middle school level. These students are placed in classes all across the curriculum (6th-8th grade). Finding time to provide support for them in the regular classroom is difficult; time for consultation with teachers is rarely adequate. In the resource room, we can now service up to eleven students without an aide. Working with numbers this high leave the students and teacher feeling frustrated; at this point, assistance from an aide is invaluable. These students have individualized education plans which mean they all have very unique learning problems and are rarely working on the same grade level as their classmates. *Increasing caseloads and the number of students in these classes is an injustice to children who are later expected to graduate with job readiness skills.* High frustration levels result in children giving up on education, leading them to become a problem in society. We must ask ourselves, "what is the goal for educating these special students?"

**We urge you to work toward keeping the regulations as they are. We need policies that are in the best interest of students, not in the best interest of finances.**

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

SEP 2 7 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kanawha County Schools

**Title:** Teachers of Preschool Handicapped

**Street Address:** 200 Elizabeth St. **City/State/Zip:** Charleston, WV

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I think the proposal to increase case loads in special Education has many draw backs. The special educator spends most of his/her time documenting goals, holding IEP meetings, consulting with the regular educator, going to staff meetings and adapting curriculums. The need to decrease caseloads is clear. Most special educators give up their lunches, and planning to help students. They also spend a lot of after school time doing the paperwork from what was previously stated. Some special educators do health related service to some of their students. They do all of these things without extra pay or compensation.

Complete response form by listing each section of the policy.*

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

*reference: 126 CSR 16 pg. 38

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Catherine Naylor-Smith

**Title:** teacher

**Street Address:** 2360 Sycamore Road **City/State/Zip:** Hurricane, W.V. 25526

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

September 23, 1999

The school at which we teach, Westfield Elementary School, has a large population of Special Needs students. The aides who assist these students are extremely beneficial to each child's learning and success in school. Reducing the number of aides who work with Special Needs students would be a great detriment to the child, the school, the family, and the community. As educators, our value must be to promote the best education for students. Please consider an alternative to reducing the number of Special Education aides.

Thank you for your consideration of this matter.

Sincerely,

Catherine Naylor-Smith
Jean Summerfield
Sharon Summerfield-Shortridge

Catherine Naylor-Smith
Jean Summerfield
Sharon Summerfield-Shortridge

Classroom Aide Janet C. Duffield
Classroom Aide Holly L. Childress

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SEP 28

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** _____

**Title:** Bus/Classroom Aide

**Street Address:** 2 Wall Street **City/State/Zip:** Winfield WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I am a bus/classroom aide, and I am opposed to policy 2419. I can't imagine what would happen if aides were reduced at a time when the Special Education needs are increasing, the outcome can only be disasterous. I go where I am needed and I am never idle.

You gave our teachers a raise making them feel more professional as they should, and now your going to take away their help.

Please veto this policy!

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 28

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Putnam Co. Schools

**Title:** special education aide

**Street Address:** 2 Wall St. **City/State/Zip:** Winfield, W. Va. 25213

**Comments / Suggestions**

**§126-16-6, Administration of Services**

As an aide in an O.I. classroom with other M.I. students, I see day to day what is required to assist physically handicapped students. With 16 students — all with different needs, it would be very difficult for the teacher to take care of all these students alone. She teaches students in K-5 plus one pre-school student. An aide is most needed to assist her. This policy would be a negative turn for these students, as the teacher would spend valuable teaching time caring for physical needs instead of teaching.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Putnam Co. Schools

**Title:** Aide

**Street Address:** 2 Wall St. **City/State/Zip:** Winfield, WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

As an aide working in an OHI resource classroom, I see the needs of these children. This classroom consists of K-5 consisting of so many different levels. The teacher needs all of her time teaching instead of tending to their personal hygiene needs. I as an aide to assist with these personal needs and assist the teacher any other way I am needed. If this policy should pass it would take away too much from these students, like students that need so much.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jack Gordon

**Title:** PE/MC/PAC Winfield

**Street Address:** 2 Wall Street **City/State/Zip:** Winfield, WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The RATIO of Teacher Aides to Teachers must stay in place. The Teacher aides play a most important role in the special Education process. It would be most detrimental to force any reduction in support personnel. Actually this would be stupid. Please leave us alone as we work hard to provide an excellent education for our Students.

Sincerely,
Jack Gordon

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

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SEP - 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Philip M. Watson Philip M. Watson Aide/Winfield Elem.

Title: Aide

Street Address: 2 Hall Street City/State/Zip: Winfield WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

To whom it may concern,

I think it would be detrimental to the students education if the aides were all abolished. Many of the children have to be assisted to the restroom, have to be fed and need constant attention, there is no way one person could perform all these task and still teach the class It takes staff to run any kind of organization including the scool system.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

RECEIVED
SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** KAREN S. NOWAKSKI

**Title:** ASSISTANT PRINCIPAL WINFIELD ELEMENTARY SCHOOL

**Street Address:** #2 WALL STREET **City/State/Zip:** WINFIELD, WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The proposal to provide aides on an "as needed" basis is ludicrous. Classroom teachers cannot manage and educate special needs students without the valuable help of the aides which they now have.

Please do not implement the revisions to policy 2419. The children will ultimately be the ones to suffer if you do.

Karen S Nowakski

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.


**Individual/Organization:** Lance Sutherland

**Title:** Teacher- Behavorial Disorders Winfield Elementary

**Street Address:** #2 Wall St. **City/State/Zip:** Winfield, WV 25213


**Comments / Suggestions**

**§126-16-6. Administration of Services** - It has come to my attention that the change in policy will do away with Special Education Aides. I find this absurd. In my situation it almost impossible to operate my classroom without the help of my aide; in fact it is unsafe. If a student happens to go off and needs to be restrained it takes two people who know what to do in that situation. If you change this policy not only will you put the education of the students in jeopardy but also their safety and welfare as well as mine. If you have any common sense, and I know you do, you won't change the policy. We are here for the students and their education and sometimes changes are needed to help us do things better, however this change would be a step backwards and not help further but hinder the students education.

Complete response form by listing each section of the policy.

Thanks,

Lance Sutherland

**Return comments by** October 15, 1999 **to:**


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** April Harper / Winfield Elementary

**Title:** SMI/PMI Teacher

**Street Address:** _____ **City/State/Zip:** Winfield WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The Teacher/Aide ratio must remain the same to maintain the quality of education and special needs of students. It is the students who will suffer if this allowed to happen. Please take into account the long term effects this will have on the students if the Teacher/Aide ratio changes/decreases

April D Harper

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Martha I. Alexander

**Title:** Exceptional Education Aide

**Street Address:** Winfield Elementary **City/State/Zip:** Winfield W.V. 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The teacher/aide ratio must remain the same to maintain a higher educational level. In working with special needs children I can honestly say that the children will suffer if you decrease the help provided for them

Martha I Alexander

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Elizabeth Lewis

Title: Autism Aide

Street Address: Winfield Elem. City/State/Zip: Winfield, WV.

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I urge you to oppose Policy # 2419
The Teacher/Aide ratio must remain in tack.

Thank You
Elizabeth Lewis

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Melissa Harold / Put. Co. Board of Education

**Title:** Exceptional Education Aide

**Street Address:** 108B Ches-Wal Rd **City/State/Zip:** Scott Depot WV 25560

**Comments / Suggestions**

**§126-16-6. Administration of Services**

As an exceptional education aide, I feel it would an injustice to remove the aides from the classroom. My personal role is to provide communication (sign language/interpreter) between the teacher and student. Since providing this service, I have seen this students grades change from C, D, & F's to A & B's. Without the service of an interpreter this child was unable to communicate/learn clearly & effectively. Why would you want to take this away from her?

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Sincerely,
Melissa Harold

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Tina Payne

**Title:** Behavior Disorder Aide

**Street Address:** Winfield Elementary **City/State/Zip:** Winfield W.V 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I urge you to oppose Policy 2419 the Regulations for Education of Exceptional Students. The Teacher/Aide ratio must remain in tack. It is of the upmost importance for the interest of our special needs Children to offer the best education possible. And it should int be at the Children expense.

Tina Payne

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access k12.wv.us
**FAX: (304) 558-3741**

SEP 28 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Marilyn Smith

Title: substitute teacher Kanawha + Putnam Co

Street Address: 111 Litchfield City/State/Zip: Hurricane WV 25526

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I substitute in special Ed classrooms and I know first hand that these classrooms are in dire need of support personnel. They are invaluable resources to teachers; however, most importantly, these special students reap most of the rewards.

To remove any of these resources would definitely cause the students tremendous hardships.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**


M Smith
9/14/99

SEP 2 8 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Melissa Butcher / Winfield Elem. School

**Title:** Classroom Aide

**Street Address:** 12 Wall Street **City/State/Zip:** Winfield, WV 25213

**Comments / Suggestions**

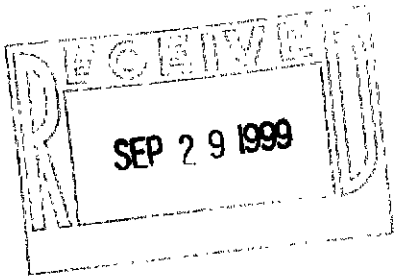
**§126-16-6. Administration of Services**

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Jacqui Young**




**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Wednesday, September 29, 1999 8:06 AM
**Subject:** Fw: Policy 2419 Section 126-16-6: Caseload Calculations

-----Original Message-----
From: Fullen, Laura <lfullen@iolinc.net>
To: pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>; ralilly@access.k12.wv.us <ralilly@access.k12.wv.us>
Date: Tuesday, September 28, 1999 6:14 PM
Subject: Policy 2419 Section 126-16-6: Caseload Calculations

>Dear Dr. Bodkins:
>
> I am a 7th grade English and science teacher at Lumberport Middle
>School in Harrison County, West Virginia. My 5th period science class
>includes 13 learning disabled students. Much of the content in
>my textbook is very difficult for these students to understand. I can't
>lower the standards of my course content for these reasons: (1) the
>State of West Virginia IGOs must be met; (2) the non-learning disabled
>students in my class must have 7th grade level science content; and
>(3) the School-to-Work Program requires that students be given
>instruction that will ensure their success for the 21st century
>workforce.
>
> Since I can't and wouldn't want to lower my course standards,
>what other alternatives do I have? Fortunately, I have a teacher's aide
>in my classroom for this 5th period science class everyday! She works
>mainly with the non-readers who must grapple with the difficult science
>vocabulary and concepts in my course work. Even though I've modified
>every worksheet and test for the special education students, they still
>struggle to succeed! Even though I constantly review and drill key
>concepts, the teacher's aide must help these special students on a daily
>basis. This teacher's aide is invaluable to the success of these
>students! Because the teacher's aide is available to help the most
>educationally needy students, I can then address the needs of the class
>as a whole for almost total student success in my 5th period science
>class!
> Please consider my comments carefully when you make a decision on
>Policy 2419. As things stand now, everybody in my classroom is winning
>the game for a good education: the regular students, the special
>students, the teacher's aide, and me! Let's keep it that way!
>
> Sincerely yours,
>
> Mrs. Laura J. Fullen
> 7th grade
> Lumberport Middle School
> Rt.1, Box 2
> Lumberport, WV 26386
> lfullen@iolinc.net

RECEIVED
SEP 29 1999

**Jacqui Young**

**From:** Ruth Lilly <ralilly@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Wednesday, September 29, 1999 4:19 AM
**Subject:** Fw: Policy 2419 Section 126-16-6: Caseload Calculations

Jacqui - I got this message this morning. Please add to the comment log.
Thanks. Ruth

---

> From: Fullen, Laura <lfullen@iolinc.net>
> To: pcarte@access.k12.wv.us; ralilly@access.k12.wv.us
> Subject: Policy 2419 Section 126-16-6: Caseload Calculations
> Date: Tuesday, September 28, 1999 10:16 PM
>
> Dear Dr. Bodkins:
>
> I am a 7th grade English and science teacher at Lumberport Middle
> School in Harrison County, West Virginia. My 5th period science class
> includes 13 learning disabled students. Much of the content in
> my textbook is very difficult for these students to understand. I can't
> lower the standards of my course content for these reasons: (1) the
> State of West Virginia IGOs must be met; (2) the non-learning disabled
> students in my class must have 7th grade level science content; and
> (3) the School-to-Work Program requires that students be given
> instruction that will ensure their success for the 21st century
> workforce.
>
> Since I can't and wouldn't want to lower my course standards,
> what other alternatives do I have? Fortunately, I have a teacher's aide
> in my classroom for this 5th period science class everyday! She works
> mainly with the non-readers who must grapple with the difficult science
> vocabulary and concepts in my course work. Even though I've modified
> every worksheet and test for the special education students, they still
> struggle to succeed! Even though I constantly review and drill key
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> basis. This teacher's aide is invaluable to the success of these
> students! Because the teacher's aide is available to help the most
> educationally needy students, I can then address the needs of the class
> as a whole for almost total student success in my 5th period science
> class!
> Please consider my comments carefully when you make a decision on
> Policy 2419. As things stand now, everybody in my classroom is winning
> the game for a good education: the regular students, the special
> students, the teacher's aide, and me! Let's keep it that way!
>
> Sincerely yours,
>
> Mrs. Laura J. Fullen
> 7th grade
> Lumberport Middle School
> Rt.1, Box 2
> Lumberport, WV 26386
> lfullen@iolinc.net

**Policy 2419: Regulations for the Education of Exceptional Students**

SEP 29 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets ~~if necessary~~.

**Individual/Organization:** Tammy L Warner

**Title:** Special Education / Elementary Resource Teacher

**Street Address:** Rt. 1 Box 130-1 **City/State/Zip:** Red House, WV 25168

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Dear Dr. Dee Bodkins,

I am an elementary school resource teacher. In my class, I teach at one time, students who are Autistic, Mentally Impaired, Learning Disabled, Other Health Impaired (Attention Deficit Hyperactivity Disorder) and Behavior Disorder. The current regulation caseload is 8 students per class. When all these various disabilities are in one class, this number is enough when trying to keep these students focused and on task. If the regulations are increased from an eight limit caseload, it will be very difficult to have individualized instruction for students, whom we inform parents that their child will receive in the Resource Room. Before any changes are made please remember that the students who qualify for the Resource Room really need Individualized Help, if caseloads are increased that will not happen!

Come out and observe in a Resource Room and then decide that it would be beneficial to increase caseloads!

Sincerely,
Tammy L Warner

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

RECEIVED
SEP 29 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Carol Young
**Title:** Teacher- West Teays Elementary
**Street Address:** 3676 Teays Valley Rd. **City/State/Zip:** Hurricane WV 25526

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Here's what you need to do for Special Education:

1. Behavior Disorders Program in Putnam County - Students identified as BD are sent to West Teays Elem. and immediately just put right back into the regular classroom. What is the point? They were in a regular classroom at their home school. The BD program needs to be self-contained so these students are given the training and help they need and so the other students in the regular classroom can get an education instead of the regular teacher spending so much time on the BD student.

2. SAT officer (referral officer) - This is an extra job with extra pay and should be done after school hours, not during instructional time. At my school, the SAT officer stops instruction the last half hour of school 2 days per week and other teachers have to babysit and cover her class so she can take care of her extra job. This is wrong - unfair to students who deserve instruction and to teachers made to do the job she is getting paid to do.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Policy 2419: Regulations for the Education of Exceptional Students

Individual/Organization: Joe Bennett – Fayette County Federation of Teachers

Title. President

Street Address: PO Box 85 City/State/Zip: Spring Dale, WV 25980

SEP 3 0 1999

Comments/Suggestion

126-16-6 Administration of Services

The Fayette County Federation of Teachers has concerns regarding Sec. 126-16-6. We believe that this section in caseloads has the potential to negatively impact every special education student in West Virginia. These proposals would, in most instances, leave it to the discretion of the county board of the education to place teacher's aides. At the present time, we believe it that the boards of education only utilize teacher's aides when required to do so by regulations. It is clear that financially pressured boards will be very sparing in the utilization of teacher's aides if given complete discretion in staffing. While boards may see the necessity, they must always prioritize. A case in point: How many boards hired elementary counselors before being required by statue? It is my opinion that staffing of teacher's aides should be based on objective criteria and students needs rather than the perceived financial needs of county board of education. Although the current ratio of student to teacher and teacher's aide may not be perfect fit for all circumstances, these ratios provide an objective standard which prevent boards of education from sacrificing the physical and educational needs of special education students to short term financial considerations. We believe teacher aides to be essential to the dignity and well being of special education students. It is our belief that this proposal could result in virtual elimination of special education aides. We urge you to reconsider the language regarding special education aides.

The Fayette County Federation of Teachers has concern with regard to caseload. The current policy mandates maximum number of students, which varies according to exceptionally, to be assigned during any one instructional period. The proposal, as I understand it, would rate students according to the instructional time specified on their IEP's. A compilation of rating will then be used to determine case overload It causes me a degree of discomfort that the building level administrator, along with the special educator director, will compile the rating and determine a special education teacher's weighted caseload. I believe that this section has the potential to create larger classes and larger caseloads as the result of the new rating system i.e. Under the proposal there is a potential to have thirteen (13) severe/profound students per special educator.

The Fayette County Federation of Teachers have some difficulty understanding the way the proposal is organized. Further clarification would be in order. It is out hope that the Board of Education will postpone the adoption of Section 126-16-6 until further study is conducted as to the impact on caseloads, class size and use of special education aides.

Policy 2419· Regulations for the Education of Exceptional Students

Individual/Organization. Joe Bennett -Faculty Senate President Meadow Bridge High School

Title: President Meadow Bridge High School Faculty Senate

Street Address: PO Box 10 City/State/Zip: Meadow Bridge, WV 25976

SEP 2 0 1999

Comments/Suggestion

126-16-6 Administration of Services

The Meadow Bridge High School Faculty has serious concerns regarding Sec. 125-16-6 We believe that this section in caseloads has the potential to negatively impact every special education student in West Virginia. These proposals would, in most instances, leave it to the discretion of the county board of education to place teacher's aides. At the present time, we believe that boards of education only utilize teacher's aides when required to do so by regulations It is clear that financially pressured boards will be very sparing in the utilization of teacher aides if given complete discretion in staffing. While boards may see the necessity, they must always prioritize. A case in point: How many boards hired elementary counselors before being required by statute? It is our opinion that staffing teacher's aides should be based on objective criteria and students needs rather that the perceived financial needs of a county board of education. Although the current ratio of student to teacher and teacher's aides may nor be a perfect fir for all circumstances, these ratios provide an objective standard which prevents boards of education from sacrificing the physical and educational needs of special education students to short term financial considerations. We believe teachers aides to be essential to the dignity and well being of special education students It is our belief that this proposal could result in the virtual elimination of special education aides. we urge you to reconsider the language regarding special education aides.

The Meadow Bridge Faculty have concern with regard to caseload. The current policy mandates a maximum number of students, which varies according to exceptionally, to be assigned during any one instructional period. The proposal, as we best understand it, would rate students according to the instructional time specified on their IEPs. A compilation of rating will then be used to determine caseload. It causes us some discomfort that the building level administrator, along with the special education director, will compile the ratings and determine a special education teacher's weighted caseload. We believe that this section has the potential to create larger classes and larger caseloads as a result of the new rating system. i.e. Under the proposal there is a potential to have thirteen severe/profound students per special educator.

The Meadow Bridge High School Faculty has some difficulty understanding the way the proposal is organized. We feel that further clarification is necessary. We hope that the Board of Education will postpone the adoption of Section 126-16-6 until further studies are conducted as to the impact on caseload, class size and use of special education aides.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Mabscott Elem.

**Title:** Sp. Ed. Staff

**Street Address:** P.O. Box 174 Mabscott, WV **City/State/Zip:** 25871

**Comments / Suggestions**

**§126-16-6. Administration of Services**

SEP 2 0 1999

P. 32 6.1.5 Caseloads

Suggestion

(b) Regular Ed. - Part-time maximum number of 35 students is too high!! Reason: It's difficult for the Special Educator to individualize the curriculum of their students (even in small grps.) when dealing with the following: a) servicing multi-category students (LD/MI/BD)

(b) teaching multiple subjects (Reading, Math, Language, etc.) on multi-ability levels (in multiple grade placements) of students at once.

(c) scheduling difficulties and constant entering and exiting of students.

(d) behavior problems and small size classrooms make it difficult to separate difficult students when necessary

(e) Planning time is not sufficient to take care of all lesson plans, paperwork, meetings, etc.

Comment - Constant changes in laws, forms, Sp. Ed. terminology, policies, IGO's, IEP's, etc makes it very difficult to be a Knowledgeable and proficient Special Educator.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

SEP 20 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Yvonne Santin / Special Ed. Director, Wood County Schools

**Title:** Special Education Director

**Street Address:** 1210 13th Street **City/State/Zip:** Parkersburg, WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

SEE ATTACHED COMMENTS. THANK YOU!

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Policy 2419:
Regulations for the Education of Exceptional Students

Comments and suggestions on 6.1.5.b.A. :

The State Office of Special Education should work with the staff of WVEIS to develop a system for overseeing the caseload of special educators and SLP's. This could be done by refining the system which already exists and would also assist the state in monitoring caseloads on a continual basis as opposed to once every four years. WVEIS HAS THIS POTENTIAL, LET'S USE IT!! ANY CASELOAD RATING SCALE WILL HAVE A DIRECT FISCAL IMPACT UPON COUNTY SCHOOL SYSTEMS!!!

This system could be developed and presented at the annual state conference on the WVEIS system during the second week in June.

Much like the long-awaited statewide IEP, this monitoring system would save time for local special education directors (many of whom wear several other hats) by eliminating the need to have a separate stand-alone computer program for determining caseloads. It would also enable state special education staff to provide technical assistance in this area (which is greatly needed if counties are "over the formula" due to special education).

Suggestions: (6.1.5.b.B., 6.1.5.b.C.,& 6.1.5.b.D.)

The effective date of July 1, 2000 for determining caseloads using either rating scale should be postponed for one year. Piloting the proposed rating scale may be necessary to "work out the kinks" before implementing it statewide to prevent potential negative impacts. The present system, however, definitely needs to be changed!! Piloting the rating scale system in a large, medium, and small size county next year is suggested. (Wood County Schools would volunteer to be involved in this pilot.)

Rating scales need to reflect more reinforcement of direct instruction in the regular education class service delivery model. Both rating scales reflect the pullout service delivery model, but have removed the language to "trigger" an aide. Devise a rating scale that would reflect the complexity of integration at the secondary (middle childhood and adolescent) level. Perhaps having "hard data" from counties will allow these rating scales to be more refined. However, it should be noted that in order to responsibly implement special education in an integrative regular education setting, more special education teachers (not less) will be needed initially. It would be naive to think otherwise. Special education (state and local levels) should be working closely with the federal "class size reduction program" teachers in an effort to collaborate in an integrative setting.

In order for the building level administrator to compile the ratings for students assigned to a school or area, there will need to be more involvement of principals in the IEP process. In many counties, the special education director chairs IEP's, not the school principal. This is a good opportunity for building level administrators to have a direct impact upon a student's education.

The timing of the compilation of ratings for special education students assigned to a school or area IS VERY CRITICAL!!! Many counties hold the majority of IEP's in the month of May. THIS IS ENTIRELY TOO LATE IF THE RATINGS COMPILED FROM THESE IEP's ARE TO BE USED FOR DECIDING SPECIAL EDUCATION STAFFING LEVELS!! Professional and service personnel need to be notified of the potential to be transferred or reduced before the first Monday in April and also need to be given the opportunity to have a hearing before the before the board of education before the first Monday in May . Continually monitoring the system for overseeing the caseload of each special educator and SLP (6/I/5/b/A.) is extremely important. Decisions need to be made prior to April to prevent hiring as many "above the formula" staff as possible.

OCT 1 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Ceferina Haught

**Title:** Teacher

**Street Address:** 211 Faris Ave Bridgeport, WV 26330 **City/State/Zip:** 26330

**Comments/Suggestions**

**§126-16-6. Administration of Services**

We do not need larger classes or case loads.

You need to reevaluate the formula of teachers to students + elements counselors - Speech therapist + librarians from the count.

At our school we have 25 reg classroom teachers but our count is 38 teachers into 568 students

Look at results

25/568.0 per 38/568 per teacher
50 38
68 188
50 152
180

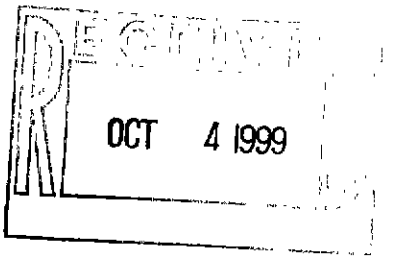
Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

## Jacqui Young

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Monday, October 04, 1999 8:07 AM
**Subject:** Fw: Policy 2419: Regulations




-----Original Message-----
From: Nancy Hill <NLHill@raven-villages.net>
To: pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>
Date: Sunday, October 03, 1999 2:51 PM
Subject: Policy 2419: Regulations

>Individual: Nancy L, Hill
>Title: Behavioral Disorders Teacher (K-5); Hampshire County Schools
>Street Address: PO Box 399 Capon Bridge, WV 26711
>
> Comments/Suggestions
>126-16-6. Administration of Services
>
>Dr. Dee Bodkins:
>
>I currently teach in a BD resource room. I have approximately 14
>students on my caseload. I have 8 of those students for most of the
>day. I have 1 student who comes in for one hour daily. I also consult
>and manage behavior plans for the other students on my caseload.
>
>In the mornings from 8:30-11:45 I have anywhere from 8 - 9 students in
>my room at the same time. I am responsible, each day, for teaching 4
>grade levels in Reading, English, Spelling, and Math. In addition to
>this I have 1 group of Social Studies and 1 Science group which I am
>"supposed" to teach daily.
>
>I have no aide/assistant this year.
>
>If the new caseload regulations take effect in July '2000, I could
>potentially have as many as 13 students with behavioral disorders in my
>room at one time. Each of the 8 students I have now would be rated as a
>"3" under the proposed policy. The other 6 students I serve would be
>rated as "1". So, if my understanding of the new policy is correct, my
>current caseload would only be a total of 30.
>
>I am in strong disagreement with this proposed change. As it is now, I
>rarely have time to teach every subject every day to every student. I
>come in early every day, stay late some days, and spend much of my
>"planning" time consulting with classroom teachers and other staff to
>meet the needs of my students.
>
>I have been told in the past "not to worry about the academics" for my
>kids because "I should be focusing on getting their behaviors under
>control". However, now I am directed that they should master grade
>level WVIGOS if they are going to receive a regular diploma when they
>graduate.
>

>I love my job and I love the kids I teach. Whatever happens with this
>policy I do not plan to change to a regular classroom position nor file
>a grievance.
>
>The grievance I believe will be the detriment to the exceptional
>students in West Virginia. Will the "least restrictive environment"
>mean a self-contained program with 13 Behavioral Disorder students and 1
>teacher as opposed to the regular classroom which now has a mandated
>ceiling for number of students? My goal for my students is always to
>prepare them for a hopefully soon return to the regular classroom. How
>are we to achieve this with so many student needs to meet?
>
>I ask that you thoughtfully consider this change in policy. True,
>there may be no "Federal" guidelines in the new IDEA to mandate
>caseload, but where lies the wisdom and the ethics of the decision
>makers in our state when they consider this policy?
>
>Respectfully,
>
>Nancy L. Hill
>
> Dr. Dee Bodkins
> Director
> Building 6, Room 304
> 1900 Kanawha Boulevard East
> Charleston, WV 25305-0330
>
>

BERKELEY COUNTY SCHOOLS
Better Students • Better Futures

SPECIAL EDUCATION OFFICE

509 West Martin Street • Martinsburg, WV 25401
Phone: (304) 264-5055 • Fax: (304) 264-5058

**FAX TRANSMITTAL**

Rcvd 10/4

TO: Don Bodkins

FROM: Chris Cook

DATE: 10/1/99

NUMBER OF PAGES: (Including Cover Sheet) 3

COMMENTS:

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**MEMORANDUM**

**DATE:** October 1, 1999

**TO:** Dee Bodkins

**FROM:** Chris M. Cook, VI

**RE:** Comment of VI teacher caseload proposal

I have crunched my figures using the formulas on page 38 of 2419, and they appear to have little relationship to reality.

Total instructional weekly minutes are not adequately addressed in the weighted caseload categories of 1, 2, and 3. The range between each category is too large. A more realistic approach might be to given a count of 1 for each hour of instruction (i.e., 1 for less than 60 minutes, 2 for less than 120 minutes, 3 for less than 180 minutes, etc.)

