WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2007 APR 16 AM 10: 40

OFFICE 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 Improvement Act of 2004, Public Law 108-446

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 Students with Exceptionalities (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 May 16, 2007.

Jack McClanahan
Deputy State Superintendent of Schools

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title:

Policy 2419
Regulations for the Education of Students with Exceptionalities

Background:

Policy 2419 establishes the regulations for compliance with the federal Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004) and West Virginia State Code, Chapter 18, Article 20 regarding provision of services to students with exceptionalities. Final regulations to implement IDEA 2004 became effective October 13, 2006 and include procedural changes for programs and services. This necessitates revisions to West Virginia Board of Education Policy 2419 in order for the State to demonstrate its compliance with federal law and ensure receipt of federal funding. Policy 2419 was published beginning November 13, 2006 and was made available for public comment from November 27, 2006 to January 12, 2007. To meet the federal participation requirements, eight regional public hearings were conducted during the comment period where the public was provided an opportunity to present both oral and written comments and recommendations. Approximately 252 individuals attended the eight public hearings.

Following the comment period on March 21, 2007, members of the WV Association of School Administrators met with Department personnel to discuss concerns with the proposed policy. These concerns which emphasized those received during the comment period were considered and recommendations for revisions to the policy were incorporated based upon group consensus.

Purpose:

The purpose of this Board item is to approve the repeal and replace of Policy 2419: *Regulations for the Education of Exceptional Students.*

Major Revisions:

- The name of Policy 2419 will be changed from Regulations for the Education of Exceptional Students to Regulations for the Education of Students with Exceptionalities.

- The policy will be formatted to include The *West Virginia Procedures Manual for the Education of Students with Exceptionalities.* The *Manual* outlines the policies and procedures districts must follow in meeting the requirements of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), West Virginia State Code, Chapter 18, Article 20 and Regulations for the Education of Students with Exceptionalities (2419). In addition, the manual contains special education process forms aligned with federal and state requirements to assist special education administrators, principals and other school personnel responsible for ensuring compliance with these regulations.

The manual will be provided to each school district as the West Virginia Department of Education (WVDE) approved policies and procedures to be adopted by the district's Board of Education. Any changes to procedures outlined in the manual must have WVDE approval. Appendices supplement the body of the manual and are not to be adopted as, or considered to be, policy.

- The revised Policy 2419 will include a description of procedures to identify students with learning disabilities through a process that includes the student's response to scientific, research-based instruction rather than the traditional cognitive ability – academic achievement discrepancy. Districts may use either a process based on the student's response to scientific, research-based intervention (i.e., Response to Intervention) or the severe discrepancy formula as appropriate for grade configurations as noted on the attached chart.

Other revisions of note:

- A table of contents for easy reference
- Change from the designation of Preschool Special Needs to Developmental Delay to conform with federal language
- Change from the designation of Behavioral Disorder to Emotional/Behavioral Disorder to conform more closely to federal language and to highlight the mental health needs of students demonstrating the characteristics of this designation
- Expanded authority to remove students with exceptionalities to an Interim Alternative Educational Setting in special circumstances related to weapons, drugs, and serious bodily injury
- Modifications to caseload standards that encourage provision of services based on student needs as opposed to area of exceptionality and that provide the option of requesting a waiver of staffing standards under certain conditions with the approval of the WVDE and monitoring by the Office of Assessment and Accountability
- Procedures that allow the WVDE to establish standards for review of disproportionate identification of students as needing special education based on race/ethnicity and for requirements that identified districts use a percentage of their federal funds, not to exceed 15%, to develop and implement a plan to eliminate that disproportionality

Impact

The format of the policy, to include a Procedures Manual, provides a more user friendly and better organized document. Proposed staffing standards provide increased flexibility at the local level and encourage provision of services based on student needs and not area of exceptionality. The identification procedures that incorporate student response to scientific research-based instruction strengthen the instructional component of schools and the knowledge and skills of all teachers. While providing specific direction for complying with the IDEA 2004, the policy has a strong emphasis on improving results for all students.

Response to Comments

Five hundred and fifty individuals submitted comments during the comment period as reflected in the Comment Log of approximately 500 pages. Substantive changes to the proposed policy in response to the comments received are listed below.

Major Revisions to Proposed Policy 2419: Presented to the WVBE, April 11, 2007		
Proposed Revision Posted for Comment November 27, 2006	**Recommended Language for Final Policy after Receipt and Consideration of Comments**	**Impact of Recommended Language**
Waiver to Caseloads When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.	When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, **will** be considered on a case-by-case basis and remain valid for the current school year only.	A principal or county administrator will be able to consider the capacity of a school to meet the needs of a student with current staffing when the arrival or recent eligibility of the student would otherwise put the county over the caseload ratio. The waiver will be approved with restrictions as noted in policy as well as others included in the final determination of criteria.
Integrated Classrooms The percentage of students with disabilities, excluding those with speech language impairments, receiving specially designed instruction in general education settings **shall** approximate natural proportions that are no more than 30% of the total class enrollment during any single class period in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math.	To maximize the effectiveness of instruction for all students, the percentage of students with disabilities, excluding those with speech language impairments, receiving specially designed instruction in general education settings **should** approximate natural proportions that are no more than 30% of the total class enrollment when integrated classrooms are established in the four core academic subjects, i.e., Reading/Language Arts, Science, Social Studies and Math.	Striving to achieve this natural proportion, SWDs will receive the support essential for them to achieve at higher levels; general education teachers will receive the support they need to address the needs of all students in their classrooms; special education teachers will contribute their knowledge of individualized instructional strategies, accommodations, modifications where necessary, and differentiated instruction.