A full caseload of 40 would only work in a resource and/or self-contained environment or with 40 half hour sessions of consultation weekly. West Virginia is primarily a rural state making the itinerant model the most commonly used in a majority of our counties. Keeping students in their home schools make more travel necessary and makes it less likely that more than one or two students will be in the same school. Most itinerant teachers continue to provide extensive amount of time giving direct services to particularly our elementary academic students. Because we work mostly one-on-one, looking at theoretical caseload numbers with no reference to the total minutes of instruction regardless of the weighted caseload simply does not compute.

Why use the total hours in a week to compute the noninstructional service caseload number. Lunch and a minimum of planning time assured to all teachers should come off the top of this along with travel and evaluation time to establish just how much instructional time is available for individual teachers.

When comparing the weighted caseload and the possible caseload numbers, the two should come close to each other when a maximum amount of instructional minutes is reached. For clarification, I will crunch my numbers your way and my way. See what you think.

Proposed Calculations

9 hours of travel and evaluation divided by 37.5; .24 times 40 equals .88 rounded off to 9 and subtracted from 40. Possible service to 31 students.

I serve 16 students with a weighted count of 18 and provide an average of 258 minutes of instruction on an average day.

Maybe one more hour of instruction can be squeezed out if I do no evaluations. Timewise I am maxed out, but when the 18 weighted caseload with no reference to the total amount of instructional time being provided is compared with the 31 possible caseload, they don't even come close.

Now let's redo this process with my proposal. 2.5 hours for lunch plus 5 hours for planning come off the top: 37.5 minus 7.5; 9 hours from travel come off of this leaving roughly 21 hours or 1260 available instructional minutes weekly. If the 9 travel/evaluation hours are divided by 30, the result is .30 times 40 or 12. The number now becomes 28 possible students.

If 1 point is given for every hour of instruction, my weighted caseload becomes 28. You will have to take my word on this. Instructional minutes are above the 1260 minutes, and now the weighted caseload numbers match the possible caseload numbers.

Conclusion, I suspect that most sped directors have only solved the possible student caseload problem and haven't truly looked at the weighted numbers. My concern is that pressure will be placed to reduce services so that the higher numbers are met without hiring an additional VI teacher and with no concern for the needs of individual students. If possible, have other VI teacher crunch their numbers on October 6 using my approach to see if this might work better and be more reflective of what we are actually doing.

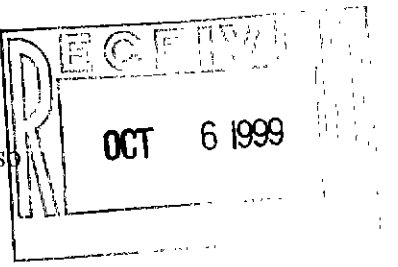
Call me if you are totally confused by my suggestions* Thanks for listening.

LUNCH AND PLANNING COME OFF THE TOP
WEIGHTED CASELOAD IS BASED UPON 1 PER HOUR FOR EACH STUDENT
INSTRUCTIONAL TOTALS ARE FIGURED BY TIME REMAINING AFTER LUNCH, PLANNING, AND TRAVEL ARE DEDUCTED
COMPARISONS SHOULD MATCH AND DISCREPANCIES REDUCED TO MATCH REALITY..

Chris M. Cook

## Jacqui Young

**From:** Ruth Lilly <ralilly@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Tuesday, October 05, 1999 1:51 PM
**Subject:** Fw: Policy 2419




Here's another one, J. Thanks for your work on this. I will be back in the office on Tuesday. Could you run me a copy of what you have done so far so that I can, again, proof. I also need to schedule a meeting with Dee to discuss the comments. Is she available on Tues, Wed or Thurs of next week for about an hour? If so, I would like to provide her a copy of the comment log, to date, before I meet with her so that she has a chance to review the comments too. Let me know what time and date would be most convenient for her to meet with me. Thanks. Ruth

---

> From: Marjorie M Yeager <tippy31@juno.com>
> To: ralilly@access.k12.wv.us
> Subject: Policy 2419
> Date: Tuesday, October 05, 1999 9:19 PM
>
> I am a special ed. teacher. Recently I received information through an
> AFT newsletter which said there was a possibility of special ed. aides
> losing their jobs due to Policy 2419. My understanding is that the class
> load for teachers of special ed. classes will be increased which will in
> turn reduce the need for aides. I also hear that inclusion will cause a
> lessening of need for aides. If my interpretations are correct I would
> oppose passage of any policy that would take away the support provided by
> a special ed. aide. I have 13 students in grades 7-12. The diversity of
> their individual needs makes giving them the attention they need a
> challenge as it is with a full time aide. I can't imagine trying to
> handle a larger case load without support. If inclusion were to be
> enforced with any additional time for my students than they already have,
> it would be almost impossible to physically get from class to class and
> student to student without the help of my aide. I would appreciate
> your reply to my query. Thank you for your attention to my concerns.
> Marjorie Yeager
>
> Get the Internet just the way you want it.
> Free software, free e-mail, and free Internet access for a month!
> Try Juno Web: http://dl.www.juno.com/dynoget/tagj.

Attention: Jackie Young

RECEIVED
OCT 6 1999

**Ruth Lilly**

**West Virginia Department of Education**

**Bldg. 6, Room 304**

**1900 Kanawha Boulevard, East**

**Charleston, WV 25305-0330**

**FAX: (304) 558-2696**

**E-Mail: ralilly@access.k12.wv.us**

**West Virginia Department of Education**
**1900 Kanawha Boulevard East**
**Charleston, WV 25305**
(Staff Phone and Email by Name) (Phone List by Topics)

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## Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Hamlin High School

**Title:** Principal

**Street Address:** Ken Delaney

**City/State/Zip:** Hamlin WV 25523

### Comments/Suggestions

**§126-16-6. Administration of Services**

Our special ed. team does a wonderful job to make sure IEP deadlines. We certainly could not deliver our programs and meet deadlines without Rose Kelly.

Attention: Jackie Young

## Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Hamlin High School

**Title:** Teachers Aide - K-8th

**Street Address:**

**City/State/Zip:** Hamlin, WV 25523

### Comments/Suggestions

**§126-16-6. Administration of Services**

Policy 2419

by the State Board of Education eliminates Special Education kids from the classroom and sincerely believe they are taking away the extra individualized help students need. We have eight class periods in each of those periods there are 2 or 3 students that I sit with to make sure they understand what they are reading. Students that are mainstreamed, come back to the classroom for help on tests or other assignments. I read the tests or assignments to them.

Also you have students that are not on the same level in all of the classes. In these classes you have students on 3rd grade, 4th grade or 6th grade math books. In that class period we have 3 different groups of students. A teacher cannot give each student all the individualized help needed.

Policy 2419

In special education classrooms you have students that do not report to class. The teacher cannot leave a classroom of students to look for that student. The aide looks for the student. Some students can become disruptive in class. The teacher may have to remove student from classroom. The aide remains in the classroom to continue assignments.

I also give students their medications since teachers cannot leave the room to do this.

I supervise students one period for job shadowing so the teacher can have a planning period.

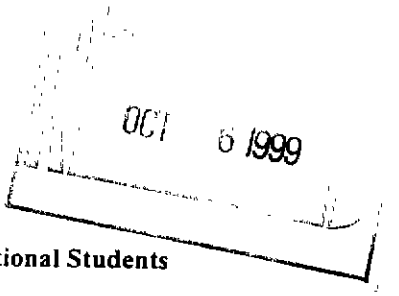
I have worked in a special education classroom for 21 years. I have enjoyed every year. I have gotten so many rewards just by watching them learn.

Policy 2119

# Class Schedule

| | | |
|---|---|---|
| | 7:45 - 8:00 | Give medication to students |
| 1st | 8:05 - 8:45 | Classroom with students |
| 2nd | 8:49 - 9:34 | Classroom with students |
| 3rd | 9:44 - 10:29 | Classroom with students |
| 4th | 10:33 - 11:18 | Classroom with students |
| | 11:18 - 11:20 | Give medication to students before lunch. |
| | 11:20 - 11:32 | Lunch. |
| 5th | 11:52 - 12:37 | Give medication to student. Classroom with students |
| 6th | 12:41 - 1:26 | Classroom with students |
| 7th | 1:30 - 2:15 | Classroom with students |
| 8th | 2:15 - 5:05 | Supervising Job Shadowing with 4 students. This is the teacher's planning period. |

Run copies of work for students.
Grade papers of work done by students.




**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Vickie Boyles

**Title:** Parents

**Street Address:** Rt 1 Box B **City/State/Zip:** Walker, WV 26180

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I am a mother of a 4 yr old boy in preschool speech. As a parent I cannot imagine trying to handle a class 30 children with or without an aide. I can see very dangerous problems happening without an aide ex. lunchroom - several spills of possible hot foods, Choking due to the teacher not getting things cut up. I can see my son being at school for his 3hrs and not have any one on one or constructive play because of larger numbers there is more confusion. If the state board of education feels this will work they should spend a week in the classrooms. If I can do anything else to keep this change from happening let me know,

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Policy 2419: Regulations for the Education of Exceptional Students

OCT 6 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Jennifer Kay Coiner

Title: Exceptional Educ. Aide - Winfield High School

Street Address: (home) Rt. 2, Box 290-B City/State/Zip: Hurricane, WV 25526

Comments / Suggestions

§126-16-6. Administration of Services

I feel that the presence of aides in the public school system is an integral part of serving the needs of students both in regular and special education settings. Aides enable the teacher to spend more instructional time as well as helping with tasks that require the efforts of more than one adult in the classroom setting.

Complete response form by listing each section of the policy

Return comments by October 15, 1999 to:


Dr. Dee Bodkins
Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students** 6661 9 190

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Sarah Hammar

**Title:** Teacher- MM-SC East Bank Middle School

**Street Address:** P.O. Box 897 **City/State/Zip:** East Bank, WV 25067

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The caseloads for separate classes or self contained are too high without an aide. I have taught for a number of years in mild/moderate classroom. With this type of students more than 6 at any time without an aide is plenty. A limit of 10-12 with an aide is adequate for mild/moderate. Other classifications such as severe and profound should not be mixed with mild & moderates. Classloads should be lowered in order for the students to receive an adequate or the individualized education they need. The larger the number and classifications the harder it is to fulfill the IEP.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/~~Organization~~:** Rebekah Sabatell

**Title:** Teacher / Liberty High School

**Street Address:** Rt 3 Box 800 **City/State/Zip:** Clarksburg WV 26301

**Comments / Suggestions**

**§126-16-6. Administration of Services**

SEE ATTACHED SHEET

OCT 6 1999

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

To: Dr. Dee Bodkins

Re: 126-16-6. Administration of Services

Date: September 30, 1999

From: Rebekah Sabatelli
Behavior Disorders Teacher

Thank you for giving me the opportunity to respond to Sec. 126-16-6, Administrative Services. I am a high school Behavior Disorders teacher. I work daily with students from grades 9 to 12. As you are aware,every student in special education has an individualized education plan. For this reason, I look at each student's plan and follow it on an individual basis. Why are the laws geared toward financial considerations and not towards the needs of each individual student?

My class size has increased. I lost my aide because of Policy 2419 and the Harrison County caseload formula. This really disturbs me. How can administrators/educators justify these new proposals which can increase class size and decrease support services when examining the type of students, each student history and individual academic level? I feel that I cannot perform my job efficiently without the needed support services.

We are professional people looking out for the best interest of the students. Changing the caseload formula would definitely affect the welfare of all students. Whether a child's exceptionality is behavior disorders, learning disabled, mentally impaired, etc., our job is to teach each child acccording to their ability.

My duties as a behavior disorders teacher covers all identified BD students in my school. This includes self-contained, part-time, and/or consultative. Without proper support services, special educators cannot do an adequate job.

This proposal would create larger classes and larger caseloads. Are we considering the student(s) involved?

Thank you for your time and consideration.

Rebekah Sabatelli

Rebekah Sabatelli
BD Teacher
Harrison County Schools
Rt 3 box 800
Clarksburg, WV 26301

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Mary Grace Hill / Wood County School

**Title:** Special Ed teacher Mild / Moderate

**Street Address:** 1710 25th St. **City/State/Zip:** Parkersburg, W.V. 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I am commenting on c part of the fourth major change.

I have taught 9 years of remedial reading. 10 years of regular education and 11½ years of special education. My special education experience has been in primary MI and secondary MI.

The students I have taught, especially the secondary ones are too far behind in academics to ever be placed in the regular classroom. Functional Academics, Daily Living skills, and Vocational training need to be stressed at this level. If aides are placed with individual students being mainstreamed into the regular classroom, there will be a shortage of aides needed in the classrooms of Mild/Moderate Severe/Profound students.

I am concerned that sometimes the aides end up doing the academic work and the special ed. student gets the credit for these inclusion classes. I agree if the student can benefit from the regular class, indeed he/she needs to be there with help. A closer look at who really benefits is needed.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

4-1-1-99

Senator Lloyd Jackson,

I'm writing to you to express my concern over Policy 2419. This, in my opinion, would not be a good policy to vote for. (Section 126-16-6 - Caseload Calculations.) I'm in my 25th year of teaching Special Education; Larger classloads would be a disaster in trying to implement the "IEP" for each student. taking away classroom aides would be a hindrance in helping students - this would probably do away with one-on one teaching. as well as the SAFE SCHOOL Policy.

Please remember these students deserve an education as well as anyone else. think about this when it comes time to make your decisions.

I would appreciate your concern in this matter. - Vote No [redacted] for charges

Thank-you.

Cecilia Bias
641 Main St.
Man, W.V.
25635

OCT 6 1999

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jennifer Carriger / Ashford-Rumble Elem.

**Title:** Special education teacher

**Street Address:** HC64, Box 540 **City/State/Zip:** Ashford, WV 25009

**Comments/Suggestions**

**126-16-6. Administration of Services**

While I agree that we need to move toward integrating more students into regular education, it appears that the proposed policy will create much larger caseloads for Special educators. This will make it extremely difficult to adequately support students. I feel we still need more specific guidelines regarding the administration of special education services, including consideration of the number of students served during one class period and consideration for differences among exceptionalities and age groups. We also need specific policies regarding the assignment of instructional aides/assistants

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins
Director
Building 6, Room 304
1900 Kanawha Blvd., East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

OCT 6 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Pamela A. White Ashford-Rumble Elem.

**Title:** 5th grade teacher

**Street Address:** HC64 Box 540 **City/State/Zip:** Ashford, WV 25009

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Special Ed. teachers could be so overloaded that students would not get enough instructional time in needed areas. Teachers would not have time to design special instruction needed for students.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 6 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Ashford Rumble

**Title:** 2nd Grade teacher

**Street Address:** _____ **City/State/Zip:** Ashford, WV

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The proposed policy does not consider the quanity (number) of children being served. One caseload manager could be given so many students that it would be impossible to assess, evaluate and serve those students. This is a very time consuming aspect necessary for meeting the needs of special students. Special education teachers are already pressed (timewise) to accomodate these children. When a teacher's time is so valuable - how could an increased student load be beneficial? Time spent teaching is too valuable to consider taking them from the students to do assessing and evaluating. We need to hire more people to help with the increase of students and increased workload.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Very Important !

Please make Comments & Return to K. Burke by 9-20-99. Thanks KB

**EXECUTIVE SUMMARY**
**WEST VIRGINIA BOARD OF EDUCATION**

**POLICY NUMBER AND TITLE:** Policy 2419
Regulations for the Education of Exceptional Students

**BACKGROUND:**

Policy 2419 is based upon the federal and State laws that are applicable to the education of students with exceptionalities and, therefore, must be revised periodically to reflect changes in legislation at either level. The most recent reauthorization of the federal special education legislation resulted in the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 97). The federal regulations for IDEA 97 were issued by the U.S. Department of Education in March of 1999.

**PURPOSE:**

The proposed revisions to Policy 2419 reflect the changes in the federal legislation and regulations. The proposed revisions incorporate new and revised requirements in IDEA 97 and maintain the federal language whenever possible. The proposed revisions in Policy 2419 will provide current and accurate guidance to schools and districts in the implementation of the provisions of IDEA 97.

**PROPOSED CHANGES:**

The proposed revisions provide general policy requirements emphasizing improved student results, improved instructional services, greater opportunities for students with exceptionalities to access and make progress in the general education curriculum, and increased parent and student involvement in the educational process. Major proposed changes include additional requirements from IDEA 97 in the following areas: 1) private school placements by parents; 2) mediation; and 3) complaint procedures.

Based upon submitted comments, minor wording and editorial changes in the proposed revisions were made for clarity and better understanding. Additional changes are recommended to the requirements that apply to preschool children with disabilities. These additional proposed revisions reflect the additional federal regulations for Part C: The Early Intervention Program for Infants and Toddlers with Disabilities, which apply to public schools, and current federal terminology for reporting data on the least restrictive environment (LRE) placement options for preschool children with disabilities.

The fourth major change is a proposed method of determining caseloads based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the supplemental aids/services needed by the students and the other duties assigned to the special education instructional personnel. This proposed method of determining caseloads will: a) provide districts and schools with more flexibility in scheduling and staffing to genuinely meet the needs of students; b) reflect the extent of a student's needs regardless of the setting(s) in which the specially designed instruction is delivered; and c) increase the opportunities for more students with disabilities to be served in regular education classrooms with **adequate supports.**

Changes in the proposed method of determining caseloads are being recommended at this time based upon suggestions and data submitted during the comment period by county special education administrators who applied the proposed caseload formula, using both a three (3) point and five (5) point weighted scale, to existing caseloads. Therefore, based upon their comments, it is recommended that the three (3) point weighted scale be adopted, rather than the five (5) point weighted scale as originally proposed. The three (3) point weighted scale reflects current practice and staffing

**IMPACT:**

The proposed revisions in Policy 2419 will incorporate all current federal requirements into State policy and maintain, whenever possible, the language of the federal legislation. Revised Policy 2419 will, then, provide guidance and direction to the local school districts in the implementation of IDEA 97. When revised Policy 2419 is in effect, local school districts will be required to revise their local special education policies and procedures to reflect the current changes.

Changes in State and local policies and procedures will require extensive staff development statewide for educators, students and their families, and other agency people in the new or revised requirements. The needed staff development will be provided by Department personnel, RESA coordinators, district school personnel and Parent/Educator Resource Center staff members.

**Policy 2419: Regulations for the Education of Exceptional Students** OCT 6 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** _____

**Title:** _____

**Street Address:** _____ **City/State/Zip:** _____

**Comments / Suggestions**

**§126-16-6. Administration of Services**

This comment is in reference to the proposed changes to Policy 2419, Regulations for the Education of Exceptional Students. As a 4th grade teacher in a school with an excellent Special Education Department, I feel the new changes will have a negative impact on our delivery of services to special needs students.

First, the major changes , as outlined in the Executive Summary, regarding determination of caseloads should be reconsidered. Providing "more flexibility in scheduling and staffing" to local school districts may be more detrimental than beneficial to the operation of our programs. Application of the 3-point weight system to existing caseloads will only impair our delivery services by possibly making special educator's caseloads excessive and unmanageable. Second, with regard to students receiving more instruction the regular classroom with "adequate supports" the language does not provide clear and specific criteria for meeting the needs of our special students.

I know that our State and National Departments of Education truly have the best interest of the students at heart. With this in mind, careful reconsideration must be given to the above proposed changes.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

V

OCT

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jane Richards

**Title:** Gifted Teacher - Wood County Schools

**Street Address:** 2011 Lewis Ave **City/State/Zip:** Parkersburg, WV 26104

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Caseload for teachers of gifted should not be raised above 45. Even if non-instructional time, such as travel and testing are included, the caseload does not need to increase. Time for paperwork also needs to be included. Writing an IEP and holding the meeting also takes time that should be considered. Writing an IEP takes about 1 hr and the meeting takes about the same. 45 x 2 = 90! about 1 hr and the meeting takes about the same. 45 x 2 = 90! I process an average of 60 referrals per year. Scoring all of the forms, testing, and writing reports also requires a lot of time.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 7 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lakeside Elementary School Faculty Senate ( Members signatures attached

**Title:** Michael H. Mullins, Principal / Elizabeth Evans, Faculty Senate President

**Street Address:** 2550 U.S. Rt. 60, **City/State/Zip:** Hurricane WV, 25526

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The Faculty Senate of Lakeside Elementary School has strong feelings concerning the impact of Policy 2419. While we are deeply concerned about how this policy may result in larger classes and caseloads we firmly believe that any policy resulting in fewer special education aides will have a detrimental effect on the education, safety, and inclusion opportunities for our challenged students.

Please consider the negative impact of a special education aide reduction at our school. The MMI (Moderately Mentally Impaired) students could not be mainstreamed into regular classes, lunch, or recess. Even if they were to be mainstreamed they would be unsupervised on their way to and from these opportunities. Many of these students require supervision just going to a restroom and back. These same students need the focused attention of an aide on the playground as they tend to wander off away from the group.

If the special education teacher is forced to perform any of the duties described above valuable instructional time will be lost in that classroom. Grouping and learning centers will be a thing of the past without an aide to share the responsibilities of working with a group. Individualized instructional assistance will be cut in half and regular education teachers will be reluctant about wanting a special needs student without the necessary support which is critical to insure the success of that child.

Michael H. Mullins, Jo Anna DeBord, Anna Dornbos, Angie Wisniewski, Jane A Clark, Patricia A. Jones, Diana Hensley, Dovetta Harless, Linda Adkins, Nancy Blair, Elizabeth Evans, Jennifer L. Hagberry, Jo Lafferty, Judy Alford, Stephanie Napier-Burks, Christine Kinder, Brenda Young, Jane S Pendleton, Donetta Thickey, Ruth M Ostella, Wilma A. Lizer, Carol Opperman

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

OCT 7 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Donna Gilliam

**Title:** Teacher K-12

**Street Address:** 18 Williams Ave. **City/State/Zip:** Richwood, WV 26261

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Expecting teachers and teachers aides to give quality instruction time to exceptional students and regular students with the potential of larger student classes is highly inadvisable and unrealistic.

I have worked with exceptional students who are physically and mentally handicapped. It takes all one's strength, patience and skill to properly serve these students needs. Perhaps the elected officials should visit on a regular basis in these classrooms to see what has to be done each day.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

WEST VIRGINIA DEPARTMENT OF EDUCATION

*Dr. Henry R. Marockie, State Superintendent of Schools*
*Building 6, 1900 Kanawha Blvd. E., Charleston, West Virginia 25305-0330*

*Phone: 304-558-2681*
*Fax: 304-558-0048*
*http://wvde.state.wv.us*



*West Virginia Board of Education*
*Cleo P. Mathews, President*
*Gary G White, Vice President*
*J. D. Morris, Secretary*
*Sandra M. Chapman*
*Michael D. Greer*
*Sheila M. Hamilton*
*James J. MacCallum*
*Jim L. McKnight*
*Paul J. Morris*

MEMORANDUM

TO: Persons Addressed
FROM: Dee Bodkins, Ed.D.
Director
Office of Special Education
RE: Revisions to Policy 2419: Regulations for the Education of Exceptional Students
DATE: July 29, 1999

At its July 15, 1999 meeting, the West Virginia Board of Education approved revisions to Policy 2419: Regulations for the Education of Exceptional Students with the understanding that Section 126-16-6, specifically caseloads calculations, would be placed on public comment this fall. In addition, approval was given to revisions to Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data. Policy 2419 becomes effective August 15, 1999 and Policy 4350 becomes effective August 20, 1999.

Both Policy 2419 and Policy 4350 can be accessed through WVEIS and the Department's Internet home page. To access through WVEIS, sign on to WVEIS as usual. From the Office Vision menu, select the option to work with documents in folders. Choose the folder WVDOE. The names of the documents in this folder will be displayed. Follow the commands at the top of the screen to view and/or print the document. To access through the Internet, go to http://wvde.state.wv.us. That home page will allow you to choose State Board Policies, then choose the appropriate policy name within the Adopted Policies index. Local education agencies and organizations may also choose to make copies of these documents for dissemination to constituents. The Office of Special Education will disseminate copies of Policy 2419 and Policy 4350 to those individuals and organizations listed on the office mailing list. Additionally, one (1) copy for each school in each county will be provided to the district's director of special education for dissemination.

Comments concerning the caseloads calculation in Section 126-16-6 will be accepted through October 15, 1999. Any necessary changes, as a result of this public comment period, will be submitted to the Board at its November meeting. To submit written comments, please complete and return the attached comment form to:

Dee Bodkins, Ed.D.
Director, Office of Special Education
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0330

The Office of Special Education trusts the revisions to Policy 2419 and Policy 4350 will provide current and accurate guidance to schools and districts in the implementation of federal and state laws and regulations. Should you have any questions, please contact staff at the Office of Special Education at 1-800-642-8541 (V/TDD).

DB/RL/jly
Attachments

28070

**EXECUTIVE SUMMARY**
**WEST VIRGINIA BOARD OF EDUCATION**

**POLICY NUMBER AND TITLE:** Policy 2419
Regulations for the Education of Exceptional Students

**BACKGROUND:**

Policy 2419 is based upon the federal and State laws that are applicable to the education of students with exceptionalities and, therefore, must be revised periodically to reflect cnanges in legislation at either level. The most recent reauthorization of the federal special education legislation resulted in the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 97). The federal regulations for IDEA 97 were issued by the U.S. Department of Education in March of 1999.

**PURPOSE:**

The proposed revisions to Policy 2419 reflect the changes in the federal legislation and regulations. The proposed revisions incorporate new and revised requirements in IDEA 97 and maintain the federal language whenever possible. The proposed revisions in Policy 2419 will provide current and accurate guidance to schools and districts in the implementation of the provisions of IDEA 97.

**PROPOSED CHANGES:**

The proposed revisions provide general policy requirements emphasizing improved student results, improved instructional services, greater opportunities for students with exceptionalities to access and make progress in the general education curriculum, and increased parent and student involvement in the educational process. Major proposed changes include additional requirements from IDEA 97 in the following areas: 1) private school placements by parents; 2) mediation; and 3) complaint procedures.

Based upon submitted comments, minor wording and editorial changes in the proposed revisions were made for clarity and better understanding. Additional changes are recommended to the requirements that apply to preschool children with disabilities. These additional proposed revisions reflect the additional federal regulations for Part C: The Early Intervention Program for Infants and Toddlers with Disabilities, which apply to public schools, and current federal terminology for reporting data on the least restrictive environment (LRE) placement options for preschool children with disabilities.

The fourth major change is a proposed method of determining caseloads based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the supplemental aids/services needed by the students and the other duties assigned to the special education instructional personnel. This proposed method of determining caseloads will: a) provide districts and schools with more flexibility in scheduling and staffing to genuinely meet the needs of students; b) reflect the extent of a student's needs regardless of the setting(s) in which the specially designed instruction is delivered; and c) increase the opportunities for more students with disabilities to be served in regular education classrooms with **adequate supports.**

Changes in the proposed method of determining caseloads are being recommended at this time based upon suggestions and data submitted during the comment period by county special education administrators who applied the proposed caseload formula, using both a three (3) point and five (5) point weighted scale, to existing caseloads. Therefore, based upon their comments, it is recommended that the three (3) point weighted scale be adopted, rather than the five (5) point weighted scale as originally proposed. The three (3) point weighted scale reflects current practice and staffing

OCT 7 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Deborah Kuhns - Big Elm Elementary

**Title:** L.D./B.D./Autism teacher Harrison County

**Street Address:** 106 Glenwood St. **City/State/Zip:** Fairmont, WV 26554

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The three-point weighted scale continues to allow special education teachers to be overloaded, and with the current proposal special education teachers will not even have the "per period" clause to keep their numbers smaller to better benefit students, nor will there necessarily be aides assigned to assist with larger groups of students within the special education classes.

At least the five-point scale suggested in May would allow the caseload to be more manageable to better serve students.

If the three-point proposal is accepted, special education teachers will have to serve more students than ever with even less help without a law to protect them or their students.

If special education teachers who are the ones serving students had been asked to apply the two caseload formulas to their caseload to determine which would allow them to provide the best possible service to students, you would have probably received a different suggestion on how to count caseload than that made by county special education administrators who have to be more concerned with economics than quality of service provided.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**IMPACT:**

The proposed revisions in Policy 2419 will incorporate all current federal requirements into State policy and maintain, whenever possible, the language of the federal legislation. Revised Policy 2419 will, then, provide guidance and direction to the local school districts in the implementation of IDEA 97. When revised Policy 2419 is in effect, local school districts will be required to revise their local special education policies and procedures to reflect the current changes.

Changes in State and local policies and procedures will require extensive staff development statewide for educators, students and their families, and other agency people in the new or revised requirements. The needed staff development will be provided by Department personnel, RESA coordinators, district school personnel and Parent/Educator Resource Center staff members.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kate Fickey

**Title:** Sp Ed teacher at Terra Alta East Preston

**Street Address:** 1103 E. State Ave **City/State/Zip:** Terra Alta, WV 26764

**Comments / Suggestions**

**§126-16-6. Administration of Services**

If the formula for computing caseloads that we are using in Preston county is mandated by the state, are we really focusing in the individual's needs? The least restrictive environment should be the regular classroom. However, the more time the student stays in the ~~regular~~ regular class, it lessens the percentage of time calculated for the caseload. This in turn allows more students in resource at one time and, so in my case, the levels are different and so are the subjects. I find it very difficult to be teaching 3 or 4 reading groups, lang. groups, and math at the same time.

Complete response form by listing each section of the policy.

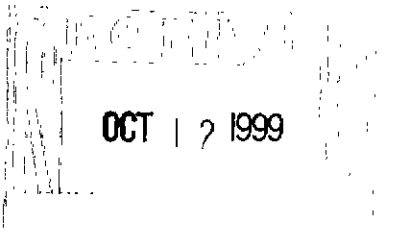
OCT 15 1999

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

## Jacqui Young

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** <JLyoung@access.k12.wv.us>
**Sent:** Tuesday, October 12, 1999 8:51 AM
**Subject:** Fw: POLICY 2419: Regulations on Caseload




-----Original Message-----
From: Bernadette Rush <brush@wvwise.org>
To: KKnighton@wvwise.org <KKnighton@wvwise.org>; pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>
Date: Tuesday, October 12, 1999 8:49 AM
Subject: Re: POLICY 2419: Regulations on Caseload

>Kathy Knighton writes:
>>The new caseload will not be in effect until July 2000, so please comment
>>by October 15th
>
>I have looked at and tried to understand this new formula. I'm not sure I
>completely understand this process. Can someone help me out?? There is a
>rating scale for each child on our caseload (1 through 3) according to
>minutes of services on their IEP. Is this minutes PER specialist or TOTAL
>minutes for ALL services????? If it's PER specialist, any given
>specialist would have to see the child more than an hour per day every day
>to receive even a "2" rating. And how does this rating scale translate to
>caseloads totals??? Does a "2" rating count as "2" children on ones
>caseload??
>
>I REALLY like the idea of using percentage of time per week available to
>provide direct services translating into numbers. Our time has REALLY
>been taken advantage of doing activities not related to our certification
>(duties, assigning regular classes etc.). But HOW will this be
>monitored. At the school, county or state level. If the state doesn't
>monitor this closely, it won't be much help to us. Will we be required to
>fill out some sort of form that will be turned in with our caseloads?
>
>My last concern is how funding will be handled. Will the counties be
>reimbursed as they have been historically, per student. Or will they
>receive reimbursement according to the rating scale??? AND if BOEs can
>STILL get reimbursed for 50 per therapist.....I'm afraid they will
>continue to require us to serve 50, no matter what our other duties and
>responsibilities are. The bottom line is always $$$$$$$
>

OCT 7 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Liberty Elementary School Faculty Senate

**Title:** _____

**Street Address:** Caller Road **City/State/Zip:** Weirton, WV 26062

**Comments/Suggestions**

**§126-16-6. Administration of Services**

See Attachment

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

To Whom It May Concern:

This communication is in regard to Policy 2419. It is our understanding that larger class sizes will be implemented and fewer special education aides will be available if Policy 2419 is enforced.

We realize that this policy will affect Special Education classes, but its ramifications will be felt in the regular classroom. With the restriction of the number of Special Education Aides being available for the Special Education classroom and inclusion students, this will be detrimental to the education of the regular classroom student and special education student.

It is virtually impossible to individualize for the special needs students without assistance and prepare regular classroom students for the Stanford Achievement Test.

An orderly classroom environment free of most disruptions is essential for students to develop appropriate learning skills to be successful in all academic areas.

Due to the many services provided for special needs students, aides must be available to help the classroom teacher when the need arises. While these students are being serviced, the regular classroom teacher must provide a continuation of education to regular students regardless of these interruptions. Without help this is impossible. Other students become easily distracted and must be kept on task.

Some special students require one-on-one attention. It is impossible for the regular classroom teacher to do this alone while attempting to keep 20 or more other regular classroom students on task and teach the Instructional Goals and Objectives mandated by the State of West Virginia.

Larger class sizes inhibit individualized instruction for special needs students, regular students, and gray area students. Above average students would not be challenged due to the teachers having to lower expectations to survive in this type of environment.

The underlying reason for these new policies is solely monetary. Is the financial aspect of this policy more important than the detrimental effects it would cause within the regular and special education classes? Also, as a state educational system, we should think about the future. Within five years there will be a great exodus of matured teaching staff from our state due to retirements. Are we going to attract a new generation of young teachers to our state with such unacceptable and unpleasant teaching conditions? We think not.

In conclusion, we ask that you take into consideration the concerns mentioned in this letter before making your final decision.

Sincerely,
Liberty Elementary Faculty Senate
Weirton, WV

## Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Shari Loar, Elementary Department of the West Virginia School for the Deaf Faculty Senate

Title: President

Street Address: 301 East Main Street City/State/Zip: Romney, West Virginia 26757

Comments / Suggestions

126-16-6. Administration of Services

We, the Faculty Senate at the Elementary Department of the West Virginia School for the Deaf, are writing in reference to the proposed changes in Policy 2419, section 6.1.5, concerning caseload. Our students range in age from 3 years through 6th grade and come from many different backgrounds with many different language abilities and needs. The current policy states that we can have no more than five in any one instructional period without a full-time aide and no more than ten with a full-time aide. Our students would all fall into the Rating 3 category in the proposed caseload policy since our students are placed full time in a special education separate class facility. Given this rating, we would then be required to have up to 13 students during any one instructional period without the assistance of an aide. This would be extremely detrimental to our students given the following concerns.

Because of their educational needs, our students require small group instruction. Their method of learning is visual, and they frequently have difficulty focusing or attending for even a small amount of time. As caseload increases, the ability of our students to focus decreases. Many of our students experience significant language delays, resulting in great frustration in attempts to communicate, causing them to "act out" in inappropriate ways. If the proposed policy change goes into effect, the problems our students experience from language delays would be compounded. Our students would not receive the degree of individualized instruction that they so need to be successful in school and so in later life.

We are asking you to reconsider the proposed policy change on behalf of the exceptional students in the State of West Virginia and especially those attending the West Virginia School for the Deaf.

Sincerely,

Shari Loar

Shari Loar, President
Faculty Senate
Elementary Department
West Virginia School for the Deaf

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Complete response form by listing each section of the policy

Return comments by October 15, 1999 to:

Dr. Dee Bodkins
Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX.(304)558-3741

STATE OF WEST VIRGINIA
Department of Education
Dr. Henry R. Marockie
State Superintendent of Schools

# The West Virginia Schools for the Deaf and the Blind

Established 1870
301 EAST MAIN STREET
ROMNEY, WEST VIRGINIA 26757
Jane K. McBride, Superintendent
Telephone - 304-822-4800
FAX - 304-822-3370

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OCT 12 1999

FAX COVER SHEET

West Virginia Schools for the Deaf and the Blind
301 East Main Street
Romney, West Virginia 26757

FAX NUMBER: (304)822-3370

TO: Dr. Dee Bodkins

FAX NUMBER: (304) 558-3741

FROM: Shari Loar

DATE: 10/11/99

TIME: 11:18 a.m.

NUMBER OF PAGES: (Including this cover page) _____

COMMENTS: _____

If you do not receive all pages, please call: 304-822-4800. This is the telephone number at the switchboard in the Administration Building where the FAX machine is located.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Elkview Middle School Faculty Senate

Title: _____

Street Address: 5090 Elk River Rd. N. City/State/Zip: Elkview, WV 25071

**Comments / Suggestions**

**§126-16-6. Administration of Services**

**6.1.5 Caseloads July 1, 2000**

**This proposed policy regarding caseloads is incomprehensible. It is so vaguely written that administrators are already saying that there are no maximum caseloads next year for special education teachers. Students could be placed in impossible situations. Teachers could have impossible workloads. There could be a mass exodus of our finest special educators if this new policy would go into effect. We urge you to look again at this proposal. There must be protections for special education teachers and students.**

See attachments

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**

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OCT 12 1999

ELKVIEW MIDDLE SCHOOL Fax:304-348-6590 Oct 12 '99 8:01 P.01

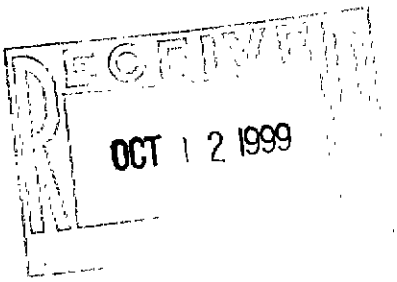
**ATTACHMENT # 1 ELKVIEW MIDDLE SCHOOL FACULTY SENATE**
**RE: POLICY 2419 6.1.5 CASELOADS JULY 1, 2000**

Trilla Daubenspeck
Lynn Barron
Vivian Mayra
Pam Greathouse
Debbie Young
Betty Greene
Keith D. Mace
Carolyn D Miller
Carmela Regan-Thompson
Gary R. Bailey
Brian E. Hare
Eddie Gray
Joe McQuerrey
Thomas D. Smith
Barry Wheatcraft
Jim Chase
Joe Dixon
Annette Jones
Debbie Johnston
Kaaelyn Hall

RECEIVED
OCT 12 1999

**ATTACHMENT #2 ELKVIEW MIDDLE SCHOOL FACULTY SENATE**
**RE: POLICY 2419 6.1.5 CASELOADS JULY 1, 2000**

Debra Wilson
James Hensley
N. Williams
Edwina Morris
Robert R. Paxton
Susan Hopper



OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lynn Barron

**Title:** Special Education teacher

**Street Address:** P.O. Box 435-3 **City/State/Zip:** Charleston, WV 25364

**Comments/Suggestions**

**§126-16-6. Administration of Services**

**6.1.5 Caseloads July 1, 2000**

**The proposed policy regarding caseloads for special education teachers fails to address the individual teacher's dilemma. A simpler system for determination of caseloads is needed, not this incomprehensible word play. Teachers could be arbitrarily burdened with impracticable and impossible workloads. Students could be underserved and put in trying situations. Administrators are already saying there will be no maximum caseloads next year. We need a great deal more explanation and insight into this proposed system. I strongly urge that this proposal not be adopted and the protections currently offered teachers and students be continued.**

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 12 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Judy Pyles

**Title:** Teacher, Riverside High School

**Street Address:** 1 Warrior Way **City/State/Zip:** Belle, WV 25015

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Special Education classes should not be enlarged. Limit the classes to 8-10 students / class. Special Ed classes / teachers / students need to have Teacher's Aides.

Teachers do not need a larger caseload. There is now an overload of paperwork + they have all they can handle now.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 12 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Dr. Kenneth Foglesong

**Title:** Teacher, Riverside High School

**Street Address:** 1734 Rolling Hills Circle **City/State/Zip:** Charleston, W. V. 25314

**Comments/Suggestions**

**§126-16-6. Administration of Services**

As a regular classroom teacher, I am concerned that 126-16-6 is going to result in unmanageable situations with more inclusion because of less aides and larger special education classes.

This will result in warehousing some of our most needy students. It is a BIG step backward.

Is this the way Dr. Manoclia wants to be remembered. West Virginia is not a 3rd world nation! We can afford better.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 1 ? 999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Riverside HS / Mary Thorpe

**Title:** Counselor

**Street Address:** 1 Warrior Way **City/State/Zip:** Belle WV 25015

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I am concerned that this policy will eliminate the necessary aide to help with the Special education program. Also that the number of students per class will increase

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

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OCT 12 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** VICKI CRUM
MINGO COUNTY FEDERATION OF TEACHERS

**Title:** TEACHER

**Street Address:** _____ **City/State/Zip:** _____

**Comments/Suggestions**

**§126-16-6. Administration of Services**

With all the county, state and federally mandated documentation and paperwork that is required of special education personnel, it would be next to impossible to have increased caseloads. Some of what gets done now has to be taken home to be done.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT | 2 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Gary Wroblewski

**Title:** Special Education Teacher

**Street Address:** PO Box 1417 **City/State/Zip:** Cedo, WV 25507

**Comments/Suggestions**

**§126-16-6. Administration of Services**

My biggest concerns with the proposed changes to Sec 126-16-6 are twofold. First, I am concerned that the guidlines for Aides could have a negative impact upon students & teachers. Secondly, I am very apprehensive about caseloads. I do not feel that the rating system will work. It creates a possibility for larger classes and larger caseloads and possible with no Aids if it is not specified in the student's IEP. To many times building administraters could overload classes in the disguise of doing the best for the school.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 12 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Whitey Ferrell/ Riverside High School

**Title:** Teacher

**Street Address:** Riverside High School **City/State/Zip:** Belle, WV.

**Comments/Suggestions**

**§126-16-6. Administration of Services**

- Larger Classes may result with the elimination of limits of students being served

- Fewer Special Education Aides / elimination of aides

- Larger Caseloads for specialists/teachers.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students** OCT

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Debbie Angel - Wood County Federation of Teachers

**Title:** Teacher

**Street Address:** 1911 35th St. **City/State/Zip:** Parkersburg, WV 26104

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I urge you to reconsider the adoption of Section 126-16-6. Teacher aides play a vital roll in the education process. If hiring of teacher aides is left up to each County, they will not be hired. There are so many demands on each County's budget, that one more will "break the camel's back." In the end the losers are the students and the teachers. Please reconsider the effects that this policy will have on the students and teachers of West Virginia for years to come.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.


**Individual/Organization:** Wood County Schools

**Title:** Preschool Handicap Teacher

**Street Address:** 1315 Broadway Ave **City/State/Zip:** Parkersburg, WV 26


**Comments / Suggestions**

**§126-16-6. Administration of Services** -Teacher aides for spec. educ. classes is a basic need, for the health and well being of the students. It's not a luxury! Why would you even consider removing aides from classes with special need students. This isn't a difficult concept to understand. Special Educ. has been a part of the educational systems for numerous years, have we missed documentation proving aides are bad for students with special needs? This is total nonsense. Make changes where changes need to be made and leave what is good and logical alone.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 12 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Molly Harris

**Title:** Title I - Reading Teacher

**Street Address:** 1007 49th Street **City/State/Zip:** Vienna, WV 26105

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Any policy which leads to fewer special educational aides would not benefit the students. If our main objective is to meet the needs of the individual student, then this policy doesn't support this theory. Teacher aides are an essential part of the educational system. Thank you for letting teachers be a part of this important matter.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Joe Colombo

**Title:** Teacher, grade 3

**Street Address:** 615 Broadway Ave. **City/State/Zip:** Parkersburg, WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

We need smaller classes and more special education aides to help with special needs students.

Class sizes are already too big.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** I Darlene Barton

**Title:** Custodian

**Street Address:** Rt#1 Box 77-C **City/State/Zip:** Rockport, WV 26169

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I don't want them to do away with the aides. IN most situations there could even be a THIRD person. I've seen alot of cases that could USE the THIRD person.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Michael Bayles

**Title:** Super Visory Aide Fairplains Preschool Speech

**Street Address:** 165 Broadway Ave **City/State/Zip:** Parkersburg W.V. 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I work in Preschool Speech class, the teacher works alot one-on-one issues with each child concerns, with a potential of ~~eight~~ in a class.

The teacher also addresses the goals and their objectives in their IEPS, meanwhile I work with the rest of the class on their academic issues such as colors, shapes and their numerical concepts.

The teacher has no planning, Incase of emergency who ~~should~~ watch the class like, diapering, head lice, taking children to the bus, As you can see thats why we need an Aide in the classroom.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 1 2 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Glenwerhasseth Junior High School

**Title:** Faculty Senate

**Street Address:** Box 475A Jewel Rd **City/State/Zip:** Parkersburg, WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See attached letter.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Blennerhassett Junior High School
October 8, 1999

To Whom It May Concern:

The Faculty Senate of Blennerhassett Junior High School, on behalf of our special education professional and service employees, would like to go on record as being opposed to Policy 2419 of the West Virginia Board of Education.

Specifically the objections are in the areas of:

1. The changes to be established in determining case loads for special education staff members which would cause case loads for some exceptionalities to become unmanageable
2. The instability caused by the questions relating to how service personnel will be assigned
3. Who the entity will be that decides what "need" is, and lastly
4. How service personnel positions will be funded

The consensus of our professional body is that these changes are neither beneficial to exceptional students or to those who work with them on a daily basis.

Respectfully submitted,
Communications Committee
Blennerhassett Junior High School Faculty Senate

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Beth Forshey

**Title:** MOM

**Street Address:** BB 1 Box 315A **City/State/Zip:** Mineral Wells, WV 26150

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Would you let your child's need not to be met, just because there are too many kids?

Would you let your child be unsupervised while the teacher is with a child in the bathroom - or let your child sit in a dirty diaper because she just doesn't have the time?

My child needs + deserves an aide to help him deal with toileting, Feeding, Positioning, + clean up needs - One teacher cannot do that for all the students in the classroom. Use your heart as well as your head., Please.

Thank you

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 1 2 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary

**Individual/Organization:** Ann McCullough

**Title:** teacher, Special Education

**Street Address:** 54 Greenwood Drive. **City/State/Zip:** Williamstown, WV 26187

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I currently teach Special Education in an elementary school in Wood County. I have a caseload of 13 students. Ten are full-time mild/moderate , two are part-time, and one student is seen on a consultative basis. One of the main reasons I can be successful is because I have been assigned a full time classroom aide based on eight full time education students. In order to keep quality direct instruction, inclusion services, and consultative services, a classroom aide, working with children, is a must.

Our population need supports to live and learn. Assistance from another person, such as prompting and direct assistance, not only increases learning in the Special Education environment, it promotes greater access to the general education curriculum.

Please do not let aide placement be decided at the whim of administration. Positions will be cut to save money and children will suffer. This will be noted most greatly in the classrooms whose populations would not require an aide for each student personally. Do not force aides to be written into each child's IEP.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Jacqui Young**

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Thursday, October 14, 1999 9:05 AM
**Subject:** Fw: Removal of Aides in the classroom

OCT 12 1999

-----Original Message-----
From: Robin L Snell <rsnell@access.k12.wv.us>
To: pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>
Date: Thursday, October 14, 1999 8:42 AM
Subject: RE: Removal of Aides in the classroom

>Dr. Dee Bodkins,
>
> My name is Robin Snell and I teach preschool hearing
>impaired children. My children range in age from approximately
>2 1/2 to 6 yrs. old. I cannot stress the importance of "HANDS"
>in my classroom. There are never enough "HANDS" to do all of
>our activities, of which a few are: potty training, trying to
>hold a book and sign at the same time, working with
>manipulatives and signing at the same time, controlling
>behaviors while signing at the same time, the list could go on.
>I definitely have my "HANDS" full even with an aide. I cannot
>stress enough the importance of having an extra set of "HANDS"
>in my classroom. Removing aides from classrooms will inhibit
>learning as well as add extra stress and frustration to all
>persons involved. I think we all need to take into consideration
>what's best for our children.
>
> Sincerely,
>
> Robin L. Snell
>----------
>Name: Robin Snell
>E-mail: rsnell@access.k12.wv.us (Robin Snell)
>Date: 14.10.1995
>Time: 6.46.51
>
>This message was sent by Chameleon
>----------
>

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Mary C. Hays

**Title:** Registered Nurse

**Street Address:** 908 16th St. **City/State/Zip:** Vienna, W. V.

**Comments / Suggestions**

**§126-16-6. Administration of Services**

As a Registered Nurse and having worked with all types of people, I feel it would be detrimental to expect one person to teach and control a group of exceptional students. The children deserve better!

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 1 2 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Tiffany A. Ryan

**Title:** Teacher, Parent, Tax Payer, Voter

**Street Address:** 10 Mount Pleasant Est. **City/State/Zip:** Mineral Wells, WV 26150

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The law needs to be left alone. There should be more aides, not less. Class size should remain the same.

In the poorer counties they already need more help in the classrooms & you want to restrict their ability to teach even further. Leave the law alone! Let the law remain intact

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 1 2 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Ardella Ruble

**Title:** Teacher 2nd. gr.

**Street Address:** 1709 19th Ave. **City/State/Zip:** Parkersburg, WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

As a regular classroom teacher, I can see big problems with increasing class sizes and reducing the number of aides. Special needs classes need an aide to help whenever problems arise. For safety reasons, one person needs to be watching the children while another person is working with the child/children having problems.

Children with learning problems need the "one-on-one" help they get when an aide is in the room to help. When children are put in rooms with 13 other special needs with severe disabilities, they are not going to be able to improve unless there is enough adult supervision to provide individual help. Students will not be able to get the quality help they need.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419 You may attach additional sheets if necessary.

**Individual/Organization:** Jane Sayre Fairplains School

**Title:** Preschool Special Needs Teacher

**Street Address:** 615 Broadway Ave **City/State/Zip:** Parkersburg WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

As a Special educator I am extremely concerned about Sec 126-16-6 I believe the section concerning caseloads will have a negative impact on the safety and education of special education students The caseload system could lead to teachers trying to service more students while losing the assistance of a classroom aide.

I am a preschool special needs teacher and research has proven the benefits of Early Intervention but one person alone can not educate preschool students and meet their toileting needs and emotional needs. Safety would be an extreme concern.

While it may not be the intent of Sec 126-16-6 to eliminate classroom aides I feel the way it is written the county boards would not pay for aides unless they are required to by law. Childrens education will suffer, the students will pay the price

Again I want to stress that I strongly feel the implementation of Sec 126-16-6 WILL Have a NEGATIVE impact on the education of students. I feel it will greatly impact the ability of teachers to educate and that Safety will be a major problem.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Diane Fuchs RN.

**Title:** School Nurse (only at this school) 1 day a week & the aide gives medication on the other days

**Street Address:** _____ **City/State/Zip:** Parkersburg, WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Please try to use common sense. Special Education in itself defines a child with special and extra needs apart from the main stream child. If inclusion is to be an important part of our educational system, then we must have the staffing to carry out this duty to our children. Special Ed. is a very general term which must be viewed and evaluated according to the needs of the type of Special Ed. group being dealt with. For example, many crises situations arise with either Behavior Disorder or Handicapped students. Keep in mind that a handicapped child will sometimes have behavior problems due to frustration and anger due to the handicap. Some of these students require special medical intervention as well as aid in mobility. There are many emotional blow-ups to be dealt with. A teacher can not possibly ignore or even leave the rest of the students to deal with one student. I don't want to hear that these are rare occurences, because it is not true. Some of our children have a lot of anger in them due to our society.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary. OCT 12 1999

**Individual/Organization:** Jody McCrady - Wood Co. Federation of Teachers

**Title:** Teacher

**Street Address:** Rt 2 Box 106-A **City/State/Zip:** Washington WV 26181

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I sincerely urge you to reconsider the adoption of Section 126-16-6. If the responsibility for hiring teacher aides is left to each county, they will not be hired. County budgets are consumed by maintenance and few services such as nurses and Reading Resource teachers the aides are of vital importance to our special needs classes. No teacher with a full special needs class could possibly serve all the individual needs of these children alone. Furthermore, eliminating the limit of students in regular classrooms will create untold responsibilities for the classroom teacher for which he/she may not be trained. Please reconsider until further study may be done on the effects of this policy.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students** OCT 1 2 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Mary VerDow Fairplains School

**Title:** Speech/Language Pathologist

**Street Address:** 46 Kittle St. **City/State/Zip:** Williamstown, WV 26187

**Comments/Suggestions**

**§126-16-6. Administration of Services**

**Thank you for the opportunity to respond to Sec. 126-16-6. I am a speech/language pathologist for a preschool speech program. When I discovered that the proposals would leave it to the discretion of the county boards of education to place teacher's aides, I was alarmed! I do not believe many members of the boards realize the need for an extra set of eyes within a special education classroom. I feel quite certain that few, if any, have even stepped foot within the special education classroom for a considerable amount of time to witness the many needs of these children.**

**Not only do I address their individual speech/language goals and objectives, but also, of course, their basic daily needs, i.e. toileting, eating, sickness, and emotional needs. How does one person take all the children (who are still being toilet trained) to two bathrooms and keep watch over all of them? How does one person take an ill child to the nurse when there are other three to five year olds left in the room? How does one person look after a classroom of students during mealtime when one or more of them may have swallowing disorders? Then there are the children who experience emotional outbursts (for various reasons). Is one person expected to get that under control and teach a class at the same time?**

**These are just a few examples of the obstacles teachers would face with this proposal and to know that the proposal could also increase teacher to student ratio is simply frightening. There would be very little accomplished in regard to their educational needs. And I feel this arrangement would leave special education classes at high risk for poor safety. The absolute only benefit to this proposal is to save money and I sure hope our leaders in education will not sacrifice our children's schooling for that.**

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

OCT 1 2

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Grandview Elem. Faculty Senate

**Title:** Jewell Wilburn, Chair

**Street Address:** 959 Woodward Dr. **City/State/Zip:** Chas, WV 25312

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached Sheet

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Grandview Elementary**

959 Woodward Drive
Charleston, West Virginia 25312

Phone 348-1928
Fax 746-0771

October 10, 1999

Dee Bodkins, Ed.D.
Director, Office of Special Education
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0330

COMMENTS/SUGGESTIONS ON POLICY 2419, Section 126-16-6

The Grandview Faculty Senate does **NOT support** changing the formula for caseloads for instructional purposes in Policy 2419 due to the following reasons:

1. The proposed weighted system will **increase the caseload** for teachers by approximately 50% resulting in a **reduction of services** for special needs students.

2. By eliminating the support personnel for types of grouping as stated in the current regulations will mean **less support** for large numbers of students in a single classroom - again resulting in a **reduction of services** for special needs student.

3. Purposed changes to Policy 2419 **does not provide equal weight** for those students that need a separate class due to their severe behavior problems or their severe deficits in intellectual functioning as is provided for in current regulations.

4. Federal regulations do **NOT** specify these changes be made as stated in your cover letter.

5 The changes are totally unrealistic for the special educator/regular educator to adequately provide a **free and appropriate education** without having instruction load limits as currently provided for in 2419, i.e. 8 per primary group and 10 per middle and adolescent grades.

6. The purposed changes would effectively deprive exceptional students the opportunity to have a **free and appropriate education that best fit their needs** by increasing case/instructional loads and eliminating services.

7. The purposed changes eliminate placement options that would be in the **best interests** of the special needs students, thereby eliminating services again.

The Grandview Faculty Senate would like to suggest that before any changes to the delivery of special education and related services are made, that current information from surrounding states be compiled documenting how they

provide these service. A consensus based on this **current information** could then be uses as a basis for recommendations on the delivery of services in the state of West Virginia which would be in the **BEST INTEREST** of our special needs students.

Educationally yours,

Jewell Wilburn

Jewell Wilburn, Chair
Grandview Faculty Senate

OCT 1 2 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.


Individual/Organization: Karen M. Watson

Title: Pre-School Supervisory Aide IV

(work) Street Address: 615 Broadway Ave. City/State/Zip: Parkersburg, W.V. 26101

(home) 1413 23rd St. Vienna, W.V. 26105


**Comments / Suggestions**

**§126-16-6. Administration of Services**

I have worked in a Pre-School Behavior Disorders class for the last fifteen years. Our caseload is usually six to eight students in the morning and six to eight students in the afternoon. We have had years when we were over limits with ten students. In a class such as this one, two pairs of eyes are needed. One person has a very difficult time watching between six to ten students. If one child were injured and the teacher needed assistance who would be there to help?

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Karen M. Watson

Title: Pre-School Supervisory Aide IV

Street Address: _____ City/State/Zip: _____

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I work with a male teacher and he would not want to have to change a female students' diaper. This could open up a potential lawsuit. Also at bathroom time a male teacher would never go into a female restroom as well as a female not wanting to go into a male restroom.

Our county also offers swimming for six weeks once a year. Who would help undress and dress six to eight students?