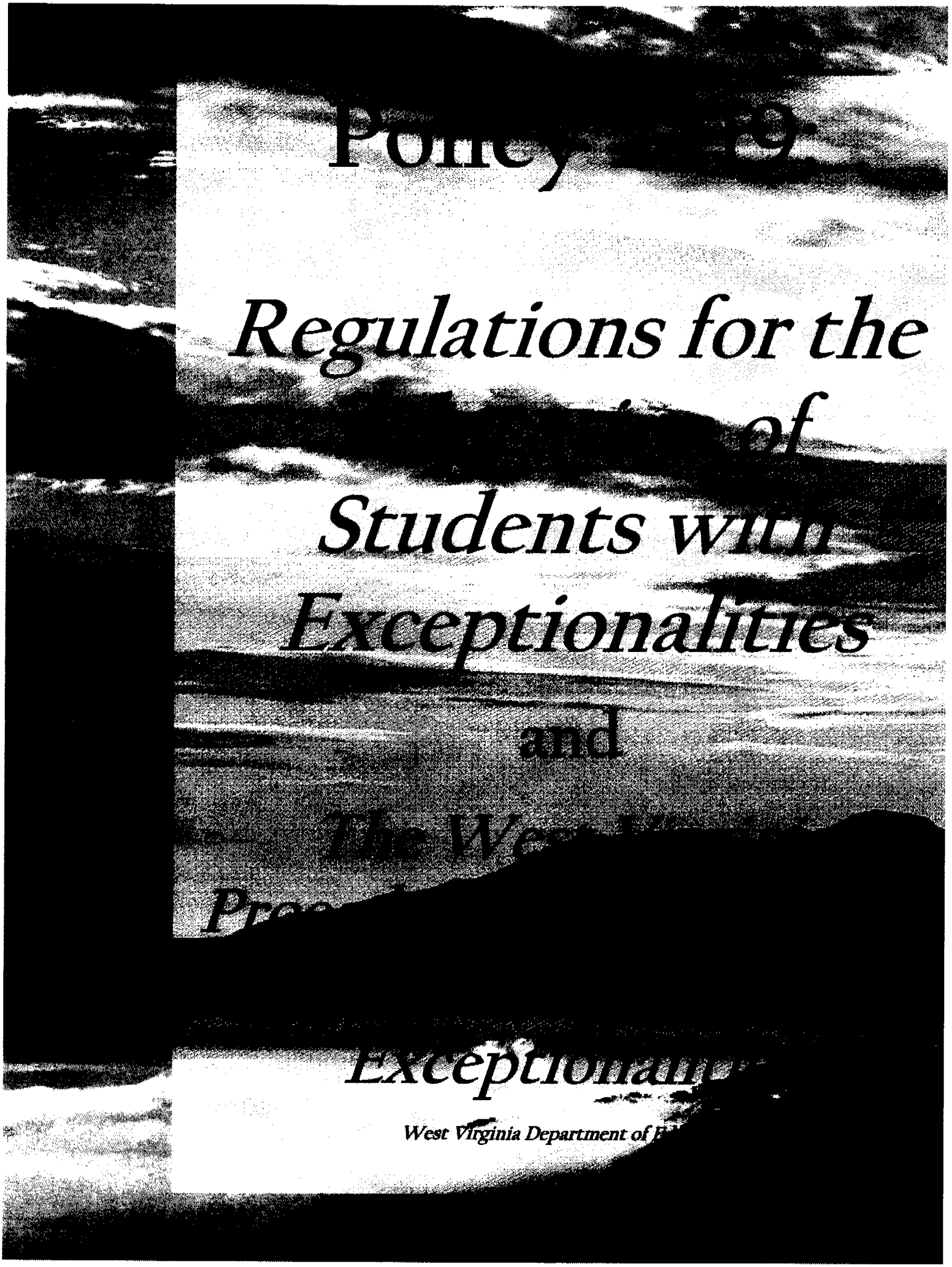
Proposed Revision Posted for Comment November 27, 2006	Recommended Language for Final Policy after Receipt and Consideration of Comments	Impact of Recommended Language
Integrated Classrooms continued For integrated classrooms where instructional responsibilities are shared, the special educator may be assigned to no more than two classes during an instructional block. The special educator shall meet with the class on a consistent schedule, i.e., if the class is scheduled five days per week, the special educator is scheduled in that class five days a week.	For integrated classrooms where instructional responsibilities are shared, the special educator ~~may~~ should not be assigned to ~~no~~ more than two co-teaching or integrated ~~classes~~ classrooms during ~~an~~ one instructional block. The special educator ~~shall~~ should meet with the class on a consistent schedule that provides support to the students and to the general educator. ~~, i.e., if the class is scheduled five days per week, the special educator is scheduled in that class five days a week.~~	
Special education classrooms for students with disabilities **Special education classrooms for students with disabilities** – Students may receive special education services in special education environments. Special education staffing per instructional period is based on the student's level of need without regard to the area of disability. Below are considerations to assist the IEP Team in determining the student as Level I or Level II.	**Special education classrooms for students with disabilities** – Students may receive special education services in special education environments. Special education staffing per instructional period is based on the student's level of need without regard to the area of disability. Below are considerations to assist the ~~IEP T~~team district special education administrator or designee in determining the needs of a student as Level I, ~~or~~ Level II, or (optional) Level III).	During the transition of implementation of the revised caseload standards, the district special education administrator or designee is allowed the flexibility to oversee staffing with the knowledge of common needs of students by levels of intensity.