We also have alot of recordkeeping.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Karen M. Watson

Title: Pre-School Supervisory Aide IV

Street Address: _____ City/State/Zip: _____

**Comments / Suggestions**

**§126-16-6. Administration of Services**

When would this be taken care of? Each student also rides a different school bus. Who would get them off and on these buses? I still believe that exceptional students, no matter what the classroom might be, need two sets of eyes and hands working together.

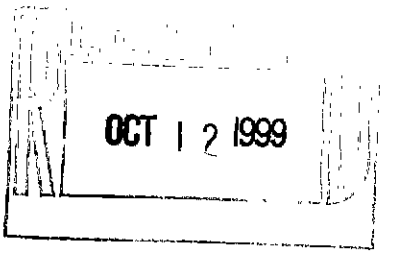
Complete response form by listing each section of the policy.

**Return comments** by October 15, 1999 to:

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

## Jacqui Young

**From:** Ruth Lilly <ralilly@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Sunday, October 10, 1999 4:50 PM
**Subject:** Fw: Comment on Policy 2419, Sectio 126-16-6




here's another one, J. Were you able to schedule a time for me to meet with Dee about these caseloads comments as per my e-mail last week? Thanks! Ruth

---

From: Melinda DiCarlo <mdicarlo@citynet.net>
To: ralilly@access.k12.wv.us
Subject: Comment on Policy 2419, Sectio 126-16-6
Date: Sunday, October 10, 1999 10:20 PM

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: _Melinda P. DiCarlo_____

Title: __Teacher of the Visually Impaired_____

Street Address: 1023 Belmont St.

City/State/Zip: _Charleston WV 25314_____

Comments/Suggestions

§126-16-6. Administration of Services

My comments refer to the latter portion of section 6.1.5 regarding caseloads, the section directly above 6.1.6. It is copied at the end of the comments for clarity, because this seemed to be the second "b." in section 6.1.5.

1) The first and most obvious problem is with the figures used in calculating caseloads. As an itinerant teacher serving children with a low incidence disability (blind and partially sighted), I serve each of my children individually. I have never had a situation in which it would be appropriate to group children, and it is unlikely that such a situation would occur considering the spread of the children we serve and the nature of their disabilities (which are often multiple).

Following is a conservative example. As I understand the policy, I could have a caseload of 30 students. If my travel and other duties amount to 25% of my time, the allowed caseload would be 24. If 1 of my students requires a rating of level #3 (721 or more minutes a week), another is level #2 (361 or more minutes), and 10 others are rating #1 (up to 360 minutes per week), according to the weighted caseload, I would be serving 15 students and could accept up to 9 more. If you look at the number of hours available to serve students each week, however, it is obvious that

this is impossible. Taking a 2100 min. week, with 25% or 525 min. given to travel and other duties, 1575 remain for service to children. Assuming a minimum for the rating #3 and #2 children, together they consume 1092 min. of service, leaving 483 minutes to be divided among the rating #1 students (between 30 and 60 minutes each). This assumes a MINIMUM of service to each rating level, and already the week is full, so that it would be impossible to add 9 more students.

2) Of equal concern to me is that I understand the total quantity of needed services (direct, consultative, and supplementary, such as materials acquisition and preparation) must be stipulated on the student's IEP to make these calculations. Specifying the amount of time which will be provided for supplementary services presents the following 2 problems:

(Note: In the area of vision impairment, supplementary services include, among other things, obtaining appropriate materials in large print or braille, preparing materials locally when unavailable elsewhere, contact with eye doctors/low vision clinics as needed, obtaining low vision devices or other specialized equipment, providing training on devices/equipment for classroom personnel supporting the student, etc.)

1. The amount of time necessary to meet a student's needs of this type varies WIDELY, not only week to week, but over the length of the IEP. Change in a student's eye condition, change in personnel, change in placement, and beginning/end of the school year are just a few of the factors which change this amount of time from almost nothing to many hours a week. It is impossible to predict this accurately. However, if the amount of time for this type of service is on the IEP, then it must be provided AS SPECIFIED, so if one child's needs increase and another's decrease, it will not be possible to adjust as we do now. As an example, if I've predicted that a blind student with another disability requires 3 or 4 hours per week of materials preparation due to his current rate of progress in an academic curriculum, but then this student suffers from a medical problem which, for a time, reduces his rate of progress, so that for 8 weeks only 1 hour per week is needed to produce/obtain all the materials needed, the VI teacher will be out of compliance with the IEP. This kind of situation happens with some frequency, especially as many of our children have additional disabilities. In addition, it is often impossible to know as situations develop whether they will be short- or long-term, and it frequently does not warrant revising the IEP mid-year.

2. Documenting the amount of time spent in provision of supplementary services will be a logistical nightmare. I frequently produce things for my 2 braille students at the same time, or prepare items which must be copied for several students to do as a group, or make a number of phone calls concerning students' materials or visits to the eye doctor, since it is more efficient. Trying to tease out and document how many minutes are used for which student on which day will waste valuable time, which is better spent serving students.

[Section commented upon:
b. The following process for determining caseloads shall become effective July 1, 2000.

A. Each public agency shall establish and maintain a system for monitoring the collective caseload of each special educator, speech-language

pathologist and/or speech-language assistant serving students within the public agency's jurisdiction.

B. Caseloads shall be based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the frequency of supplementary aids/services needed by the student and provided by a special educator and the other duties assigned to the special educator (e.g. screening, diagnostic evaluations, itinerant travel time).

C. Each public agency shall use the following process to determine caseloads:

(a) Document each student's level of need by aggregating the total amount of services required from a special educator or speech-language pathologist and assigning a "rating" for the services for each student as follows:

(A) Rating #1- wherein the IEP documents the student's need for direct or indirect instruction and supplementary aids/services which total up to 360 minutes per week;

(B) Rating #2 - wherein the IEP documents the student's need for direct or indirect instruction and supplementary aids/services which total 361-720 minutes per week;

(C) Rating #3 - wherein the IEP documents the student's need for direct or indirect instruction and supplementary aids/services which total 721 or more minutes per week;

D. The building level administrator, in collaboration with the public agency's director of special education, shall compile the ratings of services for students assigned to a school or area. Compiled ratings shall be used to determine a special educator's weighted caseload. Weighted caseloads shall not exceed 40 per special educator, 50 per speech/language pathologist and 50 per teacher of gifted.

E. When a special educator provides other non-instructional special education services (e.g. itinerant travel time, diagnostic evaluations, screening services) during the week, the weighted caseload shall be adjusted by multiplying the allowable weighted caseload by the percentage of the week the special educator has available to provide direct and indirect instruction and/or supplemental aids/services;]

---

**Jacqui Young**

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Thursday, October 14, 1999 8:09 AM
**Subject:** Fw: Policy 2419 Regulations for the Education of Exceptional Students

OCT 1 2 1999

-----Original Message-----
From: Sandra Chambers <schambers@inetone.net>
To: pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>
Date: Wednesday, October 13, 1999 4:59 PM
Subject: Policy 2419 Regulations for the Education of Exceptional Students

>Special Education Department
>Princeton Middle School
>North Johnston Street
>Princeton, West Virginia
>
>Doctor Dee Bodkins,
>
>Special education classes should not exceed 8 students per discipline
>per class.
>
>So much time and effort goes into designing an individualized
>educational plan and then there is difficulty in implementing it due to
>large class size with only a few minutes per child per class for revies,
>reteaching and reinforcement.
>
>With 8 students there is only 6 minutes per child for one on one
>instruction. Is this what was originally designed for special classes?
>
>Middle school students work on basic skill deficiencies that will
>impower them to return to the regular class setting. With increased of
>students, several disciplines and no instructional aides theere is not
>time for them to receive an adepuate amount of individual instruction.
>
>Please consider carefully the needs of our students when Section
>12.6-16-6 is resolved. Your decision will directly impact the success
>of our students.
>
>Thank you for your consideration.
>
>Sandra Chambers
>Frances Auville
>Connie Branch
>Susie Henritz
>Sheila Bolin
>Patsy Eaton
>Marlene Gibson
>Rebecca Burnette
>Ken Snow
>

**Jacqui Young**

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Thursday, October 14, 1999 8:10 AM
**Subject:** Fw: caseload comment

OCT 1 2 1999

-----Original Message-----
From: Michael Janet HG <104541.260@compuserve.com>
To: Dr. Dee Bodkins <pcarte@access.k12.wv.us>
Date: Wednesday, October 13, 1999 9:59 PM
Subject: caseload comment

POLICY 2419: REGULATIONS FOR THE EDUCATION OF EXCEPTIONAL STUDENTS

Individual/Organization: Janet Gould
Title: Teacher of Gifted Education Hampshire County
Street Address: HC-66, Box 19
City/State/Zip: Romney, WV 26757-9402

Comments/Suggestions

126-16-6. Administration of Services

Please consider the following comments on recommended revised caseloads.

Page 38, part A: It is inequitable to have such a wide range of service times under one category.
A rating 1 covers everything from 5 minutes of consultation to 359 minutes of direct services per week. The discrepancy in the time involved is unreasonable.

Page 38, part E: Allowing itinerant travel time, diagnostic evaluation time, and screening services to be figured into caseload is an excellent idea; one that is long overdue. Raising the gifted teacher's caseload to 50 (from the already burdensome 45) in many cases negates the inclusion of non-instructional services. You're giving with one hand only to take away with the other. It almost seems intentional. Now that teachers of gifted are directed to teach content area through the WV IGOs, we are often teaching gifted students one or more of their core subjects. This takes as much time as it would in the regular classroom, yet no one would dream of assigning 50 students to one classroom teacher (especially considering the amount of paper work that follows each one of those special education students).

I think it is also problematic that the per instructional period maximum caseloads have been removed from 2419. Currently I have a limit of 15 gifted students per instructional period. This is reasonable. Under revised language I could theoretically have all 50 students during one instructional period!

My suggestions include leaving in the weighting for non-instructional services, reinstating the instructional period limits, and reducing the gifted caseload back to the existing 45. West Virginia was once a national

leader in gifted education. We could be once again, but only if teachers of gifted education are given the same protections and considerations as other educators.

Attention: Dr. Dee Bodkins

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: PAUL E MILLER

Title: PARENT

Street Address: 309 WINDSOR DR City/State/Zip: MINERAL WELLS WV 26150

**Comments / Suggestions**

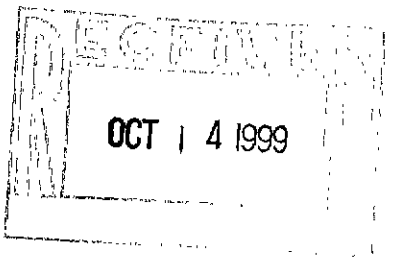
**§126-16-6. Administration of Services**

I have grave misgivings regarding the implementation of this section of policy 2419. As a parent of a special education student I know first-hand that the first priority of the county board of education is to meet the budget, and teacher's aides will be the first to be cut under this section. Not only would it be impossible for my son to receive a "free and appropriate" education without the service of a classroom aide, it would be impossible for the "normal" students in his class to receive the education they deserve because of the demands placed upon the regular classroom teacher by the special education student. I strongly urge you to reconsider this proposal.

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**




# MEMORANDUM

To: Dee, Ruth and POLICY 2419 REVISIONS TEAM

From: KATHY AND ANNETTE

Re: COMMENTS ON PROPOSED CASELOADS

Date: OCTOBER 13, 1999

**CONCERNS:**

1. The number of students for speech-language pathologists was increased to 50 - caseloads should be consistent with others at 40 especially if the same rating scale is used.

2. The consideration of adjusted caseload for non-instructional services will greatly improve the ability to provide services to students and perform required job responsibilities. However, the three point rating scale does not appropriately reflect the services provided by SLPs and most low incidence teachers.

- The minutes designated for rating #1 (360 minutes) is equal to 6 hours/ week which would eliminate speech pathologists from utilizing the scale. Even considering indirect and direct services for severe students, the IEPs of most students would not include more than 6 hours of speech-language services per week. Therefore, although a SLP could spend up to 5 hours per week providing services to a severe student - the student would still count the same as a student receiving 30 minutes of therapy per week. This is not equitable and does not accurately reflect the services provided. A speech pathologist can not provide services for 50 severe students during a normal work week. In fact, this scale could be used to justify raising the caseloads of speech pathologists and thus dilute services to students .... especially those with severe disabilities who are legally entitled to equal access to services.
- ***RECOMMENDATION: Retain the total number of 50 , but develop a different scale for SLPs using a severity rating scale ( I have several models and will volunteer to do it), rather than minutes in the IEP.***

- This scale is equally inappropriate for teachers of low incidence. These teachers provide disability specific instruction generally on an individual basis. For example, deaf children in a regular education setting receive HI services generally in the areas of reading and language. The IEP usually reflects 5-10 hours of individualized instruction. Additionally, an effective program would also include on-going consultative services for the regular education teacher and monitoring of interpreter services for the students. Conceivably, 15 or more hours per week may

be reflected on the IEP for individualized instruction. Braille reading students need daily instruction in addition to indirect services provided by the VI teacher to braille materials and consult with the teacher. Because of the individual nature of low incidence populations and the variety of services needed, caseloads can not be based on a scale or a specific number, but the instructional time needed by the student and the number of hours available in the teacher's schedule for instruction and other services. Five (5) students may constitute a full schedule for some teachers of students with low incidence disabilities.

***Please see attached individual comments from teachers of low incidence students which were e-mailed to the Office of Special Education.***

**From:** lipscomb@ns1.cwv.net <lipscomb@ns1.cwv.net>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Tuesday, September 21, 1999 1:45 AM
**Subject:** Re: [VIT] Weighted Case Load

OCT 1 4 1999

From: lipscomb@ns1.cwv.net

Judy,
I have 20 students all listed with a 1 rating. I have almost no time for planning and only get lunch on a few days. If I would need to test a student, I don't know when I would do it unless I take away time from other students. Also, according to caseload, I do not need any help. Ann L.

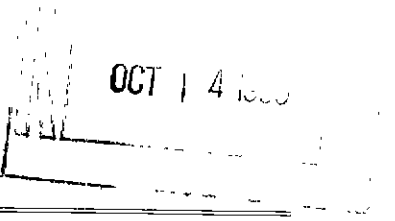
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Together we can do so much."
Helen Keller

**From:** B3plus2e@aol.com <B3plus2e@aol.com>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Saturday, September 25, 1999 7:19 PM
**Subject:** [VIT] Caseload




From: B3plus2e@aol.com

I just wanted to let you know that I have used the weighted caseload formula and based upon that I should be able to serve 31 students. I currently have 14 and based upon the direct service minutes written in their IEPs, I could possibly schedule one more student. I spoke to my supervisor about this, and she explained to me that the caseload probably intends for more than one child to be served at the same time. In some cases that might be possible, but it is not possible with any of my students right now. My real concern is what happens if next year I figure in preparation time into their IEP minutes?! I have to wonder if the county would be willing to hire another teacher if we are under the state caseload limit. I have not been able to attend the last two conferences, so maybe there has been some clarification on this matter that I have missed. If so, please inform me. I would like to know how many of you have shown preparation time in your IEPs. I started wondering if I was on the right track in figuring the minutes per week that each of my students needed, so I did the Visual Severity Scale from Michigan which helps to determine the minutes needed based upon the individual's needs. I have not completed one for each of my students, but for the ones that I have completed I was on target for their time. I guess, my question is, what do I need to do differently? I spend about 21% of my day in travel. I have considered approaching the county with the idea of a resource room. I would really like some responses from those of you who work from a resource room. It seems to me that I could be more available to all my students if they were located at the same school. I would really appreciate some feedback on this situation. Looking forward to seeing everyone in Huntington. Also, I am on the committee for nominations for AER officers and board members. Please contact me if you are interested in serving.

Thanks,

Angie Bragg

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Together we can do so much."
Helen Keller

OCT 14

**From:** Crymo5@aol.com <Crymo5@aol.com>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Tuesday, September 21, 1999 11:11 PM
**Subject:** Re: [VIT] Weighted Case Load

From: Crymo5@aol.com

Judy, I find the whole weighting totally invalid because the rating of one pertains to a consultative student as well as a student that takes up to 360 minutes per week. The travel time is hard to figure in and prep time is also hard to figure in. There has to be a better way. Crystal

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Helen Keller

OCT | 4 1999

**From:** Joan M. Wilson <jnwilson@access.k12.wv.us>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Wednesday, September 22, 1999 1:58 AM
**Subject:** Re: [VIT] Weighted Case Load

From: "Joan M. Wilson" <jnwilson@access.k12.wv.us>

And where in the formula is the calculation for support for a resource room teacher with 35 students on different levels who can only be removed from the regular class during the language arts and math blocks. (classroom teachers' schedules are very parallel to eachother) And don't schedule these kids so they miss Physical Education, Music, Art, Library, lunch, recess or any other "pull out" supplementary instructional periods. And have 10 in the resource room at one time (for 90 minutes) with each needing individualized instruction ( working on different levels with very short attention span and poor independent work skills).

And how does the student with consultative service of 15 minutes a week (30 minutes travel, check-in and locating time) compare with the Braille instruction student 150 minutes a week with 120 minutes of material preparation time (50 minutes of check-in and locating time, plus consultation)? Still both under 360 minutes a week, but no comparison in real time when you're talking about individualized instruction.

Even 40 consultative students with need for teacher training, methods consultation, and material preparation could be more than any individualizing teacher could manage (without travel, administrative tasks, testing, meetings, attending conferences, etc.)

Nice Idea ... needs a reality check ...

Joan

P.S. Thanks for asking ...

----- Original Message -----
From: Judy Hurst <jhurst@mteer.com>
To: <VIT@onelist.com>
Sent: Monday, September 20, 1999 9:59 PM
Subject: [VIT] Weighted Case Load

> From: Judy Hurst <jhurst@mteer.com>
>
> VIT Members,
> I just received a call tonight from a VI teacher who says she doesn't have
> any planning time and is getting more kids referred to her. We ran
through
> the formula Annette Carey e mailed over the VIT listserv on 8/26/99 and
> this teacher feel far short of needing extra help (She could serve a
> maximum of 31 students, even though she spends over 1 whole day/week in
> travel time and her caseload based on step 2 came out to be 17--saying she
> could actually serve 14 more students at up to 360 minutes per week! This

> probably wouldn't happen, since 360 is quite a high needs student, but the
> formula would allow it to happen.) I have an easy caseload this year, so
I
> don't think my numbers are going to reflect much, but those of you who are
> stretched need to be figuring out your weighted caseload and giving
> feedback to the state dept. Lucy, did yours work out better with
Annette's
> clarification of 8/26/99? I have to agree with Lucy's original concern
> that there is a math problem here. 40 students at 360 minutes/week comes
> to 14,400 and most schools are only in session about 2100 minutes/week.
> this doesn't account for any travel time, either. The problem seems to be
> in the amount of time a student can receive a 1 point rating. Like I said
> above, 360 minutes/week is a rather high needs student and yet you only
get
> to rate them once. Who else has some feedback or some clarification?
> THANKS!
> Judy
>
>
> > "Alone we can do so little;
> Together we can do so much."
> Helen Keller

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---

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Together we can do so much."
Helen Keller

**From:** Judy Hurst <jhurst@mteer.com>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Tuesday, September 21, 1999 1:08 AM
**Subject:** [VIT] Weighted Case Load

OCT 1 4 1999

From: Judy Hurst <jhurst@mteer.com>

VIT Members,
I just received a call tonight from a VI teacher who says she doesn't have any planning time and is getting more kids referred to her. We ran through the formula Annette Carey e mailed over the VIT listserv on 8/26/99 and this teacher feel far short of needing extra help (She could serve a maximum of 31 students, even though she spends over 1 whole day/week in travel time and her caseload based on step 2 came out to be 17--saying she could actually serve 14 more students at up to 360 minutes per week! This probably wouldn't happen, since 360 is quite a high needs student, but the formula would allow it to happen.) I have an easy caseload this year, so I don't think my numbers are going to reflect much, but those of you who are stretched need to be figuring out your weighted caseload and giving feedback to the state dept. Lucy, did yours work out better with Annette's clarification of 8/26/99? I have to agree with Lucy's original concern that there is a math problem here. 40 students at 360 minutes/week comes to 14,400 and most schools are only in session about 2100 minutes/week. this doesn't account for any travel time, either. The problem seems to be in the amount of time a student can receive a 1 point rating. Like I said above, 360 minutes/week is a rather high needs student and yet you only get to rate them once. Who else has some feedback or some clarification?
THANKS!
Judy

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Together we can do so much."
Helen Keller

**From:** Melinda DiCarlo <mdicarlo@citynet.net>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Friday, September 03, 1999 8:57 PM
**Subject:** [VIT] Re: Caseload Calculation

OCT 1 4 1999

From: "Melinda DiCarlo" <mdicarlo@citynet.net>

Annette,

I agree with Lucy. If you do the math, it just doesn't add up. Using your example, if you have :

3 kids at #3--at least 721+ min/wk = 2163 min/wk
3 kids at #2--at least 361+ min/wk = 1083
3 kids at under 320 = ???

---

It doesn't matter how much time you see the Rating #1 kids in the above example, because already you've spent over 3000 min/wk, or over 10 hr/day and you haven't even traveled yet!!! This doesn't make sense!

(I'm sending this via the Listserve to see what others think.)

---

> From: Annette C Carey <acarey@access.k12.wv.us>
> To: VIT@onelist.com
> Cc: rlilly@access.k12.wv.us
> Subject: Re: [VIT] conference, reaction
> Date: Thursday, August 26, 1999 12:07 PM
>
> From: acarey@access.k12.wv.us (Annette C Carey)
>
> Lucy
> I'm going to try and answer your e-mail about caseload but I am sending a
> copy to Ruth Lilly in our office to check and make sure my answer is
> correct.
>
> When you are figuring caseload you must do it as a two step process. I
> believe you are combining the two steps.
> Step 1:
> You must calculate your weighted caseload which cannot exceed 40. It
must
> be adjusted to reflect your non-instructional services such as itinerant
> travel time. For example, if you spend 10% of your time traveling
between
> students you would take the weighted number of 40 and multiply by 10% (or
> .10) for a weighted caseload of 36. That means you should not be
expected
> to serve more than 36 students. Let's say 30% of your time in itinerant
> travel then your caseload shoud not exceed 28 (40 x .3= 12; 40 - 12 =
28).
>
> Step 2:
> Separate from your calculated caseload above-- use the rating system 1 -

3
> based on the documented needs of the student. (Remember, this includes
> indirect and also includes time for modifying instructional materials.)
> This is based on the number of minutes . Rating #1 up to 360 minutes per
> week, Rating # 2 361 - 720 minutes per week and Rating #3 is 721 or more
> minutes per week. Let's say you have three students in each rating level.
>
> 3 x Rating # 3 = 9
> 3 x Rating # 2 = 6
> 3 x Rating # 1 = 3
> ———————
>
> Total = 18 (instead of the current 9)
>
> Now go back to your calculated caseload. If you travel 30% of the time you
> can have up to 28 students and you have 18 so you are fine.
>
> You have to do the ratings and determine your weighted caseload separately.
> I hope this answers your questions. Let me know if it did not. Thanks.
>
> Ruth--
> If this is not correct please let me know.
>
>
> Thanks all for a GREAT conference.
>
> Annette
> -----Original Message-----
> From: Stroschine, Lucy A <las@iolinc.net>
> To: Annette C Carey <VIT@onelist.com>
> Date: Friday, August 20, 1999 4:26 PM
> Subject: [VIT] conference, reaction
>
>
> >From: las@iolinc.net (Stroschine, Lucy A)
> >
> >It was a great conference. I cannot get onto the wvde homepage, so I am
> >sending at least this first reaction to Policy 2419 to VIT.
> > According to all calculation, Itinerant teachers only have 1800 minutes
> >a week to service students. With schools open 7 hours a day, one half
> >hour duty free lunch, and at a minimum of 1/2 hour planning, that leaves
> >only 6 hours a day without counting travel. 6 x 5 x 60 = 1800.
> > If a rating #3 student needs 721 or more minutes a week, one teacher
> >can serve less than 2 students.
> > If a rating #2 student needs about 500 minutes a week, one teacher can
> >serve less than 4 students.
> > Even #1 at 360 minutes a week would mean a caseload of less than 6.
> >
> > On the same page 38, the state gives us a capacity of 40.
> >
> > There is something wrong with these figures.
> >
> >The IEP does allow us to allocate our 1800 minutes and say we are

OCT 1 4 1999

> >loaded, but that does not take away any caseload! We just underserve
> >our students.
> >
> > If anyone out there can make sense of this weighted caseload, please
> >help!
> >
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> >Together we can do so much."
> >Helen Keller
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> Helen Keller

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Together we can do so much."
Helen Keller

OCT 4 1999

**From:** Crymo5@aol.com <Crymo5@aol.com>
**To:** VIT@onelist.com <VIT@onelist.com>
**Date:** Tuesday, September 21, 1999 11:13 PM
**Subject:** Re: [VIT] Weighted Case Load

OCT 14 1999

From: Crymo5@aol.com

This rating system stinks. This is why we can not keep a VI teacher in my county.

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Helen Keller

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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Karen Eagle

**Title:** Special Education Teacher

**Street Address:** Rt 1 Box 175B **City/State/Zip:** Hinton, WV 25951

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I have taught profound, severe, moderate and/or mild mentally impaired students for 18 years in Summers county. These have been "mixed" classes with as many as 7 students (severe-mild) with one aide. Difficulties arise when more than 3-4 students of low mental abilities are grouped with only 1 aide and teacher. Let alone, if the group is of mixed mental abilities. Each student has unique special needs. As each year passes our students are asked to perform and be compared with their "normal peers". Our students have wheelchairs, braces, walkers, medical needs, toileting needs, unique communication needs & devices. Academic needs have a challenging aspect, too. Inclusion, assistive technology and augmentative devices are vital to the special education program. Please keep special needs students in mind as proposed and changes are made to

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

policy 2419. Go into special education classrooms throughout the state. Talk with teachers and special education aides about existing barriers. Let placement & caseload of students remain based on individual basis for student not for counties to cut expenses. Humans are needed to fulfill IEP obligations of inclusion, dedicds, and instructional needs.

Thank you for your attention to this matter

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4

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Karen Urlahs

**Title:** Second Level Teacher (26+ years)

**Street Address:** 30 Lakeview Dr. **City/State/Zip:** Elkview, W. V. 25071

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Who will study or become certified in Spec. Education with abuse like this:

1) Larger classes
2) Fewer Spec. Ed. Aides
3) Larger caseloads

Karen Urlahs

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
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FAX: (304) 558-3741

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Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Carla Powell

Title: Special Education Teacher

Street Address: Rt. 4 Box 300B

City/State/Zip: Grafton, WV 26354

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The weighed caseloads should be implemented as written.

All special educators need time provided for non-instructional special education services. Special educators are required to spend personal time to prepared IEP's and progress reports to update IEP's every time grades are given regular education students. I am required to prepare these reports every five weeks.

I need to consult with regular educators and have only have fifteen minutes daily built into my schedule. I also need an adequate amount of time to travel between the buildings I teach in daily.

Please consider the time that special educators need to provide these services.

Complete response form by listing each section of the policy

Return comments by October 15, 1999 to:

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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Margaret C. Schoening

**Title:** Teacher severe/profound Kanawha County Schools

**Street Address:** 901 Churchill Cir **City/State/Zip:** Chas. WV 25314

**Comments/Suggestions**

**§126-16-6. Administration of Services**

6.1.5. Caseloads

I am against increasing caseloads in severe/profound classrooms. The increased medical fragility we are seeing in our classrooms requires constant care & monitoring. These children have a right to be in school with best possible care & education, which requires practically individual attention all day long in an educational setting & round the clock care.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

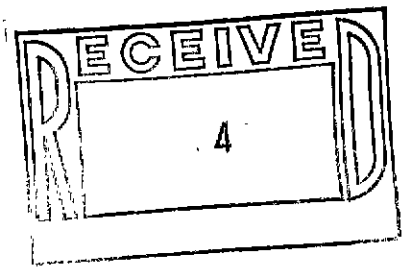
**Individual/Organization:** Piedmont Elementary

**Title:**

**Street Address:** 203 Bradford St. **City/State/Zip:** Chas. WV 25301

**Comments/Suggestions**

**§126-16-6. Administration of Services**




Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

# Piedmont Elementary

Our recommendation for the proposed changes in policy 2419 is to NOT make any changes in the formula that determines caseloads for instructional purposes for the following reasons:

1. The proposed weighted system will increase caseloads by approximately 50%, resulting in a reduction of special services for special needs students. At what point of the school day do special education teachers manage this increased number of students, as well as instruct?
2. We would like a definitive weighted system.
3. Support staff offer a invaluable resource especially in larger special education classes. The larger the adult/student ratio, the more individualized instruction the students will receive.
4. Equal weight would not be given to students who require separate settings because of severe behavior disorder and/or severe deficits in intellectual functioning.
5. It is unrealistic to expect the special education teacher to deliver a free and appropriate education to ever increasing classes. There must be an achievable limit to class sizes and caseloads. The current limit of 8 for primary and 10 per middle and adolescent groups are quite attainable.
6. The proposed changes to policy 2419 take the special out of special education. The individualized environment that best fits the needs of these unique students would be taken away because of increased case and instructional limits.