Proposed Revision Posted for Comment November 27, 2006	Recommended Language for Final Policy after Receipt and Consideration of Comments	Impact of Recommended Language
No previous language	**Optional** **Students with Level III needs** typically, but not exclusively, demonstrate those needs shown at Level II as well as needs such as those shown below to function within a school setting: • Intense adult supervision across settings because the student poses a danger to him/herself and/or to others; • Intensive instruction, services, safety assistance and supervision to learn and maintain skills and to increase independence in activities of daily living; and • Transition services that include coordination and linkages with the Office of Behavioral Health Services for Mental Retardation/Developmental Disabilities Waiver Program and adult community services and community use.	This lower case load standard may result in additional teachers being needed. The availability of an optional Level III provides for services to meet the intensive and unique needs of a small number of students.
Caseload Standard for all Students with Level 2 Needs Students with Level 2 needs will be staffed at a 5:1 ratio with a limit of 10 students during an instructional period.	* The stated ratio provides a minimum standard for instructional responsibility. 1 – 6 students: at least one highly qualified teacher is required to provide instruction and direction for the students during an instructional period with a limit of 12 students during an instructional period	This staffing level allows flexibility at the local level to consider the common needs of students without regard to area of exceptionality and to use facility space accordingly.

Proposed Revision Posted for Comment November 27, 2006	Recommended Language for Final Policy after Receipt and Consideration of Comments	Impact of Recommended Language
Caseload Standard for all Students with Level 2 Needs continued	7- 12 students: at least one highly qualified teacher and another qualified adult are required to provide instruction and direction for the students during an instructional period Staffing must reflect both the standards as set forth in policy and the needs of the student as reflected on the IEP. The stated ratio does not preclude the use of additional staff to support a student with Level II service needs.	
No previous language	**Caseload Standard for Optional Level III** * The stated ratio provides a minimum standard for instructional responsibility. 1 – 4 students: at least one highly qualified teacher is required to provide instruction and direction for the students during an instructional period * 5-8 students: at least one highly qualified teacher and another qualified adult are required to provide instruction and direction for the students during an instructional period	
Pre-K Programs **Caseloads for Separate Class** 10 students with 1 teacher and 1 additional staff person	8 students with 1 teacher and 1 additional staff person 10 students with 1 teacher and 2 additional staff persons	

Proposed Revision Posted for Comment November 27, 2006	Recommended Language for Final Policy after Receipt and Consideration of Comments	Impact of Recommended Language
Implementation of Caseload Requirements The caseload requirements established in this chapter are effective **July 1, 2009**. For the 2007 – 2008 school year, districts must follow the caseload requirements outlined in Policy 2419: *Regulations for the Education of Exceptional Students*, effective July 16, 2001. Districts will have the option of using the 2001 caseload requirements or the 2007 caseload requirements for the 2008 – 2009 school year. Caseload requirements effective July 16, 2001 are included as Appendix E for reference.	The caseload requirements and waiver process established in this chapter are effective **July 1, 2009**	Twenty-four months are being allowed for the impact of early intervention initiatives, consideration of modifications in program designs and service delivery models, professional development in staffing options for local administrators and professional development for teachers.
Identification of Students as Learning Disabled through a Response to Intervention Model Until **June 30, 2009**, districts may use either a process based on the student's response to scientific, research-based intervention (i.e., Response to Intervention) or the severe discrepancy formula. Beginning **July 1, 2009**, districts shall use a process based on the student's response to scientific, research-based intervention. If a district chooses to use the severe discrepancy formula until June 30, 2009, individual schools within the district that have established a response to intervention process may request a waiver from the WVDE to determine eligibility using that model.	Districts shall use a process based on the student's response to scientific, research-based intervention in accordance with each school's specific grade level configuration and the timelines listed below: • Elementary Schools 7/1/09 • Middle Schools 7/1/10 • High Schools 7/1/11 If a district chooses to use the severe discrepancy formula until the above required timelines become effective, individual schools within the district that have established a response to intervention process may request a waiver from the WVDE to determine eligibility using that model.	The number of students who are referred for special education based on reading deficiencies is expected to decrease. Students identified as learning disabled are anticipated to have more intensive needs for acquisition of basic reading and math skills. Extensive professional development must be provided to all counties on tiered instruction K-12 in order for the RTI process to be used at any grade for a student being considered for identification as learning disabled.

Proposed Revision Posted for Comment November 27, 2006	Recommended Language for Final Policy after Receipt and Consideration of Comments	Impact of Recommended Language
	The role of interventionist should be filled by educators knowledgeable of scientific research based strategies and interventions. Fifteen percent of a district's IDEA funds can be used for early intervening services across K-12, i.e., IDEA funds can be used to provide early intervention services to students not identified as disabled. It would be appropriate, therefore, for a special educator who is not managing a caseload at maximum standards to fill the role of interventionist for students in the RTI process. The IEPs of students identified for special education services and on the teacher's caseload would be the priority for this teacher; and the number of students who are in the RTI process should not, in combination with IEP students, result in responsibilities that exceed the caseload limits specified in Chapter 6 of this policy	The impact on staffing is variable and will depend on the availability of staff and others who can/will be used as interventionists. Schools that have been in the RTI pilot will assume leadership in training and coordination, in collaboration with WVDE, to ensure that all schools are prepared to use an instruction and intervention process for identification by the stated implementation dates. 15% of IDEA funds can be set aside for "early intervening services" to support the 3 tiers of interventions and the associated progress monitoring of these students who are not eligible for special education services. Targeted use of multiple funding streams, including Medicaid reimbursement funds, will ensure establishment of this intervention process.
Eligibility for Articulation/Phonological Disorder 3. Speech intelligibility is determined to be moderately or severely impaired.	This criterion has been removed.	Young students may continue to be found eligible as speech impaired even when the demonstrated articulation disorder is developmentally common.


Policy
Regulations for the
of
Students with
Exceptionalities
and
The We
Pro
Exceptionali
West Virginia Department of E

FILED
2007 APR 16 AM 10:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 16
REGULATIONS FOR THE EDUCATION OF STUDENTS WITH EXCEPTIONALITIES (2419)

§126-16-1. General.

1.1. Scope. These policies and procedures 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, students with disabilities ages five through twenty-one, all exceptional gifted students in grades nine through twelve and to all gifted students in grades one through eight as specified. Rights under these regulations cease to apply at the end of the school year in which the student turns twenty-one years of age, that is, the year in which the student is twenty-one years of age prior to September 1 or the student has met graduation requirements for a standard high school diploma.

1.2. Authority. W. Va. Const., Article XII, §2, W. Va. Code §18-20-1 et seq., and the Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446.

1.3. Filing Date. April 16, 2007

1.4. Effective Date. May 16, 2007

1.5. Repeal of Former Rule. This legislative rule repeals and replaces W. Va. 126CSR16, West Virginia Board of Education Policy 2419, *Regulations for the Education of Exceptional Students*, filed February 10, 2005 and effective March 12, 2005.

§126-16-2. Purpose.

2.1. The Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446, herein after referred to as IDEA 2004 and the IDEA regulations (34 CFR Part 300), require that the State set forth policies and procedures to demonstrate that the State has established a goal providing full educational opportunity to all students with disabilities who are residents of West Virginia, aged birth through twenty-one years of age and a detailed timetable for accomplishing that goal. The State of West Virginia affirms the goal to provide full educational opportunities by 2014 for all students with disabilities, aged birth through twenty-one years of age, residing within its jurisdiction. The State works toward the realization of this goal through the implementation of, and compliance with, IDEA 2004 and any subsequent reauthorization, state policies and procedures and the implementation of the West Virginia Continuous Improvement and Focused Monitoring System (CIFMS).

2.2. 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 residing in West Virginia from birth through twenty-one years of age, gifted students from first through eighth grades, and exceptional gifted in grades nine through twelve. Part C of IDEA 2004 requires interagency collaboration in child find activities targeting children from birth through five years of age.

2.2.1. The intent of the federal and state legislative child find mandates is to require an active search by the state and local education agencies for individuals with disabilities ages birth through twenty-one, gifted individuals from first through eighth grades, and exceptional gifted in grades nine through twelve, including students with disabilities who are homeless or are wards of the state and students with disabilities attending private schools, regardless of the severity of their disability, who are in need of special education and related services. Mandated child find activities include identification of students residing in other states who are attending private schools in West Virginia.

2.3. West Virginia Code, Chapter 18, Article 20, the state's mandatory special education statutes, and IDEA 2004 affirm that education is a right extended to all individuals with exceptionalities and not a privilege. These mandates assure that all individuals with disabilities ages three through twenty-one years of age, including students with disabilities who have been suspended or expelled from school, all gifted students in grades one through eight, and all exceptional gifted students in grades nine through twelve, have available a free appropriate public education (FAPE) which includes special education and related services in the least restrictive environment (LRE) to meet their unique special educational needs. This applies to all public agencies that provide special education and related services to students with exceptionalities.

§126-16-3. Incorporation by Reference.

3.1 The West Virginia Procedures Manual for the Education of Students with Exceptionalities is attached and incorporated by reference into this policy. Copies may be obtained in the Office of the Secretary of State and in the West Virginia Department of Education (WVDE).

§126-16-4. Summary.

4.1 Federal statute and West Virginia Code provide requirements for identifying students with exceptionalities whose learning needs are adversely impacted by their disability or giftedness and need special education services and support. Therefore, the term "exceptional" in this policy and procedures manual refers to eligible students with disabilities and eligible students who are gifted. These policies and procedures outline the responsibilities of the State and local education agency in meeting these requirements.

§126-16-5. Severability.