7. Before making these possibly catastrophic changes to our special education policy 2419, we should look closer at what is working well for our students and what is not. The parts that are not working should be deeply researched. Teachers that work with the students on a daily basis are your best resource. Use their knowledge to help improve our current special education program, not destroy it.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Julie J. Williams Piedmont

**Title:** Resource Teacher

**Street Address:** 203 Bradford St. **City/State/Zip:** Chas. WV 25311

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
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## Julie J. Williams

As a special education teacher, I am amazed at what we are asking our teachers to accomplish! If our caseloads increase by 50% so does the amount of paperwork. Will our school day increase by 50%? No, we will be expected to use our personal family time to accomplish, IEP development, lesson plans, assessments and our many other daily activities. While I understand that as teachers we will work some at home, but there is also a limit that is fair to our families.

I see special education classes becoming a waste land of students with many different abilities and ages, and those students who can not behave in the regular class. We are supposed to be the exception not the ruling force. Our classes should offer small grouped, individualized instruction to our students. If our children could cope in larger classes then they would still be in their regular education class. It seems to me that if these changes become a reality then we are taking the "special" out of "special education".

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kathy Burgess / Piedmont

**Title:** _____

**Street Address:** 203 Bradford **City/State/Zip:** Chas. WV 25311

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

Kathryn W. Burgess
Former Special Educator, Current Screening Referral Agent
Piedmont Elementary School
203 Bradford Street
Charleston, WV 25311

Comments/Suggestions

Administration of Services

If the mission of Special Education is to have available a free appropriate public education which includes special education and related services to meet unique educational needs, it is difficult to understand the intent of the proposed changes.

Is it to create special education classrooms comparable to regular education classrooms in student/teacher ratio?

Is it to give children with unique needs the opportunity to have a shotgun education targeted somewhere toward the middle?

Is it to reduce educational programs that train Special Educators . . . for these changes will surely drive teachers from the field.

Is there some oblique purpose that is related to federal funding?

Our purposes should always be to deliver individualized educational instruction consistent with the student's individualized educational plan. Please proceed with appropriate consideration of the mission and purpose of special education, lest it no longer be special.

OCT 14 1999

POLICY 2419: Regulations for the Education of Exceptional Students

Individual/Organization: KANAWHA COUNTY SCHOOLS

Title: SPECIAL EDUCATION SPECIALISTS

Street Address: OES; 200 Elizabeth Street City/State: Charleston, WV 25311

Comments/ Suggestions

126-16-6: Administration of Services

Caseload comments:

1. Affirm the policy emphasizing improved student results, improved instructional services, greater opportunities for students with exceptionalities to access and make progress in the general education curriculum, and increased parent and student involvement in the education process.

2. The implementation of the rating scale as proposed will not support the increased standards in the policy (see #1 above) in the following situations:

    a. Behavior Disordered students: full time teacher: using rating scale increases caseload from 4 students to12 students with no assurance of aide; aide would be assigned by administrator on as needed basis only.

    b. Working the rating scale (1- 3 rating) for sample behavior disordered separate classes appears to at least double to caseloads for full time teachers of separate classes.

    c. These changes do not appear to be in line with the policy change as the behavior disordered caseloads increases so remarkably when the educational prognosis for behavior disordered students is not positive according to educational research.

    d. The rating scale appears to affect the caseloads of the teachers of separate classes, primarily: behavior disordered, severe and profound mentally impaired, and autistic classes. In these cases the concern is the challenge students with these disabilities bring to the educational system when the caseloads could double.

OCT-14-1999 THU 11:16 AM KCS-OES 304 348 6671 P. 02

3. Proposed solutions:

   a. four-point scale would provide some relief for the increasing caseloads

   b. more clearly define under what conditions an aide would be assigned: some guarantee that aides would be assigned based on student needs and not on available funding, varying needs in a given educational setting, or decisions at the administrative level.

OCT 1 4 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Kanawha Co. Schools

**Title:** Parent Resource Center & Preschool Special Needs

**Street Address:** 200 Elizabeth St. Charleston, WV **City/State/Zip:** 25311

**Comments / Suggestions**

**§126-16-6. Administration of Services**

1. Instead of using minutes ~~of~~ service to determine case loads, severity of the students' disabilities should be the determining factor. (Ex. Preschool Sp. Needs classroom placements, the teacher is responsible for serving all disabilities.)
2. Section E needs clarification to determine percentage of the week the itinerant special educator spends at non-instuctional services. Wordy + confusing!! Too hard to understand + calculate. "average' percentage"

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT-14-1999 THU 11:17 AM KCS-OES 304 348 6671 P. 05

OCT 14 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Joan Wilson

**Title:** Itinerant Teacher of Students with Blindness + Partial Sight Elk Elem

**Street Address:** 3320 Pennsylvania Ave **City/State/Zip:** Charleston WV 25302

**Comments / Suggestions**

**§126-16-6. Administration of Services**

The Formula for Itinerant Caseloads is a little confusing. Sending a sample of the procedure would help make it a little clearer

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pearte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT-14-1999 THU 11:17 AM KCS-OES 304 348 6671 P. 06

Principal
Gary F. Henline

Assistants
Gary L. Livengood
Patricia A. Rice
Terry D. Sloane

# Preston High School

*"Commitment to Excellence and Success"*
400 Preston Drive, Kingwood, West Virginia 26537
Telephone 304-329-0400 Fax 304-329-3899

October 14, 1999

Dr. Bee Bodkins, Director Special Education
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330

OCT | 4 1999

Re: Policy 2419. Regulations for the Education of Exceptional Children

Dear Dr. Bodkins,

Thank you for this opportunity to share our concerns and serious reservations about the revisions that the State Department is recommending in Policy 2419 - Regulations for the Education of Exceptional Students.

The caseload section of Policy 2419- Section 126-16-6 is in need of particular scrutiny. Our concerns with this section follow.

The state education department's decision to assign staff based on hours spent with special education students, rather than their specific impairments, will eliminate most special education aides. Under the current system, special education aides are assigned according to the number of students in a classroom. The new policy removes this requirement.

Larger classes may result with the elimination of limits on the number of students being served during instructional times.

Fewer Special Education Aides may result with the elimination of the requirement that aides be assigned after specified caseloads are met. This will simply result in teachers having more responsibility with less ancillary support.

Larger caseloads may also be created as a result of the new rating system. For example, under the new recommendations there is a potential to have 13 severe/profound students per special educator.

We realize that it would seem at the state level that more teachers would be available under new policy due to the replacement of aides with teachers. However, without a change in formula, teachers will again be asked to do more -with less help.

We generally support other changes recommended in the new policy in areas such as more flexible discipline and greater parent involvement. We do oppose the proposed change in staffing formula.



Again, thank you for this opportunity to comment on this very important policy.

Again, thank you for this opportunity to comment on this very important policy.

Sincerely,

Ann Robb,
Faculty Senate Chair, Preston High

Kathy George,
Special Education Consultant, Preston High

Copies to:

Mr. Charles Zinn, Superintendent , PCS
Mrs. Suzanne Viski, Director Special Education, PCS
Preston High School, Administration

KANAWHA COUNTY SCHOOLS
200 Elizabeth Street, Charleston, West Virginia 25311-2119 • (304) 348-7732 • Fax (304) 348-7735
**Ronald Duerring, Ed.D., Superintendent**

October 13, 1999

RECEIVED
OCT 14 1999

Dee Bodkins, Ed.D.
Director
Office of Special Education
Building 6, Room 304
1900 Kanawha Blvd. E.
Charleston, WV 25305

Dear Dr. Bodkins:

RE: Policy 2419: Proposed Caseloads Revision

The Kanawha County Schools - Office of Exceptional Students appreciates the opportunity to comment on *Policy 2419: Regulations for the Education of Exceptional Students, Section 6.* Many individuals researched the issues of caseloads and spent considerable time in developing the proposed rating system for caseload determination.. However, after applying the proposed formula to our own teacher caseloads we have determined that it will increase the number of students a teacher may serve which will be a contributing factor to more special education teachers leaving the field. With emphasis on achieving positive student results, maintaining certified, experienced teachers is the key to providing successful programming for students with disabilities and achieving those results.

WVDE-OSE should consider the impact that an increased caseload for teachers will have on the effort to integrate special education students into the regular classroom. Special education teachers need time to provide support to students and the general education teachers for integration and inclusion to be successful. If additional students are added to the teacher's caseload then the teacher's schedule will not allow for the time needed to provide appropriate support services to the general education classroom. Under the proposed caseload formula, Section 6.1.5 Caseloads, service personnel will be assigned based upon a student's need for supports as described in their IEPs (individually or collectively). This is **extremely subjective** and has the potential to place the local special education director, the building level administrator, teachers, and parents in adversarial relationships, which may lead to an increase in mediation and/or due process hearings. In addition, elimination of the per-instructional limit requirements has the potential to wreak havoc in special education classrooms. A modification of per-instructional limit (pg 32), that provides flexibility could include:

| | |
|---|---|
| Multicatigorical, REPT | Not To Exceed |
| ECE | 10-12 Students |
| MCE & AE | 12-15 Students |

Before a change of this magnitude is implemented throughout all 55 counties, the proposed caseload formula should be piloted in several counties **prior** to being adopted. Therefore, KCS-OES is requesting that WVDE-OSE reconsider the proposed caseload formula and conduct a longitudinal pilot study prior to making changes that may have counter productive implications in providing special education services to children with disabilities and giftedness.

An inadequate state funding formula causes many counties to use a major portion of federal funds for salaries of special education teachers and service personnel rather than using the funds to provide the unique instructional materials, aids and equipment required for students with disabilities to benefit from special or general education. For a number of years LEAs across the state have pleaded with the legislature to revisit the current inadequate funding formula.

West Virginia has been recognized for its excellence in programs for exceptional students. The caseload regulations assist us insuring the highest quality services for those students we serve. Thank you for your careful consideration of these changes. If further clarification is needed, please contact my office, 348-7740.

Sincerely,

Kathy Hudnall

Kathy Hudnall
Director
Office of Exceptional Students

cc: Patricia Petty, Assistant Superintendent

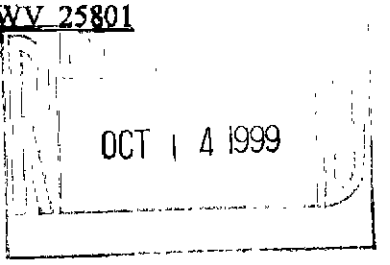
## Policy 2419: Regulations for the Education of Exceptional Students

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Bonniejean Alexander / Fairdale Elementary / Raleigh Co.

**Title:** LD / MI / BD Teacher

**Street Address:** 204 Redbud Drive **City/State/Zip:** Beckley, WV 25801




**Comments / Suggestions**

**126-16-6. Administration of Services.**

See Attached.

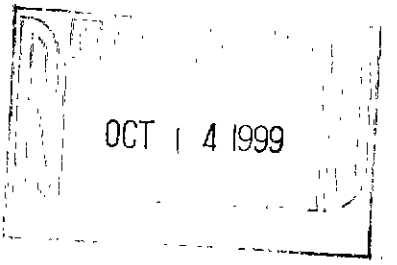
As a Special Education teacher my main concern is what is best for the students. We already have difficulties scheduling multiple ability levels for multiple subjects and still provide a quality education and support for inclusion. Under the proposed caseload formula, caseloads would increase for teachers; therefore, the quality of individualized instruction would go down. It would be harder to meet the needs of individual students with too many students in the classroom.

It is hard enough to meet the needs to eight special education students at one give time and provide support for subjects in which they are included. All of this has to be done without an instructional aide in most cases, and classroom management must be maintained (a near miracle in some classrooms with severe students or students with a behavior disorder). If caseloads are increased, it will be nearly impossible to maintain control, teach multiple-levels numerous subjects, provide support for inclusion, and perform other duties required of all teachers. Special education teachers are also required to an enormous amount of documentation, attend meetings, and keep in touch with parents, more so than regular education teachers.

Please reconsider your proposed caseload formula. We stand to lose many good teachers who provide quality services and stress out the ones who are left, which will cause an increase in the turn-over rate for special education teachers.

**Dee Bodkins**

From: Tom Stacklin <tgs@inetone.net>
To: dbodkins@access.k12.wv.us
Subject: Polcy 2419 comment
Date: Friday, October 15, 1999 1:33 PM




October 15, 1999

Re: Policy 2419

I have taught special education in West Virginia Public Schools for the past 25 years.

I disagree with not having the levels listed of the mentally impaired as

they have been before.

These students can exhibit a wide range of abilites and behaviors if grouped as one category.

Also, I disagree with the new rating for caseloads for special education

teachers.

If students are grouped in larger numbers it will be more difficult to implement the IEP for each student.

It will add confusion to the students who have more invovled disabilities if schedules and teachers are

constantly changed throughout the day.
I also feel that in some cases teachers who have one or two special education students over the caseload especially at the beginning and end of the school year should be included in the policy of regular education teachers and receive more pay.

Thank you for allowing me to make these comments.

Sincerely,
Nannie Miller
Special Education Teacher
Hinton Area Elementary

**Dee Bodkins**

From: Patricia Jeffries <pjeffrie@access.k12.wv.us>
To: dbodkins@access.k12.wv.us
Subject: sped.caseload comments/policy
Date: Thursday, October 14, 1999 8:12 AM

10-14-99

Re: Policy 2419

I have taught in the WV Public Schools for the past 22 years--most of them in special education.

I disagree with not having the levels listed of the mentally impaired as they have been before.
These students can exhibit a wide range of abilities and behaviors if grouped as one category.

Also, I disagree with the new rating for caseloads for special education teachers. If students are grouped in larger numbers, it will be more difficult to implement the IEP for each student.

It will also add confusion to the students who have more involved disabilities if schedules and teachers are constantly changed throughout the day.

Thank you for your time and consideration in this matter.

Sincerely,
Patricia A. Stacklin
Special Education Teacher
Hinton Area Elementary

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

OCT 14 1999

Individual/Organization: Patsy W. Eaton

Title: Sp. Ed. Teacher

Street Address: HC 68 Box 44 City/State/Zip: Kegley, WV. 24731

**Comments/Suggestions**

**§126-16-6. Administration of Services**

As a teacher I am appalled at the lack of respect for my profession. Our jobs are so very important in the growth of our children, our future. Yet we are being forced to take on heavier case loads with children that need one-on-one or small group instruction. These students usually have emotional, physical, and learning disabilities. The thought of having more students is surely suggested by someone not in the classroom. The times are changing and we need to change with them. Placing B.D. students with other students before they are properly prepared is an injustice to the other students, the teacher, and the student. Don't try to save money at the expense of us.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

OCT | 4 1999

**Individual/Organization:** Dianna L. Robertson

**Title:** Aide III

**Street Address:** P.O. Box 127 **City/State/Zip:** Blue Creek WV 25026

**Comments/Suggestions**

**§126-16-6. Administration of Services**

6.1.5 Caseloads

The new policy regarding Caseloads does not mention aids per number of students in a Classroom. Students will not be served properly with the July 1, 2000 policy. Kanawha County does not mention aides in IEP's except in the severest cases. Other students need help in the Classroom due to ability and/or behavior. The old policy should remain in effect.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 14 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Joyce Osborne

**Title:** Autism Mentor Aide III

**Street Address:** 125 New Hope Rd **City/State/Zip:** Elkview WV 25071

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The new policy regarding caseloads does not mention aides per number of students in a classroom. Students will not be served properly with the July 1, 2000 policy. Kanawha county does not mention aides in IEP's except in the severest cases. Other students need help in the classroom due to ability and/or behavior. The old policy should remain in effect.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT | 4 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Eric Tennant, B.S., M.S., A.T., C.A.P.E.
**Title:** Adapted Physical Education Teacher; Athletic Trainer
**Street Address:** 802 33rd Street **City/State/Zip:** Vienna, WV

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The proposed changes of Policy 2419, regarding caseloads, is a case of someone with little recent or no Special Education classroom experience — a case of an ivory tower dictate to reality. It is utterly ridiculous to propose some of these changes based solely on numbers and diagnosis. Case in point: A teacher with 3 profoundly mentally impaired students who must have all their needs met is more than one person can do in a school day. For example, feeding would probably take a minimum of two hours: breakfast and lunch would take over half of the school day. Also, how can one person move three wheelchairs at one time to get anywhere, especially in a fire drill!?

For inclusion to be successful, support services and personnel must be provided. The proposed changes

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Eric Tennant, B.S., M.S., A.T., C.A.P.E.
**Title:** Adapted Physical Education Teacher; Athletic Trainer
**Street Address:** 802 33rd Street **City/State/Zip:** Vienna, WV

**Comments / Suggestions**

§126-16-6. Administration of Services

would make it impossible to achieve any significant inclusion, let alone work on the goals and objectives of the I.E.P.!

I was Faculty Senate Chairperson at Marien School, Parkersburg, WV, when it was a separate school. The State Department of Education was highly involved with that process; politically oriented in my opinion, by the then State Special Education Director. I'm not sure what the purpose of the current proposed change is, however, from my experience I feel it is probably politically oriented. When are teachers going to be justly compensated for the great work they do and allowed to do their jobs without bureaucratic interference?!

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT . . 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Linda S. Long Monroe School

**Title:** _____

**Street Address:** Rt. Box 207 **City/State/Zip:** Peterstown WV 24963

**Comments / Suggestions**

**§126-16-6. Administration of Services** I Think I agree on [illegible] Signed. Should [illegible] Teachers. I [illegible] TA [illegible]. But my Suggestions is That There Should Be [illegible] Time [illegible] room. There should be a guide page on Telling you what [illegible] already To look up [illegible] Regulations. I also Think There [illegible] and Suggestions [illegible] I can Write [illegible] Teacher assist it's so They would get [illegible] and suggestions on how they want to [illegible] with the Teacher.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Jacqui Young**

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** <Jlyoung@access.k12.wv.us>
**Sent:** Friday, October 15, 1999 8:53 AM
**Subject:** Fw: Porposed Policy 2419 changes

-----Original Message-----
From: French <French@citynet.net>
To: PCARTE@ACCESS.K12.WV.US <PCARTE@ACCESS.K12.WV.US>
Date: Thursday, October 14, 1999 8:12 PM
Subject: Porposed Policy 2419 changes

>
>19 Meadow Lane
>Scott Depot, WV 25560
>October 14, 1999
>
>Dr. Dee Bodkins, Director
>Building 6, Room 304
>1900 Kanawha Boulevard East
>Charleston, WV 25305-0330
>
>RE: Section 126-16-6:caseload calculation
>
>As a special education teacher with 25 years of service, I find that I
>am drowning not only in required paperwork to satisfy state dept regs
>but in documentation to prove that I am doing the things that I am
>supposed to do. Documentation is apparently more important than
>delivering services.
>To increase class sizes and caseloads is only dooming an already
>overburdened system. How can a teacher work with full class loads and
>simultaneously oversee the progress/fate of 10 other students outside
>the classroom???
>The students are getting the short changed because no teachers are able
>to be in all places at all times.
>With increased requirements to graduate, our special ed students are
>needing more help.
>DO NOT INCREASE THE CASELOADS NOR THE NUMBER OF STUDENTS THAT CAN BE
>SERVED DURING ONE CLASS PERIOD.
>We also are in need of more service personnel (aides) to help with
>students with severe physical or mental problems such as seizure
>disorders. Today there were two students in my classroom that had five
>seizures between them. The little girl who was also ill got little
>attention because of the severity of problems of the other two
>students. I had no aide!! Thankfully two students happened by to help
>with this situation.
>Today we played Russian roulette with these students health and welfare
>and got by. What about tomorrow?
>
>Sincerely,
>Carole French
>

## Jacqui Young

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Friday, October 15, 1999 8:53 AM
**Subject:** Fw: 2419 Comments

-----Original Message-----
From: Barbara C Lucas <blucas@access.k12.wv.us>
To: pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>
Date: Thursday, October 14, 1999 4:02 PM
Subject: 2419 Comments

>Dear Dr. Bodkins,
> The Faculty Senate of Martin School, Parkersburg, WV wishes to give
>comment on changes that are proposed in 2419. It is our concern that the
>needs of the child may not be given the necessary consideration in
>determining if an aide should be assigned.
>We also have great concern over the time taken away from classroom
>instruction to care for special needs of specific students if these aides
>are no longer available.
> It also brings up a safety issue for not only the special needs
>student, but also for the regular education student who is waiting for
>their classroom teacher to return to the room from a student's personal
>care concerns. Those who have special needs classes will be responsible
>for more personal care responsibilities without the supplemental help
>available to watch the class or care for the rest of the class.
> With more and more mainstreaming, it is conceivable that time on task
>for instruction will be severely effected. Concern of our Special
>Education teachers is that instructional time for Individual Education
>Plans and the requirements of Instructional Goals and Objectives will be
>compromised by the time that will be used to take care of individual
>personal needs. Certified instructors will be reduced to care givers.
>As a result, instruction will suffer for all the students.
> Our hope is that the State Department will give this great thought and
>review before making this a policy.
>
> Sincerely,
>
> The Faculty Senate of
>
> Martin School
>

## Jacqui Young

**From:** Pam Carte <pcarte@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Monday, October 18, 1999 8:16 AM
**Subject:** Fw: Policy 2419 revision

-----Original Message-----
From: BARRELS4@aol.com <BARRELS4@aol.com>
To: pcarte@access.k12.wv.us <pcarte@access.k12.wv.us>
Cc: BARRELS4@aol.com <BARRELS4@aol.com>
Date: Friday, October 15, 1999 5:17 PM
Subject: Policy 2419 revision

>Dr. Dee Bodkins
>Director
>Building 6, Room 304
>1900Kanawha Boulevard East
>Charleston, WV 25305-0330
>
>
>Dr. Bodkins:
> I wish to make a few comments on the proposed policy changes being
>considered by the Office of Special Education for the state of West
Virginia.
> I have a few problems with taking the aides away from the special
>education classes. Is the education of these students taking a step back
to
>the days of the paper plagues when there was only one teacher and everyone
>was kept busy with paperwork until the teacher had time to teach a
different
>lesson to different students? We have students with many different needs
as
>far as education goes and yet instead of being able to give them the direct
>instuction and assistance that they need in the most effective and
efficient
>method, we take away one of the main components for getting this done.
Isn't
>one of the main ideas of special education to educate the students in basic
>skills and then get them back to the regular classroom once this task has
>been accomplished? It doesn't make sense to expect the special education
>teachers to do the same job that they have done in years past and yet do it
>without the help of an aide. This is especially true with M.I. students
and
>even when working with L.D. students who are severe. If education is
>supposed to be what is best for the students, why will taking aides away be
>best for them? It makes no sense.
> Also concerning the new proposed caseload formula, the caseload formula
>needs to have at least a 4 point system instead of just a three point
system.
> The more severe students, because their needs are much greater, need to be
>classified in a higher scale than the rest of the students. These students
>have a lot of needs and take a lot more time to teach and instruct than
those

>who are not as severe. To lump them in with students who have fewer or less
>severe disabilities does not give a true picture of the instruction and time
>it take to educate these students. A four point system would help to
>indicate a truer picture of the problems of the more severe L.D. student.
> I hope my comments will be considered when voting on this policy change.
>To me, the two proposals just don't make sense especially if we're looking
>out for the best interest of the students.
>
>
>
>Sincerely,
>
> Pamela S.
>Cooper
>
> L.D.
>teacher,
>
> Taylor County Middle
School
>
> Route 4
Box
>130A
>
> Grafton,
WV
>26354

## Jacqui Young

**From:** Ruth Lilly <ralilly@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Friday, October 15, 1999 11:21 AM
**Subject:** Fw: Policy 22419

Here's another. thanks. ruth

---

> From: SHD5@aol.com
> To: ralilly@access.k12.wv.us
> Subject: Policy 22419
> Date: Friday, October 15, 1999 6:45 PM
>
> Dear Ruth,
> I am a parent of a boy with special needs. My understanding of this
> policy is to increase the caseloads of our teachers in the special education
> field. I hope you do not increase the number of students per class, as this
> will only decrease the attention these children deserve. I'd also like to
> see more availability of aides for these classrooms so that the teachers can
> do their jobs.
>
> Thank you,
>
> Debbie Bsharah, Parent

## Jacqui Young

**From:** Ruth Lilly <ralilly@access.k12.wv.us>
**To:** Jacqui Young <jlyoung@access.k12.wv.us>
**Sent:** Saturday, October 16, 1999 4:55 PM
**Subject:** Fw: Comment on Policy 2419, Section 126-16-6

I believe this is the last one. It came in on Friday night. I guess this person doesn't have a Friday night life. What do you think? Please add to the log. Thanks. Ruth

---

> From: EMSschool@aol.com
> To: ralilly@access.k12.wv.us
> Subject: Comment on Policy 2419, Section 126-16-6
> Date: Friday, October 15, 1999 10:31 PM
>
> Policy 2419: Regulations for the Education of Exceptional Students
>
> Individual: Ellen M. Shapiro
> Title: Itinerant Teacher of the Visually Impaired
> Street Address: 4009 Kanawha Turnpike Apt. 8E
> City/State/Zip: South Charleston, WV 25309
>
> Comments / Suggestions
>
> 126-16-6. Administration of Services
>
> The most obvious problem with this policy is the figures used in calculating caseloads. As an itinerant teacher, I do not usually have the opportunity to group my students and have to meet with them on a one-to-one basis. According to the proposed policy, I could be assigned a caseload of 28 students (after allowing for my travel time and other assorted duties). Currently, I have a student who requires 780 minutes per week(Rating #3), another who requires 540 minutes per week(Rating #2) and 6 others who require a total of 330 minutes per week(Rating #1). Taking a 2100 minute work week, with 30% or 630 minutes given to travel and other duties, 1470 minutes remain for providing services to students. My above-mentioned caseload of 8 students requires 1650 minutes per week(an additional 180 minutes beyond the normal school week). I certainly could not serve any additional students. A caseload of 28 students would be unrealistic and unworkable.
> Caseloads for itinerant teachers should be calculated according to the specific needs of the individual students and the time required to serve them. If caseloads are done solely according to a mathematical formula such as the one used in this policy, itinerant teachers will be assigned

> unmanageable caseloads and services for students will be at the bare
MINIMUM
> and have to be adjusted to accommodate the number of students assigned to

> each teacher.
>
>

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lynn Smith

**Title:** Special Education Teacher

**Street Address:** Rt. 1 Box 415 **City/State/Zip:** Thornton, WV 26440

**Comments / Suggestions**

**§126-16-6. Administration of Services**

126CSR16 Determining caseload by number of minutes is a fairer method than the current one. However, more is needed. Is duplication of students allowed under the 3 point rating system? If so, this will allow for a more accurate determination of true caseloads. Moreover, a student who spends 1200 or more minutes receiving special education services should not receive the same rating as a student receiving 721 minutes of special education services. In the proposed change both receive a rating of 3 which does not accurately reflect the time a special educator is spending on a student's needs and services.

Where are the specifics for Specific Learning Disabilities? This exceptionality was omitted from Policy 2419 in the caseload section.

There is still a great need for class size limitations particularly for severely disabled students. The proposed system allows up to 13 per class. For some exceptionalities and severely disabled students, this is too large a class. Aides should not be removed from this formula. Why pay a teacher to do an aide's job? Aides should be included in class size determinations for learning disabled students as well as mentally impaired, behavior disordered, etc. There are some extremely low functioning learning disabled students who need the one-on-one assistance of an aide to be successful even in a special education classroom. This will be even truer if there are no perimeters for class size. We have learned the value of limiting class size in elementary classrooms. This is just as important for special education classrooms since these students have additional problems learning.

Determining caseloads by number of minutes served is a step in the right direction but not at the expense of class size limitations and aides.