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

CONTENTS

Introduction x

Chapter 1 – Free Appropriate Public Education

Chapter Contents 1
Section 1. Definition of a Free Appropriate Public Education (FAPE) 2
Section 2. FAPE Considerations 2
A. District Obligation 2
B. Applicability to Detained Youth 3
C. Using Private and Public Insurance Funds to Provide FAPE 3
D. Extended School Year 5
E. Nonacademic Services 5
Section 3. Exceptions to FAPE 5

Chapter 2 – Child Find

Chapter Contents 6
Section 1. District Responsibility 7
Section 2. Locating Students 7
A. Coordination 7
B. Public Awareness 8
Section 3. Referral Sources 8
A. The Screening Process 8
B. Student Assistance Team (SAT) 9
C. Private/Religious Schools 10
D. Parents and Other Interested Persons or Agencies 10

Chapter 3 – Evaluation/Reevaluation

Chapter Contents 11
Section 1. Evaluation Team 12
Section 2. Planning, Conducting and Timelines for a Multidisciplinary Evaluation 12
A. Initial Evaluation 12
B. Reevaluation 13
C. Additional Evaluations 14
Section 3. Written Notice and Consent for Evaluation 15
A. Written Notice Requirements 15
B. Consent Requirements 16
C. When Written Notice and Consent Are Not Required 17
D. Information from Other Agencies or Districts 17
Section 4. Evaluation Procedures 18
A. Areas to Evaluate 18
B. Evaluation Procedures and Instruments 18
C. Qualifications and Responsibilities of Evaluators 19

Chapter 4 – Eligibility
Chapter Contents....20
Section 1. Eligibility Determination....21
Section 2. Eligibility Report....22
Section 3. State Eligibility Criteria....23
A. Autism....24
B. Blindness and Low Vision....25
C. Deafblindness....26
D. Deafness....26
E. Developmental Delay....26
F. Emotional/Behavior Disorder....27
G. Gifted....28
H. Hard of Hearing....30
I. Mental Impairment....30
J. Orthopedic Impairment....31
K. Other Health Impairment....32
L. Specific Learning Disability....32
M. Speech/Language Impairment....42
N. Traumatic Brain Injury....45

Chapter 5 – Individualized Education Programs
Chapter Contents....47
Section 1. IEP Initiation....49
A. Purpose of Meeting....49
B. Team Decision Making....50
C. Scheduling IEP Meetings....50
D. IEP Team Membership....51
E. The General Educator's Role in IEP Development....52
F. Invitation to IEP Team Meetings....53
Section 2. IEP Development....54
A. Student Information....54
B. Documentation of Attendance....54
C. Considerations....54
D. Present Levels of Academic Achievement and Functional Performance....55
E. Goals and/or Objectives/Benchmarks....55
F. Transition Services....56
G. Statement of Special Education and Related Services....57
H. Extended School Year (ESY) Services....60
I. Statewide and District-wide Achievement Testing....60
J. Least Restrictive Environment Considerations and Placement Decisions....64
K. Consent for Initial Placement....69
L. Parent or Adult Student Objection to a Subsequent IEP....69

M. Following the Meeting 69
Section 3. IEP Reviews 70
A. Annual Reviews 70
B. IEP Amendments 70
C. Other IEP Reviews 70
Section 4. IEPs for Transfer Students 71
A. Transfer from a West Virginia School District 71
B. Transfer from an Out-of-State District 71
C. Transmittal of Records 71
Section 5. IEPs for Children from the West Virginia Birth to Three Program 72
A. Transition Planning 72
B. IEP or Individual Family Service Plan (IFSP) Required 72
C. Consent and Notice Requirements 72
D. Child's Status During Due Process Hearing Proceedings 73
E. Procedural Safeguards Notice 73
Section 6. Students with Disabilities in Adult Prisons 73

Chapter 6 – Administration of Services
Chapter Contents 74
Section 1. Initiation of Services 75
Section 2. Provision of IEP Information 75
Section 3. Provision of Services 76
Section 4. Provision of Staff 76
A. Qualified Personnel 76
B. Adequate Staff 77

Chapter 7 – Discipline
Chapter Contents 84
Section 1. District Actions When Removals Are Not a Change of Placement 86
Section 2. District Actions When Considering a Disciplinary Change of Placement 86
A. District Actions When Conduct is Determined to be a Manifestation of the Student's Disability 87
B. District Actions When Conduct is Determined Not to Be a Manifestation of the Student's Disability 87
C. District Actions When a Behavior Violation Involves Weapons, Illegal Drugs or Serious Bodily Injury 87
D. Hearing Officer Actions Resulting in a Change of Placement 88
E. FAPE Requirements in an Interim Alternate Educational Setting (IAES) 88

Section 3. Additional Disciplinary Considerations....89
A. Requesting an Expedited Hearing....89
B. Parent/Adult Student Request for Evaluation of a Disciplined Student....89
C. Protections for Students Not Yet Eligible for Special Education....90
D. Referrals to and Action by Law Enforcement and Judicial Authorities....91
E. Transfer of Discipline Records....91

Chapter 8 – Private School Students
Chapter Contents....92
Section 1. Definitions of Private School Placements....93
A. Definition of Voluntary Enrollment by a Parent....93
B. Definition of District Placement....93
C. Definition of Unilateral Placement by a Parent....93
Section 2. Students Voluntarily Enrolled by a Parent....93
A. Child Find....93
B. Annual Count of Eligible Students....94
C. Consultation....94
D. Compliance....95
E. Determining the Proportionate Funding for Private School Students....95
F. Expenditure Requirements....96
G. Determination of Services....97
H. Provision of Services....97
I. Content of a Service Plan....98
J. Dispute Resolution....98
Section 3. Students Placed by the District....98
Section 4. Unilateral Placement by a Parent....99
A. General Provisions for Reimbursement....99
B. Denial or Reduction of Reimbursement....100

Chapter 9 – General Supervision and Accountability for Performance and Compliance
Chapter Contents....101
Section 1. General Supervision....102
A. Responsibilities of the West Virginia Board of Education....102
B. Responsibilities of the West Virginia Department of Education....102
C. Responsibilities of the Districts....106
Section 2. State Performance Plan....107
A. Performance Goals and Indicators....107
B. Statewide and District Assessment Reporting....108
C. Suspension and Expulsion Rates....109
D. Disproportionality....110

Section 3. Highly Qualified Personnel....111
A. Professional....111
B. Paraprofessionals, Assistants and Aides....111

Chapter 10 – Procedural Safeguards
Chapter Contents....112
Section 1. Notice Requirements....114
Section 2. Procedural Safeguards Notice....114
A. Procedural Safeguards Notice Contents....114
B. When the Procedural Safeguards Notice is Provided....115
Section 3. Prior Written Notice....115
A. Content of Prior Written Notice....116
B. Timeline for the Provision of Prior Written Notice....116
Section 4. Notice of Meetings....116
Section 5. Parental Participation....117
Section 6. Informed Consent....118
A. Informed Consent Required....118
B. Informed Consent Not Required....118
C. Refusal to Give Consent....119
D. Failure to Respond to a Request for Consent Regarding Reevaluation....119
E. Revoking Consent....119
Section 7. Independent Educational Evaluations....119
A. Right to an Independent Educational Evaluation....119
B. Procedures for Requesting an Independent Educational Evaluation....120
C. District Responsibilities Following Independent Educational Evaluation Requests....121
D. Considerations of the Independent Educational Evaluation Results....121
Section 8. Surrogate Parents....121
A. Referral for a Surrogate Parent....122
B. Criteria for Serving as a Surrogate Parent....122
Section 9. Adult Students and the Transfer of Rights....123
A. Discussion of the Transfer of Rights....123
B. Following a Determination Concerning the Transfer of Rights....123
C. Written Notice and IEP Team Participation....123
Section 10. Confidentiality and Access to Records....123

Chapter 11 – Dispute Resolution
Chapter Contents....124
Section 1. State Complaint Procedures....125

A. Responsibilities of an Individual/Organization Filing a State Complaint....125
B. Responsibilities of the West Virginia Department of Education....126
C. State Complaints and Due Process Complaints....127
D. Early Resolution to State Complaints....127
Section 2. Mediation....127
A. Responsibilities of an Individual/District Requesting Mediation....128
B. Responsibilities of the West Virginia Department of Education....128
C. Meeting to Encourage Mediation....129
Section 3. Due Process Complaints....129
A. Filing a Due Process Complaint....130
B. Due Process Complaint Components.... 130
C. Responding to a Due Process Complaint....131
D. Sufficiency of Due Process Complaints....131
E. Resolution Process....132
F. Responsibilities of the West Virginia Department of Education....133
G. Qualifications of Due Process Hearing Officers....133
H. Selection of Due Process Hearing Officers....134
I. Due Process Hearing Rights....135
J. Student's Status During Proceedings....135
K. Timelines and Convenience of Hearings and Reviews....136
L. Expedited Due Process Complaint....136
M. Due Process Hearing Process....137
N. Civil Action....138
O. Attorneys' Fees....138

Glossary....140

Acronyms and Abbreviations....164

Appendix A – State Approved Test List for the Identification of Gifted Students in West Virginia....167

Appendix B – Documentation of Adverse Effects on Educational Performance for Students with Speech/Language Impairments....171

Appendix C – Fluency Communication Rating Scale....172

Appendix D – Voice Rating Scale....173

Appendix E – Caseloads (for use through June 30, 2009 – see page 83 for conditions of use)....174

INTRODUCTION

The *West Virginia Procedures Manual for the Education of Students with Exceptionalities* outlines the policies and procedures districts must follow in meeting the requirements of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), West Virginia State Code, Chapter 18, Article 20 and Regulations for the Education of Students with Exceptionalities (2419). In addition, the manual contains special education process forms aligned with federal and state requirements to assist special education administrators, principals and other school personnel responsible for ensuring compliance with these regulations.

To receive federal funds available under IDEA 2004, districts must adopt and implement appropriate special education policies and procedures. These policies and procedures must be consistent with federal and state laws, rules, regulations and legal requirements and must be approved by the West Virginia Department of Education (WVDE). This manual is provided to each school district as West Virginia Department of Education (WVDE) approved policies and procedures to be adopted by the district's Board of Education. Any changes to procedures outlined in the manual must have WVDE approval. Appendices supplement the body of the manual and are not to be adopted as, or considered to be, policy.

Chapter 1
FREE APPROPRIATE PUBLIC EDUCATION

Chapter Contents

Section 1. Definition of a Free Appropriate Public Education (FAPE) 2

Section 2. FAPE Considerations 2
- A. District Obligation
- B. Applicability to Detained Youth
- C. Using Private and Public Insurance Funds to Provide FAPE
- D. Extended School Year
- E. Nonacademic Services

Section 3. Exceptions to FAPE 5

Chapter 1
FREE APPROPRIATE PUBLIC EDUCATION

A free appropriate public education (FAPE) must be available to all students residing in the state between the ages of three and twenty-one, inclusive, who are eligible for special education services. FAPE is individually determined for each student. FAPE *must* include special education services in the least restrictive environment (LRE) and *may* include related services, transition services, supplementary aids and services, and/or assistive technology devices and services. A definition of each of these terms may be found in the glossary. Districts must also ensure that students have available to them the variety of education programs and services available to students without exceptionalities including art, music, industrial arts, consumer and homemaking education and vocational education.