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students** OCT 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Ellen Shields

**Title:** Teacher-Special Education-Learning Disibilities

**Street Address:** 810 Sixth Street **City/State/Zip:** Fairmont, WV 26554

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Section 126-16-6
6.1.5
I will not even pretend to understand the concept of the weighted scale used to determine caseloads for Special Education teachers. I do, however, have a problem with any change that would increase our already over extended class sizes.
Being a Learning Disabilities teacher for the past 17 years, I would consider any increase not only an insult, but also preposterous. Presently, the caseload for my specialty is no more than eight students without a full-time aide. Obviously, the people proposing any increase have not been in the classroom. I presently work with from 4 to 8 students at one time. None of those students happen to be on the same functional level. Thus, I am a magician! I can teach four (4) different things at the same time. How many of you can do the same? It may not seem like eight (8) students is a large number, but in Special Education you cannot teach all eight students on the same level. You see, it is Federally mandated to teach to the individual students' needs. Remember a thing called an IEP? It dictates what each child's individual needs are. This may mean that you are teaching one child the basics of phonics while another child may need to be working on literature based comprehension. How do you deem it possible to put an even greater burden on the Special Education teacher? I know that *money* is you biggest concern, but my concern is with the *students*. **Please** do not put these children at an even greater risk by spreading the teachers further than they already are.

Thank you,

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Carole Frame

**Title:** Special Ed Teacher

**Street Address:** 19 Meadow Lane **City/State/Zip:** Scott Depot, WV 25560

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I am opposed to larger class size that eliminates the number of students per class period in special ed.

We need more special education aides & teachers rather than having more students per teacher. Don't change pupil-teacher ratios upwards.

Larger caseloads will result in losing students & ignoring their needs. Teachers are already drowning under the load both in numbers & in paper work.

OCT 15 1999

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

Comments from autism mentor aide
at GWHS- Pam Reed.
Forwarded by Carole French - teacher.

OCT 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Pam Reed GWHS

**Title:** autism mentor aide

**Street Address:** 1522 Tennis Club **City/State/Zip:** Charleston WV 25314

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

I am concerned about the proposal to increase the class size for special education students. It seems that if we increase the class size for this population of students that the benefits offered will be obliterated. All that will be accomplished is putting more students together that have problems to warehouse them and not help them or teachers a chance to remediate and help students to deal with their problems.

For the special class of severely mentally impaired student to increase the numbers is unsound, unsafe, and of no benefit to anyone except the bottom line on the budget. In the class that I teach, I have two students in diapers, three that are non-verbal and two with poorly controlled seizures and one aide. (Total of 4 students.) A larger class size would jeapordize what we now have as far as health, safety and ability to teach.

As far as increasing case loads, it is nearly impossible to keep up with the students we now have on our caseloads just doing the informing/documentation much less actually helping these students. To increase the caseload would only be detrimental.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Berkeley Heights Elem

**Title:** Barbara Ritter, LD Teacher - P.R. Comm.

**Street Address:** ~~Rt~~ Rt. 5 Box 490 **City/State/Zip:** Martinsburg, WV 25401

**Comments / Suggestions**

**§126-16-6. Administration of Services**

For every category, I disagree with the statements that name the number of students allowed in a program "during one instructinal time" The statement shuld read: (Assign no more than — students.) During one instructinal time, indicates to me that teacher could have many more students actually on their roster. It is very important that this ~~Addit~~ additional statement is dropped, I

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**



RECEIVED
OCT 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Berkeley Heights Faculty Senate

Title: Policy Review Committee Brian Crim, chair

Street Address: Rt. 5 Box 490 City/State/Zip: Martinsburg WV 25401

Comments / Suggestions

§126-16-6. Administration of Services

p. 33. sec. A(a) 20 students (regular?) - this is unclear
(b) cls this in the regular classroom? Too many!
Aide is only mentioned in case of autism.
C. (a) re: Blind and partially student - 30 student? divided among separate class, or one class (unclear!)

pg 34. D. re: Deaf-Blindness - 20 students? to one class? > unclear!
E re: Deaf and Hard of Hearing - 30 students To one class?

pg. 40 6.1.7.(a) - Didn't the Supreme Court rule that these services must be provided? This section need to be clarified!

p. 32-34 - overall sections regarding placement of special education students in regular classroom is unclear.

Complete response form by listing each section of the policy

Return comments by October 15, 1999 to:

Dr. Dee Bodkins
Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

OCT 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Berkeley Heights Faculty Senate

Title: Policy Review Comm. Brian Crim - chair

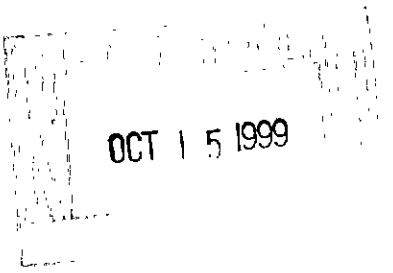
Street Address: Rt. 5 Box 490 City/State/Zip: Martinsburg WV

Comments / Suggestions

§126-16-6. Administration of Services

p. 33 Autism caseloads A - C - These numbers are very high! A single teacher cannot manage this. A classroom with 20 special education students would be overwhelming. It would not be an optimum learning environment. A - C is not clear.

p. 40 - Private schools receiving services - it sounds as if the public agency decides if a child should be seen. What checks and balances are in place to assure that the counties are meeting all the children's needs.




Complete response form by listing each section of the policy

Return comments by October 15 1999 to:

Dr. Dee Bodkins
Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX (304) 558-0741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Roberta Ray - Elk Elementary Center
Title: 4th Grade Teacher / Former Sp. Ed Teacher for 9 yrs.
Street Address: 4731 Penn Ave. City/State/Zip: Chas, WV 25302

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The proposed caseloads as set out in Policy 2419 are appalling! It is unimaginable to have a self-contained classroom with more than four or five students on a multicategorical classroom of 20-30 students. Such a classroom would, at best, give limited care of special needs students, and no substitute of any real teaching and or learning. Special Needs Students require a much smaller pupil-to-teacher ratio!! A regular classroom has 25 students at the most! According to the past federal laws a special needs student is 3 times to a regular student - so then should only be seven special needs students per class. If this policy is adopted it will be a major regression of learning/teaching services for all & no remediation. West Virginia Education of skills will be possible.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lisa Austin

**Title:** Teacher of Multicategorical Resource

**Street Address:** 610 46th St SE **City/State/Zip:** Charleston, WV 25304

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The caseloads, as proposed, make it virtually impossible to do anything other than warehouse special education students. The new caseloads would cause a teacher to have over 25 special ed students with no class-size limits. State law limits some regular ed classes to under 25 students! It seems that students with special needs would need a smaller teacher/pupil ratio if any actual learning is to occur. The adoption of this policy would be a step backward for all special ed students in the State of WV. The numbers proposed in this policy do not promote remediation of deficient skills.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Barbara L. Hill - Elk Elementary Center
**Title:** Technology Teacher / Faculty Senate Chairperson
**Street Address:** 3975 Indian Creek Rd **City/State/Zip:** Elkview, WV 25071

**Comments/Suggestions**

**§126-16-6. Administration of Services**

The proposed caseloads as set out in Policy 2419 are appalling! I cannot imagine a severe/profound classroom with more than four or five students. Not a multicategorical classroom of 20 to 30 students. Such a scenario would, at best, provide limited custodial care & special needs students, if that, and no possibility of any real teaching and or learning. If anything, special needs students require a much smaller pupil-to-teacher ratio! If this policy is adopted it will be a major regression of learning/teaching services for all West Virginia Education and no remediation of skills will be possible.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Beverly Keener

**Title:** Teacher

**Street Address:** 41 Cedar Dr. **City/State/Zip:** Hurricane WV 25526

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I am not in favor of this Policy. It is impossible to service that many children with special needs.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jill Browning - Preschool Special Needs Teacher
**Title:** Kanawha County Schools
**Street Address:** 1200 Mount Vernon Rd **City/State/Zip:** Chas. WV 25314

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Please carefully consider your proposed changes in caseloads for special education teachers. Visit these classrooms before you adopt policy changes. Look at not only the Number of children but also their Needs + behaviors. Don't just pass through spend time and think about doing these jobs yourself. We are professionals in this field - We know what it takes to do this job And it isn't larger classes, Larger caseloads, and less personell.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@access.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Judy G. Hurst

**Title:** Teacher of the Visually Impaired

Marion County BOE

**Street Address:** 200 Gaston Ave. **City/State/Zip:** Fairmont WV 26554

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Here are my comments concerning the proposed Policy 2419.

Regarding eligibility for blind and partially sighted students (p.12), I like the addition of a cortical visual impairment, but do not want to see a change in the acuity criterion (as is a push in the state currently). I believe that this will open us up to all types of students we're not trained to educate. I also prefer the former term, visually impaired.

On page 78, consultative services now include modifying materials, monitoring progress, etc. I like that this is included in consultative time because it does recognize how much time we can put into developing materials for a student, particularly if they are a braille reader. This will be very difficult to determine, however, since time can vary over the course of a year and it would be difficult to continually reschedule IEP meetings to adjust this accurately.

Page 38 deals with weighted caseloads. It is appropriate to adjust these downward by percentage of travel and other regularly scheduled duties, but the rating of a 1 (one) for a student who is served up to 360 minutes per week, is definitely out of whack. The math doesn't add up. If you were allowed 30 students (after adjusting for travel) and only a few of them added up to 360 minutes/week, you'd have no time for the other 20 students or so. Itinerant vision teachers have sent many illustrations of the problems to Annette Carey via e mail and regular mail already, so I won't go into any lengthy scenario, but it just isn't realistic. What makes more sense is to deduct travel and other regular duties by a percentage, then add up the amount of time on IEPs and compare to how much time is still available during school hours. If the IEP time exceeds the available working time (minus travel), then arrangements need to be made for additional vision personnel. If this formula is left as is, it could provide administrators with a way of requiring itinerant personnel to work a totally unworkable schedule.

Lastly, I hope that the warranty issue will be modified so that visually impaired and blind students can receive a warranty, even if they don't take the SAT 9 test under standard conditions. This is truly discrimination against those who may be academically capable, but are slower readers due to their disability.

Sincerely,

Judy Hurst

Judy Hurst

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**

# PT. PLEASANT HIGH SCHOOL

## Fax Transmittal Form

To

Name:
Organization Name/Dept:
CC:
Phone number:
Fax number: 304-558-3741

From Teresa Nibert

Phone: 304-675-1350
Fax: 304-675-7480

☐ Urgent
☐ For Review
☐ Please Comment
☐ Please Reply

Date sent:
Time sent:
Number of pages including cover page: 3

Message:

Point Pleasant High School
Route 1 Box 4
Pt. Pleasant WV 25550

Phone: 304-675-1350
Fax: 304-675-7480

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Christa J. Burris

**Title:** Science Teacher

**Street Address:** 504 Parrish Ave **City/State/Zip:** Point Pleasant W.V. 25550

**Comments/Suggestions**

**§126-16-6. Administration of Services**

I have serious reservations about the revisions that the State Department is recommending. I worry that larger classes may result in chaotic learning environment, and that effective learning would be hampered. Please remember that every child is valuable and that a mind is a terrible thing to waste. Our children are our future!

Teachers need extra help for children with special needs.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: TERESA Nibert, Sharon Williams, Barbara Scarberry
Title: Special Education Teachers (Pt. Pleasant High School)
Street Address: Rt. 1, Box 4 City/State/Zip: Pt. Pleasant, WV 25550

**Comments/Suggestions**

**§126-16-6. Administration of Services**

As collaborative teachers on the high school level, we have seen the adverse effects that inclusion can have on both special and regular education students. Some effects on special students include lowering their self esteem by the feeling of inadequacy (or less intelligent than peers), frustration due to low reading levels which prohibits understanding of content material or test, failing test scores, inability to keep up with the pace of the class, and overall embarrassment and humiliation. Regular ed. students are also adversely effected because the regular teacher has to move at a slower pace which results in less material covered and can lower SAT scores. The regular teacher has to spend so much time to accomodate the needs of the special students that the higher students do not get the attention or assistance they need. Increasing class size and caseloads will only increase the drop-out rate. We are seeing this happen already! This is not the answer — every student will lose!

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

10-12-99

Ms. Dee Bodkins
Director of Special Education
Building 6, Room 304
Charleston, WV 25305

Dear Ms. Bodkins,

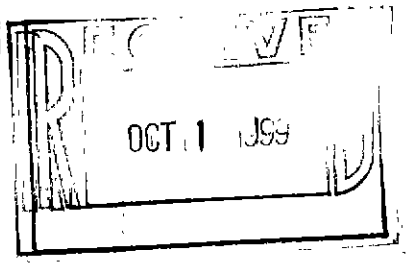
I have concerns about graduation requirements for students that qualify for special education services with specific learning disabilities criteria. My understanding is that according to state law 2510, only students with severe and profound handicaps qualify for a modified diploma through the IEP process. It is also my understanding that Senate Bill 300 requires all students to pass algebra and one additional higher math to receive a diploma. If both these statements are true, then all mildly mentally impaired students must pass algebra and a higher math in order to graduate.

I feel the instructional goals and objectives (IGO's) for algebra are not appropriate for students eligible for specific learning disabilities services. Eligibility criteria states that students must have significantly sub-average intellectual functioning. I feel that these students will have too much difficulty trying to accomplish IGO's for algebra and are being set up for failure, no matter if the objectives are delivered in a resource or regular classroom.

Please consider changing the criteria for a modified diploma to include students with learning disabilities and mild, moderate, and severe and profound mental impairment. This would keep students accomplishing goals addressed by the IEP on a level they can be successful and address their individual needs.

Sincerely,

Diane Cantis
RR 1 Box 40
Walkersville, WV
26447
304-452-8862




Dear Dr. Bodkins,

Policy 2419: Regulations for the Education of Exceptional Students, a document that governs funding, classroom sizes, placements, and areas of special education is currently being considered for changes.

Two of the considered changes that concern Preschool Speech classes include:
Increase class size from a total of 16 children to a total of 30 children.
Remove the classroom aide from each program.

These changes will adversely affect the amount of speech therapy the children receive, as well as the quality of intervention. The preschool speech aide interacts with the children, teaching vocabulary, grammar, and the use of longer sentences. He/She also models correct sound production while the speech therapist gives direct one-on-one instruction. There are other times when the children are split into groups. The speech therapist provides instruction to one group while the speech aide, under the direction of the therapist, provides instruction for the other group.

As well, increasing the class size of the groups would also hinder the education of the children. Small group settings in a naturalistic play environment work best with preschoolers for the remediation of all types of developmental delays/disorders. To double the size of the class would severely retard progress.

Acceptance of proposed changes to Policy 2419 in the areas of class size and loss of speech aide will result in the following difficulties:

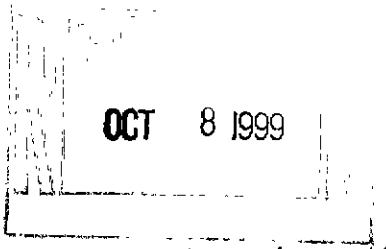
Buses would be unmet at the school.
Children would be improperly attended in the bathroom.
No field trips (very important to give experiential opportunities for development).
Children with feeding disorders would not get proper monitoring at mealtimes.
Sick children would be with an unfamiliar adult until the parent could get to school to pick them up.
Children with orthopedic problems would not have an aide to assist them in movement from place to place.
Materials would not be prepared for use in the education of the children.
Children who have bathroom accidents would either leave the remaining children unattended or have to have clothing changes in front of their peers.

Please consider, the children we are describing are 3-5 years old. These changes to Policy 2419 should not be adopted. Our children are our top natural resource - please protect their education.

Shalett L. Hardmon
Name

3609 Rollins St Apt B
Parkersburg WV 26104

Address




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Policy 2419: Regulations for the Education of Exceptional Students, a document that governs funding, classroom sizes, placements, and areas of special education is currently being considered for changes.

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No field trips (very important to give experiential opportunities for development).
Children with feeding disorders would not get proper monitoring at mealtimes.
Sick children would be with an unfamiliar adult until the parent could get to school to pick them up.
Children with orthopedic problems would not have an aide to assist them in movement from place to place.
Materials would not be prepared for use in the education of the children.
Children who have bathroom accidents would either leave the remaining children unattended or have to have clothing changes in front of their peers.

Please consider, the children we are describing are 3-5 years old. These changes to Policy 2419 should not be adopted. Our children are our top natural resource - please protect their education.

Daniel Thomas
Name

3800 Grand Central Avenue
Vienna WV 26105

Address

Dear Dr. Bodkins,

Policy 2419: Regulations for the Education of Exceptional Students, a document that governs funding, classroom sizes, placements, and areas of special education is currently being considered for changes.

Two of the considered changes that concern Preschool Speech classes include:
Increase class size from a total of 16 children to a total of 30 children.
Remove the classroom aide from each program.

These changes will adversely affect the amount of speech therapy the children receive, as well as the quality of intervention. The preschool speech aide interacts with the children, teaching vocabulary, grammar, and the use of longer sentences. He/She also models correct sound production while the speech therapist gives direct one-on-one instruction. There are other times when the children are split into groups. The speech therapist provides instruction to one group while the speech aide, under the direction of the therapist, provides instruction for the other group.

As well, increasing the class size of the groups would also hinder the education of the children. Small group settings in a naturalistic play environment work best with preschoolers for the remediation of all types of developmental delays/disorders. To double the size of the class would severely retard progress.

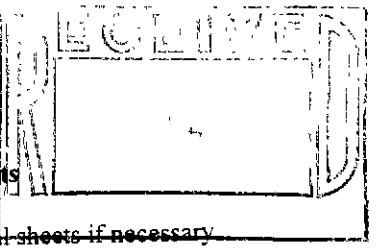
Acceptance of proposed changes to Policy 2419 in the areas of class size and loss of speech aide will result in the following difficulties:

Buses would be unmet at the school.
Children would be improperly attended in the bathroom.
No field trips (very important to give experiential opportunities for development).
Children with feeding disorders would not get proper monitoring at mealtimes.
Sick children would be with an unfamiliar adult until the parent could get to school to pick them up.
Children with orthopedic problems would not have an aide to assist them in movement from place to place.
Materials would not be prepared for use in the education of the children.
Children who have bathroom accidents would either leave the remaining children unattended or have to have clothing changes in front of their peers.

Please consider, the children we are describing are 3-5 years old. These changes to Policy 2419 should not be adopted. Our children are our top natural resource - please protect their education.

Phyllis Lemley
Name

Rt. #1 Box 47
Rockport, WV
26169
Address



**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Teresa Ciesielski

**Title:** Preschool Speech Pathologist - Wood Co. Schools

**Street Address:** 2902 Elm St. **City/State/Zip:** Parkersburg, WV 26104

**Comments / Suggestions**

**§126-16-6. Administration of Services**

Policy 2419: Regulations for the Education of Exceptional Students, a document that governs funding, classroom sizes, placement, and all areas of special education is considering changes to the regulation concerning special education students.

Two of the considered changes that concern the preschool speech classes are to increase the class size from a total of 16 children to a total of 30 children. The other change is to do away with our class aides.

These changes would adversely affect the amount of speech therapy the children receive as well as the quality. The aide interacts with the children teaching vocabulary, grammar, the use of longer sentences, as well as models correct sound production while the speech therapist gives direct one on one instruction.

There are other times when the children are split into groups. The therapist provides instruction for one group while the aide, under the direction of the therapist provides instruction for the other group.

To increase class size would also hinder the education of the children. Small group settings in a naturalistic play environment work best for the remediation of any type of developmental delay or disorder. To double the size of the class would be a gross mistake.

Doubled class sizes and no aide would mean the following:

>buses would be unmet at the school
>children would be improperly attended in the bathroom
>no field trips (very important to give experiential opportunities for development)
>children with feeding disorders would not get proper monitoring at mealtimes
>sick children would be with an unfamiliar adult until the parent came to school to pick them up.
>children with orthopedic problems would not have an aide to assist them in movement from place to place.
>materials would not be prepared for use in the education of the children.
>children who have bathroom accidents would either leave the remaining children unattended or have to have diaper changes in front of their peers.

Remember the children we are talking about here are 3-5 years old. Please reconsider changes to Policy 2419. Our children are our top natural resource, protect their education.

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

OCT 1 1999

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**~~Policy 2419:~~ Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Martin School - Heather Loperay

**Title:** Preschool Special Needs Teacher

**Street Address:** 4403 Butler St **City/State/Zip:** Parkersburg WV 26104-1329

**Comments / Suggestions**

**§126-16-6. Administration of Services**

On attached sheets

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

DEAR DR. BODKINS,
POLICY 2419: REGULATIONS FOR THE EDUCATION OF EXCEPTIONAL STUDENTS, A DOCUMENT THAT GOVERNS FUNDING, CLASSROOM SIZES, PLACEMENTS, AND AREAS OF SPECIAL EDUCATION IS CURRENTLY BEING CONSIDERED FOR CHANGES.
PART 126CSR-1-6-6 ADMINISTRATION OF SERVICES UNDER THIS PART OF THE POLICY IT SEEMS LIKE THEY ARE TRYING TO REMOVE AIDES FROM PRESCHOOL CLASSROOMS USING A RATING SYSTEM BASED ON MINUTES PER WEEK OF SERVICE. THEY AREN'T INCLUDING FEEDING, EATING, AND THE REGULAR EDUCATION CLASSES WE PARTICIPATE IN TO FULFILL INCLUSION NEEDS.
THE REMOVAL OF A AIDE WOULD CAUSE MANY OF THE STUDENTS TO NOT GET IN THE APPROPRIATE THERAPY EQUIPMENT, GET ADEQUATE FEEDING TIME, GET ADEQUATE TOILET TIME OR CAUSE LOST OF INSTRUCTIONAL TIME DUE TO THE TEACHER HAVING TO DEAL WITH ALL TOILETING, FEEDING, POSITIONING, AND CLEANUP NEEDS.
THE CHILDREN WOULD LOSE ALOT OF INSTRUCTIONAL TIME BOTH DIRECT AND INDIRECT BY THE TEACHER AND THE AIDE. ALSO BUSES WOULD BE UNMET AT THE SCHOOL, CHILDREN WOULD BE IMPROPERLY ATTENDED IN THE BATHROOM, NO FIELD TRIPS, CHILDREN WITH FEEDING DISORDERS WOULD NOT GET PROPER MONITORING AT MEALTIMES, SICK CHILDREN WOULD BE WITH UNFAMILIAR ADULT UNTIL THE PARENT COULD GET TO SCHOOL TO PICK THEM UP, CHILDREN WITH ORTHOPEDIC PROBLEMS WOULD NOT HAVE AN ASSIST THEM IN MOVEMENT FROM PLACE TO PLACE, MATERIALS WOULD NOT BE PREPARED FOR USE IN THE EDUCATION OF THE CHILDREN, AND CHILDREN WHO HAVE BATHROOM ACCIDENTS WOULD MEAN THE

TEACHER WOULD EITHER LEAVE THE REMAINING CHILDREN UNATTENDED OR HAVE TO HAVE CLOTHING CHANGES IN FRONT OF THEIR PEERS.
PLEASE CONSIDER, THE CHILDREN WE ARE DESCRIBING 3-5 YEARS OLD. THESE CHANGES TO POLICY 2419 SHOULD NOT BE ADOPTED.

Heather Dorsey ----------NAME

4403 Butler St
Barker Lug NY
14104-1320 ----------

ADDRESS

OCT 12 1999

DEAR DR. BODKINS,
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Michelle R. Newbrough----------NAME

Robert & Michelle Newbrough
1104 27th St.
Parkersburg WV 26101 ADDRESS

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

OCT 12 1999

Individual/Organization: Cynthia C. Phillips

Title: Special Educator

Street Address: 831 Main St Chas. City/State/Zip: WV 25302

**Comments/Suggestions**

**§126-16-6. Administration of Services**

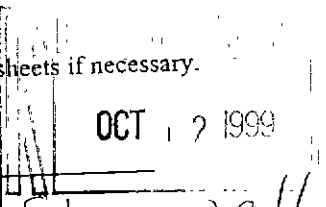
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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.




Individual/Organization: Patsy C. Berry

Title: Teacher Special Education Stonewall Jr.

Street Address: Charleston City/State/Zip: W. Va. 25304

**Comments/Suggestions**

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In conclusion, I have to tell you that I have some difficulty understanding the way the proposal is organized. Further clarification would be in order. It is our hope that the Board of Education will postpone the adoption of Section 126-16-6 until further study is conducted as to the impact on caseloads, class size, and use of special education aides.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail. pcarte@accecss.k12.wv.us
FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT , ? 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lisa Perkins

**Title:** Special Educator

**Street Address:** 5208 D Walnut Valley Dr. **City/State/Zip:** Cross Lanes, WV 25313

**Comments/Suggestions**

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FAX: (304) 558-3741

OCT 12 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** CAROL THOM / STONEWALL JACKSON JR.

**Title:** PRINCIPAL

**Street Address:** 812 PARK AVE. **City/State/Zip:** Chas., WV 25302

**Comments/Suggestions**

**§126-16-6. Administration of Services**

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Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Marsha R. Crowe / Riverside High School

Title: Educator

Street Address: P.O. Box 117 City/State/Zip: Handley, WV 25102

OCT 12 1999

Comments/Suggestions

§126-16-6. Administration of Services

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FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Rebecca Willis / Riverside High
Title: Teacher
Street Address: 816 E Donnelly Rd City/State/Zip: Chas WV 25304

Comments/Suggestions

§126-16-6. Administration of Services

OCT 12 1999

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Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Michael A. Kees Riverside High School

Title: Career Cluster Lead Teacher

Street Address: 1 Work Horse Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

OCT 12 1999

§126-16-6. Administration of Services

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Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

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Individual/Organization: DEBORAH S. GREENE

Title: teacher, RIVERSIDE H.S.

Street Address: 1007 A BARLOW Dr. City/State/Zip: Charleston WV 25311

OCT 12 1999

Comments/Suggestions

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Individual/Organization: Vandra L Gilmore

Title: Teacher

Street Address: 330 Rockwood Ave City/State/Zip: Belle, WV 25015

Comments/Suggestions

OCT 1 . 2009

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Individual/Organization: Sherry Chambers

Title: Teacher

Street Address: P.O. Box 15053 City/State/Zip: Mamet, WV 25365-0053

Comments/Suggestions

§126-16-6. Administration of Services

OCT 12 2009

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Individual/~~Organization~~: John A. Stracher / Counselor

~~Title~~: Riverside High School

Street Address: 1 Warrior Way City/State/Zip: Charleston WV 25312

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Jim Fout / Riverside High School
Title: Teacher/Athletic Director/Head Basketball Coach
Street Address: 322 W. 34th St. City/State/Zip: Bella, WV 25015
Jim R. Fout

Comments/Suggestions

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**Individual/Organization:** Sharon Callard

**Title:** Educator

**Street Address:** Riverside High School **City/State/Zip:** Belle, W.V. 25015

**Comments/Suggestions**

OCT 12 1999

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: PHIL HARPOLD, Riverside High School

Title: Teacher

Street Address: RT 3 Box 20 City/State/Zip: Ripley, WV 25271

Comments/Suggestions

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Individual/Organization: Carolyn Powell / Riverside High School
Title: Teacher
Street Address: 1204 Lightner Ave City/State/Zip: Dunbar W Va 25064

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Comments/Suggestions

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Individual/Organization: Jane M Kennedy

Title: teacher

Street Address: 1052 Circle Rd City/State/Zip: Charleston, WV 25314

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: James D. Pendry Riverside HS

Title:

Street Address: 01 Warrior Way City/State/Zip: Belle, WV

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Alta Blake

Title: Teacher

Street Address: One Warrior Way City/State/Zip: Beckley, WV 25015

Comments/Suggestions

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Building 6, Room 304
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Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Stephen Bukowinsky
Title: Teacher - Riverside H.S.
Street Address: 3008 Va. Ave. S.E. City/State/Zip: Chas. W.V. 25304

OCT 12 1999

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Mary Sue Bartley

Title: Teacher

Street Address: 102 Rustic Highlands City/State/Zip: Hurricane, WV 25526

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Maria Blake / Riverside H. S.
Title: teacher / Resource
Street Address: 6 Cherry Lane City/State/Zip: Elkview, WV 25071

Comments/Suggestions

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Maria Blake

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Individual/Organization: Deborah J. Stanley

Title: Counselor

Street Address: PO Box 451 City/State/Zip: East Bank WV 25067

Comments/Suggestions

§126-16-6. Administration of Services

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Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Brian O'Connell

Title: Teacher - Riverside High School

Street Address: One Warrior Way City/State/Zip: Belle, WV

Comments/Suggestions

§126-16-6. Administration of Services

OCT 12 1999

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Individual/Organization: RHONDA McBRIDE / RIVERSIDE High

Title: TEACHER

Street Address: 1607 W DuPont Ave #10 City/State/Zip: Belle, WV 25015

Comments/Suggestions

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Individual/Organization: Romie E. Canterbury, Jr.