Section 1. Definition of a Free Appropriate Public Education (FAPE)

The definition of FAPE under the IDEA 2004 means special education and related services that:

1. Are provided without charge at public expense (free);
2. Are provided in conformity with an appropriate individualized education program (IEP) developed in adequate compliance with the procedures outlined in this manual and reasonably calculated to enable the student to receive educational benefit (appropriate);
3. Are provided under public supervision and direction; and
4. Include an appropriate preschool, elementary or secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the WVDE, including the requirements of IDEA 2004.

Section 2. FAPE Considerations

A. District Obligation

The district is required to ensure that FAPE is available to students residing in the district who are eligible for special education services, including students with disabilities who have been suspended or expelled from school as provided for in Chapter 7. This includes students who reside in group, personal care, or foster homes, as well as state operated facilities and students who are migratory or homeless.

The district is obligated to make FAPE available to each eligible student in the district as follows:

1. Students who are at least three years old and are eligible for special education services unless the parent/adult student has refused special education services;
2. Students who have not yet turned twenty-one years of age prior to September 1 and have not graduated with a standard high school diploma; or

3. Students with disabilities whose suspension(s) or expulsion(s) results in a change of placement; or
4. Students determined in need of special education and related services, even though the student has not failed or been retained in a course or grade, and is advancing grade to grade.

Special education programs and services may be provided by any one or more of the following:

1. A single local educational agency;
2. Two or more local educational agencies cooperatively;
3. A regional educational service agency (RESA); or
4. Contract(s) for services from other public or private agencies or individuals.

If placement in a public or private residential program is necessary, the program must be at no cost to the parents of the student.

The district's requirement to provide special education services does not relieve an insurer or similar third party from a valid obligation to provide or pay for services for an eligible student. In cases where the payment source for services is being determined, the district must ensure there is no delay in implementing the student's IEP consistent with Chapter 5.

Students with exceptionalities will be provided an instructional day, a school day and school calendar at least equivalent to that established for students without exceptionalities of the same chronological age in the same setting.

B. Applicability to Detained Youth

Eligible students with disabilities who are in state correctional institutions are afforded special education and related services that are in accordance with applicable state and federal laws and regulations. This includes students who had received services in accordance with an IEP, but who had left school prior to their incarceration, as well as students who did not have an IEP in their last educational setting, but who had actually been identified as a student with a disability for Part B services.

C. Using Private and Public Insurance Funds to Provide FAPE

Private Insurance Funds

If a student is covered by a parent's private insurance, the district may access this insurance only if the parent provides informed consent. Each time the district proposes to access the private insurance, the district must obtain written parental consent and inform the parent that his or her refusal to permit the district to access the private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost.

Public Insurance Funds

The financial responsibility of public agencies, including Medicaid and other public insurers obligated under Federal or State law or assigned responsibility under State policy, must precede financial responsibility of the district. However, if the public agency other than the educational agency fails to provide or pay for special education or related services, the district responsible for developing the student's IEP shall provide or pay for these services to the student in a timely manner. Students with disabilities who are covered by public benefits or insurance may not be disqualified from an eligible service for Medicaid reimbursement because that service is provided in a school context.

With regard to services required for the provision of FAPE to an eligible student under this part, the district may not:

- Require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE under these regulations;
- Require parents to incur out-of-pocket expense such as the payment of a deductible or co-pay incurred in filing a claim for services provided pursuant to this section; or
- Use a student's benefits under a public benefits or insurance program if that use would: decrease available lifetime coverage or any other insured benefit; result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school; increase premiums or lead to the discontinuation of benefits or insurance; or risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

To access a student's public insurance (e.g., Medicaid reimbursement), documentation of parent/adult student consent which specifies the records to be disclosed, the services to be provided, and the duration of the services must be obtained. Therefore, to meet the consent requirement, districts must obtain consent at the initial IEP Team meeting and at each annual review (i.e., at least once a year). The district must also obtain parent/adult student consent if billable services (i.e., type, amount and/or duration) are revised at anytime during the timeframe of the IEP. The parents must be informed that their refusal to consent to the release of information does not relieve the district of its responsibility to ensure that all services are provided at no cost to the parents.

If it is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a service specified on their child's IEP, the district may use Part B funds to pay for services to ensure FAPE. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parent would incur a cost, the district may use its Part B funds to pay the cost the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Proceeds from public or private insurance will not be treated as program income for purposes of 34 CFR 80.25. If a district spends reimbursements from Federal funds (e.g., Medicaid) for

services under this part, those funds will not be considered "State or local" funds for the purpose of the maintenance of efforts provisions of Part B of IDEA 2004.

D. Extended School Year

The district must ensure that extended school year (ESY) services are available as necessary to provide FAPE as determined by the IEP Team for all students with disabilities including children aged three through five.