Title: Teacher

Street Address: 575 Campbells Ck. Dr. City/State/Zip: Chas. WV 25306

Comments/Suggestions

§126-16-6. Administration of Services

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Ronnie E Cobb Jr.

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Individual/Organization: Fred Myers

Title: Teacher

Street Address: Riverside HS City/State/Zip: Belle WV

Comments/Suggestions

OCT 1999

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Individual/Organization: Carol Recco

Title: Teacher

Street Address: 326 16th St City/State/Zip: Belle, WV 25015

Comments/Suggestions

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Individual/Organization: Riverside High - Rebecca Mace

Title: Resource Room teacher

Street Address: 225 N. Pinch Rd. City/State/Zip: Elkview 25071

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Individual/Organization: Mrs. Kara Edelman

Title: RN nurse

Street Address: 609 42nd St. S.E. City/State/Zip: Charleston, W.V 25304

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Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: John Hopkins / Riverside HS

Title: Teacher

Street Address: P.O. Box 106 City/State/Zip: CABIN CREEK, WV 25067

Comments/Suggestions

§126-16-6. Administration of Services

OCT 12 1999

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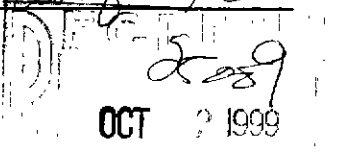
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Individual/Organization: Judith Barker

Title: Lead Teacher Fine Arts

Street Address: Box 43 City/State/Zip: Ashford, WV




Comments/Suggestions

§126-16-6. Administration of Services

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Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Elizabeth L Stanley
Title: Choral Director (Teacher) Riverside High
Street Address: #1 Warrior Way City/State/Zip: Belle, WV 25105

Comments/Suggestions

§126-16-6. Administration of Services

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FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Jonathan S. Link / Riverside High School

Title: Network Technologist

Street Address: One Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Peggy Alexander / Riverside High
Title: Classroom Teacher
Street Address: One Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Riverside High School

Title: Teacher

Street Address: 122 Orchard Dr City/State/Zip: Nitro WV 25143

Comments/Suggestions

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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Dottie L. Pisapia
Title: Librarian - Riverside High School
Street Address: 104 Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

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Individual/Organization: Gail McClure

Title: Teacher

Street Address: 83 Cloverleaf Circle City/State/Zip: Glas, WV 25302

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Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Robert Allport

Title: Teacher - Riverside High School

Street Address: 1 Warrior Way City/State/Zip: Belle 25015

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Riverside High School

Title: Teacher

Street Address: 1 Warrior Way City/State/Zip: Belle, WV 25015

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Individual/Organization: Fred B. Chiles Jr.

Title: Teacher Riverside High

Street Address: 1010 Kanawha ave City/State/Zip: Dunbar WV. 25064

Comments/Suggestions

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Individual/Organization: Louis M. Carey, Riverside High School

Title: Educator

Street Address: 1 Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

OCT - 2 1999

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Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Darrell Seabolt
Title: Teacher / Riverside High
Street Address: 1 Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

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Individual/Organization: Mike Holmes

Title: Teacher Riverside High

Street Address: 1 Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

§126-16-6. Administration of Services

OCT 1999

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Individual/Organization: Nancy Shumate

Title: Teacher Riverside

Street Address: 1533 Mt. Vernon Rd City/State/Zip: Chas, WV 25314

Comments/Suggestions

§126-16-6. Administration of Services

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Cindy Daniel / Riverside HS
Title: Asst. Principal of Curriculum
Street Address: One Warrior Way City/State/Zip: Belle, WV 25015

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Comments/Suggestions

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Individual/Organization: Rebecca Myers

Title: Teacher

Street Address: Riverside H.S. #1 Warrior Way City/State/Zip: Belle, WV

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Individual/Organization: Mary H. Morgadon

Title: Art Teacher - Riverside High School

Street Address: 1664 Sunset Dr. City/State/Zip: Chas, WV 25301

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Mike Tallman Riverside High School

Title: Special Education / Resource

Street Address: 829 Bigley Ave. City/State/Zip: Charleston, WV 25302

Comments/Suggestions

OCT 1 2 1999

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Valery Harper

Title: Teacher

Street Address: 3825 Shorefare Rd. City/State/Zip: Chesterina 25045

OCT 1999

Comments/Suggestions

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Individual/Organization: Deanna L. Canterbury-Penn

Title: Educator, Riverside High School

Street Address: 1547 Piedmont Rd. City/State/Zip: Charleston, WV 25311

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Individual/Organization: Norman R. Hensley / Riverside High
Title: Teacher
Street Address: One Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

§126-16-6. Administration of Services

OCT 1999

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Return comments by October 15, 1999 to:

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Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: RIVERSIDE HIGH SCHOOL

Title: TEACHER/COACH

Street Address: #1 WARRIOR WAY City/State/Zip: BELLE, WV 25012

Comments/Suggestions

§126-16-6. Administration of Services

OCT 1999

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Individual/Organization: HARRY MARKHAM

Title: TEACHER - RIVERSIDE HIGH SCHOOL

Street Address: 5933 MIDLAND DRIVE #2 City/State/Zip: CHARLESTON, WV 25306

Comments/Suggestions

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Individual/Organization: Alfred A Estepp

Title: Resource Teacher – Riverside High School

Street Address: 81 Stinging Bull Dr St Albans City/State/Zip: St Albans WVa

Comments/Suggestions

§126-16-6. Administration of Services

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: NEIL HOPKINS / RIVERSIDE HIGH - SCH

Title: VICE PRINCIPAL

Street Address: 1 WARRIOR WAY City/State/Zip: BELLE WV 25015

OCT 1999

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Sharon Matheny

Title: Teacher

Street Address: 1602 Kelly St. City/State/Zip: Charleston, WV 25311

Comments/Suggestions

§126-16-6. Administration of Services

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Individual/Organization: Riverside H.S.

Title: Teacher

Street Address: _____ City/State/Zip: _____

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: (Betsey H. Moore)

Title: Riverside High School

Street Address: 5706 Hamilton Ave. SE. City/State/Zip: Charleston, W. Va. 25304

Comments/Suggestions

OCT 12 1999

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Individual/Organization: Mariya A.C. Breaux

Title: Teacher

Street Address: 302 Oak Tree City/State/Zip: S. Charleston, WV 25309

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Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Richard Columbus / Riverside High School

Title: Principal

Street Address: One Warrior Way City/State/Zip: Belle, WV 25015

Comments/Suggestions

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OCT 12 1999

Individual/Organization: Lynn Gottlieb, Riverside HS

Title: Counselor

Street Address: 813 E Donnally Rd City/State/Zip: Charleston, WV 25304

Comments/Suggestions

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Individual/Organization: Jennifer A Coverdale McNeal / Riverside High

Title: Educator

Street Address: PO Box 742, City/State/Zip: East Bank, WV 25067

Comments/Suggestions

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Please consider the impact this would have on all our students!

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Ann C. Miller

Title: Teacher - Speech - Careers

Street Address: 1523 W Va Ave, City/State/Zip: Dunbar, WV 25064

Comments/Suggestions

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Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Parveen H Qazi Member AFT/WVFT

Title: Teacher

Street Address: 116 Orchard Drive City/State/Zip: Nitro WV 25143

OCT 1999

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Mary F. Elliott

Title: Housewife

Street Address: 843 Danerton Rd. City/State/Zip: Chas., WV 25303

Comments/Suggestions

§126-16-6. Administration of Services

OCT 12 1999

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OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Jo S. Martin

**Title:** English teacher

**Street Address:** Box 252, 311 Alexander St **City/State/Zip:** Cedar Grove, WV 25039

**Comments/Suggestions**

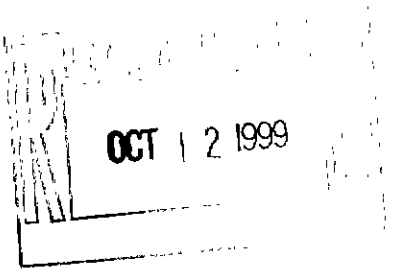
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**Policy 2419: Regulations for the Education of Exceptional Students**

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**Individual/Organization:** Deborah Fink

**Title:** GW teacher

**Street Address:** 137-13 5th St. **City/State/Zip:** Chesapeake, WV 25315

**Comments/Suggestions**

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**Policy 2419: Regulations for the Education of Exceptional Students**

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Individual/Organization: Gene Petry

Title: (Teacher) George Washington High

Street Address: 708 Vermont Dr City/State/Zip: Charleston, WV 25302

**Comments/Suggestions**

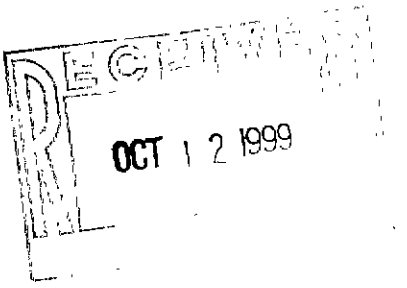
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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419 You may attach additional sheets if necessary.

**Individual/Organization:** Catherine L. Henderson
**Title:** English teacher
**Street Address:** 205 5th Ave. **City/State/Zip:** St. Albans WV 25177

**Comments/Suggestions**

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OCT | 2 1999

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**Individual/Organization:** Mary K Elly

**Title:** Counselor

**Street Address:** 1522 Tennis Club Rd **City/State/Zip:** Chas WV 25314

**Comments/Suggestions**

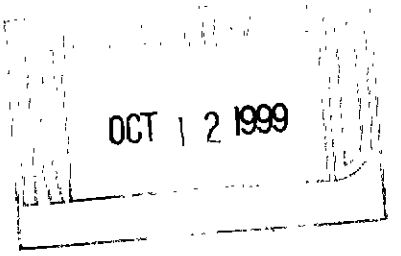
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OCT 12 1999

Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Jo S. Martin

Title: English teacher

Street Address: Box 252, 311 Alexander St City/State/Zip: Cedar Grove, WV 25039

**Comments/Suggestions**

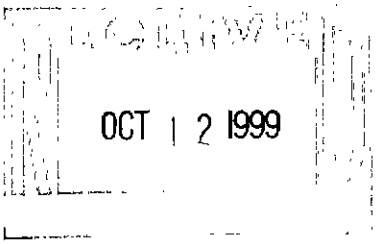
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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Patricia B. Blagg

Title: History and English Teacher

Street Address: 900 Churchill Drive City/State/Zip: Charleston WV 25314

**Comments/Suggestions**

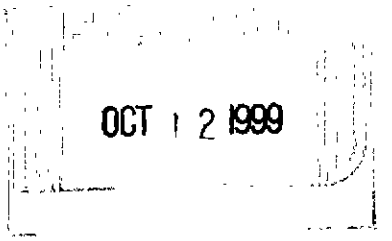
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Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

OCT | 2 1999

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Kathleen D'Esposito

Title: teacher

Street Address: 1422 Princess Drive City/State/Zip: So. Chas., WV 25309

**Comments/Suggestions**

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OCT 12 1999

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OCT 12 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Debra Hanna

**Title:** Teacher

**Street Address:** 3112 1st St., SE **City/State/Zip:** Chas., WV 25304

**Comments/Suggestions**

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OCT 12 1999

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Ruth C. Chase

Title: teacher (Math)

Street Address: G.W. 1522 Jennie Clark Rd City/State/Zip: Chas., WV 25314

Comments/Suggestions

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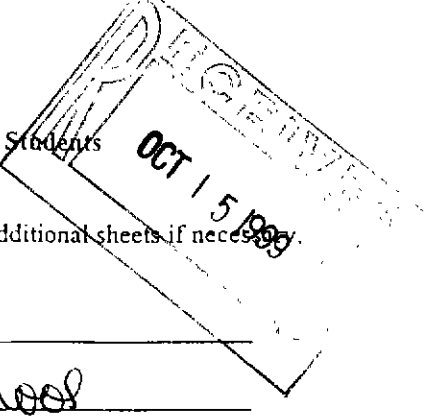
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Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Sixth Grade Team

~~Title:~~ Andrew Jackson middle School

Street Address: 5445 Big Tyler Rd. City/State/Zip: Cross Lanes, WV 25313

**Comments/Suggestions**

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Tiffany Murray

Sharon Stevens

Wendie Ulring

Kirsten M. Southall

Rebecca A. Kees

William R Haynes

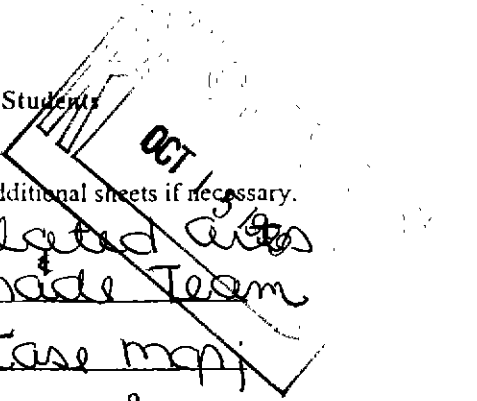
Debbie Vaught

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**Policy 2419: Regulations for the Education of Exceptional Students**




Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Cathy Hawless / 8th Grade Team

Title: Special Educator; 8th Grade Case mgr.

Street Address: 5445 Big Tyler Rd City/State/Zip: Cross Lanes, WV 25313

**Comments/Suggestions**

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Helen a Myers
Carma J. Peters
Cathy L. Hudess
Julie Strahler
Suzanne Pleska
Melinda Skaggs
RC Osborne
Vernon Reed
Marguerite Kisner
Pamela R. Woods

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Policy 2419: Regulations for the Education of Exceptional Students

OCT 15 1998

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Individual/Organization: Lois F. Godsey

Title: Supervisory/Special Needs Aide/LD

Street Address: 5445 Big Tyler Road City/State/Zip: Cross Lanes, WV 25313

Comments/Suggestions

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Josephine Mialkff
Joseph Rose
Lana Harless
Rebecca Roach

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Policy 2419: Regulations for the Education of Exceptional Students

OCT 15 1998

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Individual/Organization: Kathryn Brannon Barr

Title: Special Educator AIMS 6th Grade Case Manager

Street Address: 5445 Big Tyler Rd. City/State/Zip: Cross Lanes W. Va.

Comments/Suggestions

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**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 15 1999

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Individual/Organization: Jeremy Sutton, Andrew Jackson Middle

Title: BD Teacher

Street Address: 5445 Big Tyler Rd. City/State/Zip: Cross Lanes, WV 25313

**Comments/Suggestions**

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OCT 15 1999

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Individual/Organization: CHERYL STRADER 7th grade Casemanager

Title: Special Educator Andrew Jackson M.S.

Street Address: 5455 Big Tyler Rd. City/State/Zip: Cross Lanes, WV 25313

**Comments/Suggestions**

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Cheryl Strader
Tricia C. Peterson, Regular Educator 7th grade
Sarah P. Crutchfield Regular Education 7th grade
David A. Thayer — Rg Geog. 7th grade
David G Young - Regular teacher (Language) 7th grade.
Nanette Jones, Reg-Education 7th grade
Karl C. Priest math 7th
Sandra Burns, English 7th
Latent Simmons - 7th Science

Complete response form by listing each section of the policy

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FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/~~Organization~~: FAIZA KHAN

Title: Math teacher

Street Address: 201 Leslie Place City/State/Zip: Scott Depot WV 25560

Comments/Suggestions

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Individual/Organization: David Stone / Riverside High School

Title: Teacher

Street Address: 5307 Pamela Circle, City/State/Zip: Cross Lanes, WV 25313

Comments/Suggestions

§126-16-6. Administration of Services

OCT 15 1999

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OCT 15 1999

Individual/Organization: Deborah Dandy Michaux

Title: Sp. Ed. Teacher

Street Address: 1 Warrior Way City/State/Zip: Belle WV 25015

Comments/Suggestions

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One must also consider the effects of change on the inclusion process. Without the support (personnel inclusion will begin to fail. Improper staffing will only hamper the progress being made.

Come wear our shoes!

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Individual/Organization: Cynthia L. Payne

Title: Special Ed. Aide

Street Address: 1 Warrior Way City/State/Zip: Belle W. Va.

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OCT 15 1999

Comments/Suggestions

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Teachers who do not have support personnell will be forced to take instruction assistance time away the "regular or non-special ~~ed~~ student". The non-special ed student's taxes from their future jobs will help support the people who are unable ~~to~~ to work. They also need every extra ounce of preparation to support themselves + pay taxes.

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Individual/Organization: Deborah Harper / Fayette County Schools
Title: Special Educator
Street Address: HC81 Box 56 City/State/Zip: Victor WV 25938

Comments/Suggestions

§126-16-6. Administration of Services

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4

Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Melinda Susser

Title: Special Education Teacher

Street Address: 2005 Weberwood Dr. City/State/Zip: Chas. WV 25303

**Comments/Suggestions**

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Individual/Organization: Kathleen Scott

Title: Sp. Ed. Teacher, Inclusion Consultant, Case Manager

Street Address: 1 OAK Forest Park City/State/Zip: Mount Hope, WV 25880

Comments/Suggestions

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Individual/Organization: Ms. Lacy B. Stover, Mt. Hope High School
Title: Special Education Teacher - Inclusion Consultant - Case Manager
Street Address: 110 High School City/State/Zip: Mt. Hope, West Virginia 25880

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Individual/Organization: Jeanie Ayers

Title: Principal

Street Address: Rt. 1 Box 156-A City/State/Zip: Fayetteville, WV 25840

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Susan P. Hanson

Title: Teacher - Mt. Hope High

Street Address: 110 High School Ave City/State/Zip: Mt. Hope, WV 25880

Comments/Suggestions

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I have serious concerns regarding Sec. 126-16-6. I believe that this section in caseloads has the potential to negatively impact every special education student in West Virginia. These proposals would, in most instances, leave it to the discretion of the county board of education to place teacher's aides. At the present time, I believe that boards of education only utilize teacher's aides when required to do so by regulations. It is clear that financially pressured boards will be very sparing in the utilization of teacher aides if given complete discretion in staffing. While boards may see the necessity, they must always prioritize. A case in point: How many boards hired elementary counselors before being required by statute? It is my opinion that staffing of teacher's aides should be based on objective criteria rather than the perceived financial needs of a county board of education. Although the current ratio of student to teacher and teacher's aides may not be a perfect fit for all circumstances, these ratios provide an objective standard which prevents boards of education from sacrificing the physical and educational needs of special education students to short term financial considerations. I believe teacher aides to be essential to the dignity and well being of special education students. I believe that this proposal could result in the virtual elimination of special education aides. I urge you to reconsider the language regarding special education aides.

Additionally, I have a concern with regard to caseload. The current policy mandates a maximum number of students, which varies according to exceptionality, to be assigned during any one instructional period. The proposal, as I understand it, would rate students according to need. A compilation of ratings will then be used to determine caseload. It causes me a degree of discomfort that the building level administrator, along with the special education director, will compile the ratings and determine a special education teacher's weighted caseload. I believe that this section has the potential to create larger classes and larger caseloads as a result of the new rating system. i.e. Under the proposal there is a potential to have thirteen (13) severe/profound students per special educator.

In conclusion, I have to tell you that I have some difficulty understanding the way the proposal is organized. Further clarification would be in order. It is my hope that the Board of Education will postpone the adoption of Section 126-16-6 until further study is conducted as to the impact in caseloads, class size, and use of special education aides.

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Gatewood Elementary Faculty Senate

Title: Chairperson

Street Address: Rt. 1 Box 156 A City/State/Zip: Fayetteville, WV 25840

RECEIVED
OCT 22 1999

Comments/Suggestions

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Donna Smith Kindergarten Teacher
Chairperson/Gatewood
Faculty Senate

Melissa J Bates
Sandra Boardwine
Dawn R. Murphy
Janette Castello
Cathy K. Arritt
Cynthia Hall
Amy Ashworth
Laundia Taylor - Counselor
Patricia Ballard

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OCT 1 2 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Cynthia Corley-Hicks, Sp. Ed. Dept., Raleigh County Schools

**Title:** Director

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

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**RESPONSE TO PROPOSED CASELOADS**
**SECTION 6**

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OCT 1 2 1999

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**Individual/Organization:** Ghaski Lee, Special Education Dept., Raleigh Co. Schools

**Title:** Assistant Director

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, wV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

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**Policy 2419: Regulations for the Education of Exceptional Students**

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**Individual/Organization:** Michael Pauley, Sp. Ed. Dept., Raleigh County Schools

**Title:** Psychologist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

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**Individual/Organization:** Beverly Winter, Sp. Ed. Dept., Raleigh County Schools

**Title:** Psychologist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

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OCT 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

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**Individual/Organization:** Suzanne Elliott, Sp. Ed. Dept., Raleigh County Schools

**Title:** Psychologist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

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**Individual/Organization:** Mary Prentice, Sp. Ed. Dept., Raleigh County Schools

**Title:** Psychologist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

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OCT 1 0 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

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**Individual/Organization:** Nancy Payne, Sp.Ed. Dept., Raleigh County Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

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**Individual/Organization:** Joyce Hall, Sp.Ed. Dept., Raleigh County Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

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**Individual/Organization:** Victoria Hutchison, Sp. Ed. Dept., Raleigh Co. Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

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OCT 1 9 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Joan Parsons Sp.Ed. Dept., Raleigh County Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

**RESPONSE TO PROPOSED CASELOADS**
**SECTION 6**

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**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Becky Hendrick, Sp.Ed. Dept., Raleigh County Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
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OCT 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lori Webb, Sp.Ed. Dept., Raleigh County Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
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**RESPONSE TO PROPOSED CASELOADS**
**SECTION 6**

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OCT 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Mark Kodack, Sp.Ed. Dept., Raleigh County Schools

**Title:** Specialist

**Street Address:** 136 Sullivan Road **City/State/Zip:** Glen Morgan, WV 25847

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

Complete response form by listing each section of the policy.

**Return comments by** October 15, 1999 **to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
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OCT 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Cindi Filipek

**Title:** Special Ed. Teacher

**Street Address:** PO Box 1073 **City/State/Zip:** Sophia, WV 25921

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**

OCT 15 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Linda L. Bragg

**Title:** Special Education

**Street Address:** 202 Pluto Rd. **City/State/Zip:** Hedgesville, WV 25427

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**

**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: pcarte@access.k12.wv.us**
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Patty Allen

**Title:** Sp. Ed. Teacher ~~Principal~~ Fairdale

**Street Address:** Box 235 **City/State/Zip:** Rock Creek, WV 25774

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

**Complete response form by listing each section of the policy.**

**Return comments by October 15, 1999 to:**


**Dr. Dee Watkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: [redacted]**
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Donna L. Porterfield

**Title:** Special Education Teacher

**Street Address:** 619 Johnstown Rd. **City/State/Zip:** Beckley W.V. 25801

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

**Complete response form by listing each section of the policy.**

**Return comments by October 15, 1999 to:**

**Dr. Dee Hoblins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: [redacted]**
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Stephanie Justus

**Title:** Teacher (Second Grade)

**Street Address:** 115 Washington Ave. **City/State/Zip:** Crab Orchard, WV 25827

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

**Complete response form by listing each section of the policy.**

**Return comments by October 14, 1999 to:**

**Dr. Dee Bolkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** [redacted]
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Arrietta Joan Ratliff

**Title:** Special Education Teacher

**Street Address:** 1268 Belt Road **City/State/Zip:** Fairdale WV 25839

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

**Complete response form by listing each section of the policy.**

**Return comments by October 15, 1999 to:**

**Dr. Dee Bedkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: [redacted]**
**FAX: (304) 558-3741**

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Mel Jennings

**Title:** Principal

**Street Address:** Box 10 **City/State/Zip:** Fairdale WV 25839

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

**Complete response form by listing each section of the policy.**

**Return comments by October 15, 1999 to:**

**Dr. Dee Hoskins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: [redacted]**
**FAX: (304) [redacted]**

**Policy 2419: Regulations for the Education of Exceptional Students**

**Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.**

**Individual/Organization:** Marsha Clay

**Title:** Teacher - Regular Classroom

**Street Address:** _____ **City/State/Zip:** _____

**Comments / Suggestions**

**§126-16-6. Administration of Services**

See Attached

**Complete response form by listing each section of the policy.**

**Return comments by October 15, 1999 to:**

**Dr. Dee Beddow**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail: [redacted]**
**FAX: (304) 558-3741**

# RESPONSE TO PROPOSED CASELOADS
## SECTION 6

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VIRGINIA DEPARTMENT OF EDUCATION

*Henry R. Marockie, State Superintendent of Schools*
*Building 6, 1900 Kanawha Blvd. E., Charleston, West Virginia 25305-0330*

*Phone: 304-558-2681*
*Fax: 304-558-0048*
*http://wvde.state.wv.us*

*West Virginia Board of Education*
*James J. MacCallum, President*
*Gary G. White, Vice President*
*Cleo P. Mathews, Secretary*
*Sandra M. Chapman*
*Michael D. Greer*
*Sheila M. Hamilton*
*Jim L. Matheny*
*J. D. Morris*
*Paul J. Morris*

# MEMORANDUM

TO: Dee Bodkins, Executive Director
Office of Special Education

FROM: Frank D. Andrews, Executive Director
Office of Institutional Education Programs

SUBJECT: **POLICY 2419, SECTION 1.6. EXCEPTION TO F.A.P.E.**

DATE: September 27, 1999

Section 1.6 of Policy 2419: Regulations for the Education of Exceptional Students states that the obligation to make a free appropriate public education available to all students with disabilities does not apply to students 18 to 21 who, prior to their incarceration in an adult correctional facility, were not identified as an eligible student with a disability. This language was apparently added in response to the federal regulations pertaining to the re-authorization of IDEA. In my judgement, however, this addition is in violation of state law and the IDEA federal regulations.

West Virginia's mandatory special education statute, § 18-20 et seq., requires special education programs for **all** exceptional children between five and twenty-one years of age including children in foster care, in mental health facilities, residential facilities, private schools, and correctional facilities. In this regard, § 300.311 and § 300.122 (a)(2)(ii) of the federal regulations are interpreted that states may make the aforementioned change to the extent that it is not inconsistent with state law. As you can see, however, the change is inconsistent with our state law.

Section 1.6 should be struck from Policy 2419. It conflicts with state law and hinders the provision of educational services for students who have disabilities that have not been identified prior to entrance into correctional facilities.

I apologize for not identifying this issue when the policy was out on comment. I would be very glad to discuss this matter with you at your convenience.

c. Susan Lattimer
Mary Nunn

**Policy 2419: Regulations for the Education of Exceptional Students**

SEP 20 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.


**Individual/Organization:** Cecilia Bias

**Title:** Sp. Ed. Teacher (Starting 28th year)

**Street Address:** 641 Main St. **City/State/Zip:** Man, W.V. 25635


Proposed Policy 2419

**§126-16-6. Administration of Services**

**Comments/Suggestions**

*Section 126-16-6 Caseload Calculations

*There is no way to give the students the time they deserve and need if a larger class size is voted in. The people voting for this should spend some time in Special Education classrooms and see just what it's like. Try to follow the IEP and individual needs of each student.

*Fewer aides will result in even less time with special needs students. A teacher needs all the help she can get - when they can get it.

*Caseloads for severe/profound - let the state representatives come to the classes and try it for awhile. Its easy to make these changes if you have no dealings with special needs students. They deserve an education in a safe environment just like everyone else.

Complete response form by listing each section of the policy.

(over)

Return comments by October 15, 1999 to:


Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741

I have been teaching Special Education Classes for 27 years. It takes patience and lots of love and nerves of steel.

I say vote against this resolution. There is no way to meet the Individualized Education Program with a larger caseload.

Remember the Safe School Policy. If its funds they are trying to cut, this is not the place.

More students doesnot mean better education.

# WEST VIRGINIA DEPARTMENT OF EDUCATION

*Dr. Henry R. Marockie, State Superintendent of Schools*
*Building 6, 1900 Kanawha Blvd. E., Charleston, West Virginia 25305-0330*

*Phone: 304-558-2681*
*Fax: 304-558-0048*
*http://wvde.state.wv.us*



*West Virginia Board of Education*
*Cleo P. Mathews, President*
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*Michael D. Greer*
*Sheila M. Hamilton*
*James J. MacCallum*
*Jim L. McKnight*
*Paul J. Morris*


**MEMORANDUM**


SEP 1 4 1999


TO: Persons Addressed
FROM: Dee Bodkins, Ed.D.
Director
Office of Special Education
RE: Revisions to Policy 2419: Regulations for the Education of Exceptional Students
DATE: July 29, 1999

At its July 15, 1999 meeting, the West Virginia Board of Education approved revisions to Policy 2419: Regulations for the Education of Exceptional Students with the understanding that Section 126-16-6, specifically caseloads calculations, would be placed on public comment this fall. In addition, approval was given to revisions to Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data. Policy 2419 becomes effective August 15, 1999 and Policy 4350 becomes effective August 20, 1999.

Both Policy 2419 and Policy 4350 can be accessed through WVEIS and the Department's Internet home page. To access through WVEIS, sign on to WVEIS as usual. From the Office Vision menu, select the option to work with documents in folders. Choose the folder WVDOE. The names of the documents in this folder will be displayed. Follow the commands at the top of the screen to view and/or print the document. To access through the Internet, go to http://wvde.state.wv.us. That home page will allow you to choose State Board Policies, then choose the appropriate policy name within the Adopted Policies index. Local education agencies and organizations may also choose to make copies of these documents for dissemination to constituents. The Office of Special Education will disseminate copies of Policy 2419 and Policy 4350 to those individuals and organizations listed on the office mailing list. Additionally, one (1) copy for each school in each county will be provided to the district's director of special education for dissemination.

Comments concerning the caseloads calculation in Section 126-16-6 will be accepted through October 15, 1999. Any necessary changes, as a result of this public comment period, will be submitted to the Board at its November meeting. To submit written comments, please complete and return the attached comment form to:

Dee Bodkins, Ed.D.
Director, Office of Special Education
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0330

The Office of Special Education trusts the revisions to Policy 2419 and Policy 4350 will provide current and accurate guidance to schools and districts in the implementation of federal and state laws and regulations. Should you have any questions, please contact staff at the Office of Special Education at 1-800-642-8541 (V/TDD).

DB/RL/jly
Attachments

28070

SEP 22 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Marshall Dyer Jr Parent

**Title:** _____

**Street Address:** Box 214 **City/State/Zip:** Miami WV 25134

**Comments / Suggestions**

**§126-16-6. Administration of Services**

My recommendations for policy 2419's changes are to maintain the formula for caseload for instructional purposes for use of the following.

(1) The weighted system that you propose will increase the caseload for teachers by approximately 50% which will result in a reduction is services for special needs students.

(2) By eliminating the support personnel for types of programming listed in the current regulations will impact [illegible] classes [illegible] services

(3) for special needs students.

The proposed changes to policy 2419 does not provide equal weight for these students that need a separate class because of their severe behavior or their severe deficits in intellectual functioning as is provided for in current regulations.

(4) Federal regulations do not specified that these changes be made in your state in your cover letter.

(5) [illegible]

Complete response form by listing each section of the policy.

**Return comments by October 15, 1999 to:**


**Dr. Dee Bodkins**
**Director**
**Building 6, Room 304**
**1900 Kanawha Boulevard East**
**Charleston WV 25305-0330**
**e-mail:** pcarte@access.k12.wv.us
**FAX: (304) 558-3741**

(5) The changes are totally unrealistic for the special educator/regular educator to adequately provide a free and appropriate [illegible] load [illegible] 24:9 such as [illegible] and adolescent [illegible]

(6) The purposed changes that you propose would [illegible] exceptional students the opportunity to have a free [illegible] that would best fit their needs by increasing case/instructional loads and eliminating services.

(7) The purposed changes eliminate placement options that would be in the best interests of the exceptional needs students, thereby, eliminating services again.

(8) Before making changes in the delivery of special education and related services, we should look how the surrounding districts are providing these services and then make recommendations based on a consensus of this information.

Marshall Dyer Jr.

# EXECUTIVE SUMMARY
# WEST VIRGINIA BOARD OF EDUCATION

**POLICY NUMBER AND TITLE:** Policy 2419
Regulations for the Education of Exceptional Students

## BACKGROUND:

Policy 2419 is based upon the federal and State laws that are applicable to the education of students with exceptionalities and, therefore, must be revised periodically to reflect changes in legislation at either level. The most recent reauthorization of the federal special education legislation resulted in the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 97). The federal regulations for IDEA 97 were issued by the U.S. Department of Education in March of 1999.

## PURPOSE:

The proposed revisions to Policy 2419 reflect the changes in the federal legislation and regulations. The proposed revisions incorporate new and revised requirements in IDEA 97 and maintain the federal language whenever possible. The proposed revisions in Policy 2419 will provide current and accurate guidance to schools and districts in the implementation of the provisions of IDEA 97.

## PROPOSED CHANGES:

The proposed revisions provide general policy requirements emphasizing improved student results, improved instructional services, greater opportunities for students with exceptionalities to access and make progress in the general education curriculum, and increased parent and student involvement in the educational process. Major proposed changes include additional requirements from IDEA 97 in the following areas: 1) private school placements by parents; 2) mediation; and 3) complaint procedures.

Based upon submitted comments, minor wording and editorial changes in the proposed revisions were made for clarity and better understanding. Additional changes are recommended to the requirements that apply to preschool children with disabilities. These additional proposed revisions reflect the additional federal regulations for Part C: The Early Intervention Program for Infants and Toddlers with Disabilities, which apply to public schools, and current federal terminology for reporting data on the least restrictive environment (LRE) placement options for preschool children with disabilities.

The fourth major change is a proposed method of determining caseloads based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the supplemental aids/services needed by the students and the other duties assigned to the special education instructional personnel. This proposed method of determining caseloads will: a) provide districts and schools with more flexibility in scheduling and staffing to genuinely meet the needs of students; b) reflect the extent of a student's needs regardless of the setting(s) in which the specially designed instruction is delivered; and c) increase the opportunities for more students with disabilities to be served in regular education classrooms with **adequate supports.**

Changes in the proposed method of determining caseloads are being recommended at this time based upon suggestions and data submitted during the comment period by county special education administrators who applied the proposed caseload formula, using both a three (3) point and five (5) point weighted scale, to existing caseloads. Therefore, based upon their comments, it is recommended that the three (3) point weighted scale be adopted, rather than the five (5) point weighted scale as originally proposed. The three (3) point weighted scale reflects current practice and staffing.

**IMPACT:**

The proposed revisions in Policy 2419 will incorporate all current federal requirements into State policy and maintain, whenever possible, the language of the federal legislation. Revised Policy 2419 will, then, provide guidance and direction to the local school districts in the implementation of IDEA 97. When revised Policy 2419 is in effect, local school districts will be required to revise their local special education policies and procedures to reflect the current changes.

Changes in State and local policies and procedures will require extensive staff development statewide for educators, students and their families, and other agency people in the new or revised requirements. The needed staff development will be provided by Department personnel, RESA coordinators, district school personnel and Parent/Educator Resource Center staff members.

SEP 2 4

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Betty Carr

**Title:** Teacher - M.I. - Rt 3 Box 618

**Street Address:** Philippi **City/State/Zip:** W.V. 26416

**Comments/Suggestions**

**§126-16-6. Administration of Services** I have 11 students in my Classroom. There are several kids in my Class who are A.D.D. (attention disorders). Some are on medication. Some are not. These kids need an aide. When they take their medication at School. (Yes) they are sure to get it, but it takes a while for it to kick in. The aide is helpful in maintaining quietness and helping them get started. Also the ones who don't take medication, have to be given special care and extra help and guidance to stay focused and on task. The smaller

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess.k12.wv.us
FAX: (304) 558-3741



over

Class, the better these students do. If class size increases, and there is no aide, These kids may fall through the cracks. I believe with smaller classes, these kids can learn and grow up to become able tax payers. If something is going to be cut, Cut the SSI checks from these kids until they are (18). If they graduate school and are unable to work. Then they should get a check. When they get a SSI disability check in the elementary years. They don't want to learn, because they know they don't ever have to work. Lets put West Virginia ~~in~~ back to work. I believe in helping, but to me, SSI is more money than a welfare check! If you care and I'm sure you do. Please help teachers make students able "tax payers" and make West Virginia better. Our students need that. Money is a reward for not learning. We can help them with material - items. *Clothing Vouchers, / Food banks / Food stamps etc.

OCT 7 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Carolyn Stover

**Title:** LPN

**Street Address:** 39 Oak Circle **City/State/Zip:** Parkersburg WV 26101

**Comments / Suggestions**

**§126-16-6. Administration of Services**

I can not believe the children as ~~even~~ over be considered or their welfare. The personal care these children need is more then one person would be given for as an assignment in hospital or other care facility. And then to think you would require the teacher to also follow I.E.P. I don't think anyone is giving one thought to the children as a safety issue or their education sounds like you are trying to deny and education to severe/Profound students. this teacher would be required to ~~can~~ change diapers 3 times a day 39 diapers. ~~to~~ feeding ~~tube feeding~~ or spoon feed 13 children which take 30 to 45 min at least. more. that 6-5 hrs for lunch. Counting changing Cloths if needed I think you need to reconsered this. over

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I would laugh but it's not funny how can you ask some one to do this.

Now I ask you Would you Work like this your self. And then when bonus checks are handed Out because your student got good scores on Satt test you don't get one, because your kids are never going to be able to take the test. But what you get is the knowledge of knowing a child can sign drink who cant talk or sign that Please Some one care. These Children are here Please help Where you can. Because if you dont ~~know~~ no one will Thank you

A Parent
of Blinded, CP, and severe/profound
Carolyn Stover

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Lynne Dunmire Homestead Schod

**Title:** Sp Ed teacher (EMI / SLD)

**Street Address:** Box 158 **City/State/Zip:** ~~Elkins,~~ WV Daily 26259

**Comments / Suggestions**

**§126-16-6. Administration of Services**

126-16-1

1.7 purpose and intent of IEP -

Comment: This document is too long and cumbersome. This turns into an inefficient use of time and waste of money.

126-16-3 Evaluation and Re-evaluation.

3.1.3 Evaluation Components.

Comment: Again, this new document, the Re-evaluation Determination Plan is added paper work to already overburdened staff. This filling in of paper work takes away from planning and preparing meaningful curriculum.

Complete response form by listing each section of the policy.

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Every year this paperwork situation becomes increased. What can be done to alleviate this situation? I want to be an effective teacher by planning and preparing meaningful curriculum. I do not want to be swamped in paperwork!

**Policy 2419: Regulations for the Education of Exceptional Students**

OCT 1 2 1999

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary

**Individual/Organization:** Donna L. Porterfield

**Title:** Special Education Teacher (Fairdale Elem. School, Raleigh Co.)

**Street Address:** 619 Johnstown Rd. HOME **City/State/Zip:** Beckley WV 25801-4860

**Comments / Suggestions**

10-7-99

**§126-16-6. Administration of Services**

126 CSR 16 Caseloads

There are 360 minutes involved for a number 1 rating. Another 360 minutes is added to complete the number 2 rating. Another 360 minutes is added to the number 3 rating for a total of 721 minutes & the ratings stop. Even if there were a number 4 rating where there is not a 360 more minutes were added to complete it, everyone of my very low young students would be over that rating as my students who are separate placement range from 1175 to 1320 minutes a week. Higher ratings are needed for higher minute counts. As it stands now, with an aide (which I absolutely could not do without & still provide for my students needs) I can have up to 12 students with these high numbers of minutes. Under the new caseloads I could have 13.33 students possibly without an aide. Even a kindergarten teacher must have an aide if she/he has over 10 students. The fact that my students are first through 4th grade though would put me out of this catagory even though some of my students are working at preschool & kindergarten level & no one is over 4th grade first grade level in spite of age/grade level placements. I have 3 students who have to be walked to gym, music, lunch & recess & 2 of these require that someone stay with them to monitor them. I have a fourth who should have someone with him whenever he is in the hall. I cannot imagine what could happen

(over)

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with this newly proposed system unless at least one or two more ratings are added or at least an aide made mandatory for teachers with K-3 students with a #3 rating.

I get really worried about what we are doing in special education today. First we start mixing catagories of students. Nearly everything I have read or been taught claims this is not in the students' best interests. Then we remove the age restrictions so it could be possible to have students with a greater than four year age difference in classes. Even if mental ages are close the physical age alone can cause problems as well as the general street knowledge the older ones have. Now we look at a new statute that will in many cases increase loads & unfairly punishes for having much over 721 minutes a week even though these children can not function in the regular classroom. And, if aides are placed only on an as needed basis very few will have them. We've already been told in years past. "Do not write that the child needs 1-on-1 or an aide." It seems that once again the dollar signs are the boss & not the best interests & needs of the student.

Donna L. Porterfield

OCT 1 ? 1999

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** Sandra Wilson / Lakewood Elem

**Title:** Teacher

**Street Address:** 149 Woodland For. **City/State/Zip:** Winfield WV 25213

**Comments / Suggestions**

**§126-16-6. Administration of Services**

- 20-25% of Teachers' (SpEd) time is on consulting. No consult time is included or provided for in 2419 Caseload Management.
- No office Time is Counted. Being a "Case Manager" significantly adds/changes the "teacher" job description. Case Manager loads up to 40 require ½ of teachers' time. When are we suppose to teach? We need time to do paperwork which is part of our normal workday & time to teach. Reduce caseloads.

6.1.5 • Too large caseloads (with 0% counts can have extremely lg # of students who require Paperwork, & consult. leaves us unable to deliver IEO's in small gp or individual. • Class size limits must be specified or we won't be able to handle education & behavior management & caseload case mgmt.

(over)

Complete response form by listing each section of the policy.

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- No limits on age harms the children,
6.1.5 e especially in elementary where Kinderg. could be in the same class as 6th. Education & behavior would suffer.

- A realistic way of determing
6.1.5 (a) (e) "percentage basis" caseload needs to be specified. If 5 children are 20% each, the caseload (which includes IEP, documentation etc) could be so high to make teaching impossible. Confusion exists on what a "weighted average" is.

Comment: more concern over meeting needs of students and casemanager having realistic & pragmatic duties results in a better education for special needs children. Case management cannot be done while teaching & 2419 leaves no doubt that the child's education isn't as important as spreading the teachers as thinly as possible. Case Managers need time to "manage" which is not happening. Including time in 2419 to do this would help the children achieve.

# WEST VIRGINIA DEPARTMENT OF EDUCATION

*Dr. Henry R. Marockie, State Superintendent of Schools*
*Building 6, 1900 Kanawha Blvd. E., Charleston, West Virginia 25305-0330*

*Phone: 304-558-2681*
*Fax: 304-558-0048*
*http://wvde.state.wv.us*

*West Virginia Board of Education*
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*Gary G. White, Vice President*
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*James J. MacCallum*
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*Paul J. Morris*




**MEMORANDUM**

TO: Persons Addressed
FROM: Dee Bodkins, Ed.D.
Director
Office of Special Education
RE: Revisions to Policy 2419: Regulations for the Education of Exceptional Students
DATE: July 29, 1999

At its July 15, 1999 meeting, the West Virginia Board of Education approved revisions to Policy 2419: Regulations for the Education of Exceptional Students with the understanding that Section 126-16-6, specifically caseloads calculations, would be placed on public comment this fall. In addition, approval was given to revisions to Policy 4350: Procedures for the Collection, Maintenance and Disclosure of Student Data. Policy 2419 becomes effective August 15, 1999 and Policy 4350 becomes effective August 20, 1999.

Both Policy 2419 and Policy 4350 can be accessed through WVEIS and the Department's Internet home page. To access through WVEIS, sign on to WVEIS as usual. From the Office Vision menu, select the option to work with documents in folders. Choose the folder WVDOE. The names of the documents in this folder will be displayed. Follow the commands at the top of the screen to view and/or print the document. To access through the Internet, go to http://wvde.state.wv.us. That home page will allow you to choose State Board Policies, then choose the appropriate policy name within the Adopted Policies index. Local education agencies and organizations may also choose to make copies of these documents for dissemination to constituents. The Office of Special Education will disseminate copies of Policy 2419 and Policy 4350 to those individuals and organizations listed on the office mailing list. Additionally, one (1) copy for each school in each county will be provided to the district's director of special education for dissemination.

Comments concerning the caseloads calculation in Section 126-16-6 will be accepted through October 15, 1999. Any necessary changes, as a result of this public comment period, will be submitted to the Board at its November meeting. To submit written comments, please complete and return the attached comment form to:

Dee Bodkins, Ed.D.
Director, Office of Special Education
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0330

The Office of Special Education trusts the revisions to Policy 2419 and Policy 4350 will provide current and accurate guidance to schools and districts in the implementation of federal and state laws and regulations. Should you have any questions, please contact staff at the Office of Special Education at 1-800-642-8541 (V/TDD).

DB/RL/jly
Attachments

28070

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

**Individual/Organization:** David Ellison

**Title:** advocate

**Street Address:** 412 1/2 Vine St. **City/State/Zip:** So. Charleston W.V. 25315

**Comments / Suggestions**

**§126-16-6. Administration of Services**

My recommendations for policy 2419 changes are to not change the formula for instructional purposes because of the following:

1. The weighted system that you propose will increase the instructional ~~baumbers~~ for special needs teachers by about 50%, which will result in a reduction in services for special needs students.
2. By eliminating the support personnel for types of grouping as stated in current regulations will mean less support for large numbers of students in a single classroom - meaning a reduction of services for special needs students
3. The proposed changes to policy 2419 does not provide equal weight for those students that need a seperate class because of their severe behavior or their severe deficits in intellectual functioning as is provided for in current regulations

Complete response form by listing each section of the policy. Continue on back

**Return comments by** October 15, 1999 **to:**

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4. Federal regulations do not specified that these changes be made as you state in your cover letter.

5. The changes are totally unrealistic for the special educator/regular educator to adequately provide a free and appropriate education without having instructional load limits as currently provided for in policy 2419, such as 8 students per primary group and 10 students per middle and adolescent grades.

6. The proposed changes that you recommend would effectively deprive exceptional students the opportunity to receive a free and appropriate education in the environment that would best fit their needs by ~~eliminating~~ increasing instructional loads and eliminating services.

7. The proposed changes eliminate placement options that would be in the best interests of the special needs students, thereby, eliminating services.

8. Before making changes in the delivery of special education and related services, we should look at how the surrounding states are providing these services and then make recommendations based on a consensus of this information.

David Ellison

# EXECUTIVE SUMMARY
# WEST VIRGINIA BOARD OF EDUCATION

**POLICY NUMBER AND TITLE:** Policy 2419
Regulations for the Education of Exceptional Students

## BACKGROUND:

Policy 2419 is based upon the federal and State laws that are applicable to the education of students with exceptionalities and, therefore, must be revised periodically to reflect changes in legislation at either level. The most recent reauthorization of the federal special education legislation resulted in the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 97). The federal regulations for IDEA 97 were issued by the U.S. Department of Education in March of 1999.

## PURPOSE:

The proposed revisions to Policy 2419 reflect the changes in the federal legislation and regulations. The proposed revisions incorporate new and revised requirements in IDEA 97 and maintain the federal language whenever possible. The proposed revisions in Policy 2419 will provide current and accurate guidance to schools and districts in the implementation of the provisions of IDEA 97.

## PROPOSED CHANGES:

The proposed revisions provide general policy requirements emphasizing improved student results, improved instructional services, greater opportunities for students with exceptionalities to access and make progress in the general education curriculum, and increased parent and student involvement in the educational process. Major proposed changes include additional requirements from IDEA 97 in the following areas: 1) private school placements by parents; 2) mediation; and 3) complaint procedures.

Based upon submitted comments, minor wording and editorial changes in the proposed revisions were made for clarity and better understanding. Additional changes are recommended to the requirements that apply to preschool children with disabilities. These additional proposed revisions reflect the additional federal regulations for Part C: The Early Intervention Program for Infants and Toddlers with Disabilities, which apply to public schools, and current federal terminology for reporting data on the least restrictive environment (LRE) placement options for preschool children with disabilities.

The fourth major change is a proposed method of determining caseloads based upon the number of students being served, the amount of direct and/or indirect instruction needed by each student, the supplemental aids/services needed by the students and the other duties assigned to the special education instructional personnel. This proposed method of determining caseloads will: a) provide districts and schools with more flexibility in scheduling and staffing to genuinely meet the needs of students; b) reflect the extent of a student's needs regardless of the setting(s) in which the specially designed instruction is delivered; and c) increase the opportunities for more students with disabilities to be served in regular education classrooms with **adequate supports.**

Changes in the proposed method of determining caseloads are being recommended at this time based upon suggestions and data submitted during the comment period by county special education administrators who applied the proposed caseload formula, using both a three (3) point and five (5) point weighted scale, to existing caseloads. Therefore, based upon their comments, it is recommended that the three (3) point weighted scale be adopted, rather than the five (5) point weighted scale as originally proposed. The three (3) point weighted scale reflects current practice and staffing.

**IMPACT:**

The proposed revisions in Policy 2419 will incorporate all current federal requirements into State policy and maintain, whenever possible, the language of the federal legislation. Revised Policy 2419 will, then, provide guidance and direction to the local school districts in the implementation of IDEA 97. When revised Policy 2419 is in effect, local school districts will be required to revise their local special education policies and procedures to reflect the current changes.

Changes in State and local policies and procedures will require extensive staff development statewide for educators, students and their families, and other agency people in the new or revised requirements. The needed staff development will be provided by Department personnel, RESA coordinators, district school personnel and Parent/Educator Resource Center staff members.

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Linda Meszaros OCT - 5 1999

Title: Teacher (2nd level)

Street Address: 126 Wildwood Rd City/State/Zip: Elkview, WV 25071

**Comments/Suggestions**

**§126-16-6. Administration of Services**

Thank you for the opportunity to respond to Sec. 126-16-6 Administration of Services. I am very appreciative that the State Board of Education, through the urging of the West Virginia Federation of Teachers, agreed to allow addition time for review on this section. I believe it to be essential that practitioners have opportunity for input.

I have serious concerns regarding Sec. 126-16-6. I believe that this section in caseloads has the potential to negatively impact every special education student in West Virginia. These proposals would, in most instances, leave it to the discretion of the county board of education to place teacher's aides. At the present time, I believe that boards of education only utilize teacher's aides when required to do so by regulations. It is clear that financially pressured boards will be very sparing in the utilization of teacher aides if given complete discretion in staffing. While boards may see the necessity, they must always prioritize. A case in point: How many boards hired elementary counselors before being required by statute? It is my opinion that staffing of teacher's aides should be based on objective criteria rather than the perceived financial needs of a county board of education. Although the current ratio of student to teacher and teacher's aides may not be a perfect fit for all circumstances, these ratios provide an objective standard which prevents boards of education from sacrificing the physical and educational needs of special education students to short term financial considerations. I believe teacher aides to be essential to the dignity and well being of special education students. I believe that this proposal could result in the virtual elimination of special education aides. I urge you to reconsider the language regarding special education aides.

Additionally, I have a concern with regard to caseload. The current policy mandates a maximum number of students, which varies according to exceptionality, to be assigned during any one instructional period. The proposal, as I understand it, would rate students according to need. A compilation of ratings will then be used to determine caseload. It causes me a degree of discomfort that the building level administrator, along with the special education director, will compile the ratings and determine a special education teacher's weighted caseload. I believe that this section has the potential to create larger classes and larger caseloads as a result of the new rating system. i.e. Under the proposal there is a potential to have thirteen (13) severe/profound students per special educator.

**In conclusion, I have to tell you that I have some difficulty understanding the way the proposal is organized. Further clarification would be in order. It is my hope that the Board of Education will postpone the adoption of Section 126-16-6 until further study is conducted as to the impact in caseloads, class size, and use of special education aides.**

Complete response form by listing each section of the policy.

Return comments by October 15, 1999 to:

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FAX. (304) 558-3741

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Individual/Organization: Julie Guerrero

Title: Teacher - 1st Grade

Street Address: 6847 Valley Brook Dr. City/State/Zip: Chas, WV 25312

Comments/Suggestions

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Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Janie Wood

Title: Teacher

Street Address: 16 Brick Lane Ct. City/State/Zip: Cross Lanes, WV 25313

Comments/Suggestions

§126-16-6. Administration of Services

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Complete response form by listing each section of the policy.

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Dr. Dee Bodkins, Director
Building 6, Room 304
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
e-mail: pcarte@acccess k12.wv.us
FAX: (304) 558-3741

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Betty Simpson

Title: Classroom teacher

Street Address: 42 Hafer Dr City/State/Zip: Elkview, WV 25071

Comments/Suggestions

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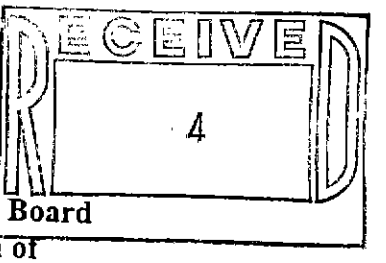
**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Marcia J. Lucas

Title: Kindergarten Tchr.

Street Address: 608 Elk Estates City/State/Zip: Elkview, WV 25071




**Comments/Suggestions**

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Marcia J. Lucas

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Individual/Organization: Barbara Ann Long

Title: Teacher

Street Address: 405 Bobby St Apt E City/State/Zip: Chas. WV 25301

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Becky Thumm

Title: Teacher

Street Address: 2617 Lawood Dr. City/State/Zip: Charleston, WV 25302

Comments/Suggestions

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Policy 2419: Regulations for the Education of Exceptional Students

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RECEIVED
4

Individual/Organization: Kathy Christian
Title: Teacher
Street Address: 2512 Penn Ave City/State/Zip: Charleston, WV 25302

Comments/Suggestions

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**Policy 2419: Regulations for the Education of Exceptional Students**

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Individual/Organization: Deborah Hamrick
Title: teacher Pinch Elementary
Street Address: 31 Lakeview Dr City/State/Zip: Elkview, WV 25071

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Policy 2419: Regulations for the Education of Exceptional Students

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Individual/Organization: Rory Keith Stewart

Title: Juvenile Probation Officer for State Supreme Court of Appeals

Street Address: _____ City/State/Zip: _____

Comments/Suggestions

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**Policy 2419: Regulations for the Education of Exceptional Students**

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**Individual/Organization:** Sharon Davidson

**Title:** teacher (1st level)

**Street Address:** Rt. 5 Box 322J **City/State/Zip:** Charleston WV 25312

**Comments/Suggestions**

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Individual/Organization: Joyce D. Sadlon

Title: Teacher - 3rd level

Street Address: 3 Granville Dr. City/State/Zip: Elkview, W.V. 25071

Comments/Suggestions

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Individual/Organization: Laura Stewart - Pinch Elementary

Title: Teacher

Street Address: 5215 Glow Drive City/State/Zip: Cross Lanes, WV 25313

**Comments/Suggestions**

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FAX: (304) 558-3741

**Policy 2419: Regulations for the Education of Exceptional Students**

Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Lisa Sweeney

Title: long term substitute position

Street Address: 372 Ranger Lane City/State/Zip: So Chas WV

Comments/Suggestions

§126-16-6. Administration of Services

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Please use this form when commenting on proposed Policy 2419. You may attach additional sheets if necessary.

Individual/Organization: Cheryl Parsons

Title: Librarian

Street Address: 213 Pleasantview Dr. City/State/Zip: Elkview, WV 25071

**Comments/Suggestions**

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Individual/Organization: Betty Robinson

Title: teacher

Street Address: 630 Elk R. Rd. N. City/State/Zip: Clendenin, WV 25045

Comments/Suggestions

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Individual/Organization: Kristina Thomas

Title: Sp. Ed Teacher Self-Contained MD/MT

Street Address: Pulch City/State/Zip: WV

**Comments/Suggestions**

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Individual/Organization: Garland Eary

Title: Teacher

Street Address: 704 Moorland Dr. City/State/Zip: Chas, WV 25311

**Comments/Suggestions**

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Individual/Organization: Cheryl Eary

Title: Parent

Street Address: 704 Moorland Dr City/State/Zip: Chas. WV 25311

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**Individual/Organization:** CRAIG EPLING

**Title:** TEACHER

**Street Address:** 104 MCNABB RD RT 1 **City/State/Zip:** ELKVIEW WV 25071

**Comments/Suggestions**

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