E. Nonacademic Services

The district must ensure that students with exceptionalities are afforded an equal opportunity to participate in nonacademic and extracurricular services and activities by providing the supplementary aids and services determined appropriate and necessary by the student's IEP Team.

In addition, physical education services, specially designed if necessary, must be made available to every student receiving FAPE in accordance with West Virginia Board of Education policies.

Section 3. Exceptions to FAPE

The obligation to provide FAPE does not apply to:

- Students ages eighteen through twenty-one who, in the last educational placement prior to their incarceration in an adult correctional facility, were not actually identified as being a student with a disability and did not have an IEP. This exception does not apply to a student who had been identified as a student with a disability and had received services in accordance with an IEP but left school prior to incarceration or did not have an IEP in their last educational setting but who had actually been identified as a student with a disability;
- Students who have graduated high school with a standard high school diploma;
- Students ages three through five who are eligible under developmental delay, but who receive early intervention services from the West Virginia Birth to Three program; or
- Students removed from school for disciplinary reasons for less than eleven cumulative school days in a school year.

The term standard high school diploma does not include an alternative degree that is not fully aligned with the West Virginia Content Standards and Objectives, such as a certificate or a general educational development credential (GED).

Chapter 2
CHILD FIND

Chapter Contents

Section 1. District Responsibility 7

Section 2. Locating Students 7
A. Coordination
B. Public Awareness

Section 3. Referral Sources 8
A. The Screening Process
B. Student Assistance Team (SAT)
C. Private/Religious Schools
D. Parents and Other Interested Persons or Agencies

Chapter 2
CHILD FIND

The Child Find system involves three basic steps leading to the determination of whether or not a student requires special education. The steps are location, identification, and evaluation. This chapter describes location and identification activities. The evaluation step is covered in Chapter 3.

Section 1. District Responsibility

The district is responsible for establishing and implementing an ongoing Child Find system to locate, identify, and evaluate students with disabilities residing in the district, between the ages of three and twenty-one, inclusive, regardless of the severity of the disability, gifted students from first through eighth grades and exceptional gifted students in grades nine through twelve who may need special education. The district is also responsible for coordinating with the West Virginia Department of Health and Human Resources (WV DHHR) regarding the Child Find system for children ages birth to three years.

The Child Find system must include all students suspected of needing special education and related services within the district's geographic boundaries who are:

1. Enrolled in public school;
2. Home schooled;
3. Enrolled in private schools, including religious schools, located in the district;
4. Not enrolled in school, including children ages birth through five;
5. Highly mobile students including migrant students;
6. Homeless students;
7. Wards of the state; or
8. Suspected of having a disability as defined in Chapter 4 even though the student has not failed or been retained in a course or grade and is advancing from grade to grade.

Section 2. Locating Students

Locating students who may need special education services involves coordinating with other agencies and promoting public awareness.

A. Coordination

The WV DHHR WV Birth to Three is responsible for the Child Find system for infants and toddlers, birth to three years of age. Although lead agency responsibility for WV Birth to Three has been designated to the WV DHHR, state and local interagency agreements provide for collaboration and coordination of services. The district should develop local interagency agreements and procedures to maximize resources and services for students and families and ensure a smooth and effective transition from early childhood programs to public school.

B. Public Awareness

Annually, the district must take the necessary ongoing steps to ensure that parents, district staff, private school representatives and the general public are informed of the following:

- The nature of students with exceptionalities;
- The availability of special education and related services;
- A student's right to FAPE;
- Confidentiality protections; and
- The referral process, including the person to contact for initiating a referral.

This information may be provided through a variety of methods such as distributing brochures or flyers, including providing information in school or district publications, disseminating articles and announcements to newspapers, and/or arranging for radio and television messages and presentations.

Section 3. Referral Sources

Referral sources may include developmental screening, student assistance teams, student instruction and intervention teams, parents, private/religious schools and/or any interested person or agency. The procedural safeguards under IDEA 2004 are afforded when the parent, adult student or the district makes a referral for a special education evaluation.

A. The Screening Process

As specified in West Virginia Code §18-5-17, developmental screening is the general education process conducted to determine whether there are problems or potential problems in the areas of vision, hearing, speech and language. Screening must be conducted annually for:

- All students entering kindergarten or preschool; and
- All students entering West Virginia public and private schools for the first time.

Additionally, districts must conduct developmental screening for children under compulsory school attendance age upon the request of a parent or guardian of a child residing in the district or attending a private school within the district. This developmental screening must be conducted within thirty school days of the written request. The district is not required to provide such screening to the same child more than once in any one school year. Children identified through the screening process should be referred for further evaluation.

At least ten days prior to initiation of screening activities, districts must provide public notice of the screening program. Information released through media sources should include the purpose, types and dates of screenings and the means for parents to request their child not participate.

B. Student Assistance Team (SAT)

Consistent with WV Policy 2510, *Quality Educational Programs*, each public school must establish a student assistance team (SAT) that consists of at least three persons, including a school administrator or designee, who shall serve as the chairperson, a current teacher(s) and other appropriate professional staff. SAT members must be trained in referral procedures for multidisciplinary evaluations, alternative education placements, disciplinary procedures, and other school processes as appropriate for ensuring student progress and maintenance of a safe school environment.

The SAT reviews individual student needs that have persisted despite being addressed by instruction and intervention teams, or acts in lieu of an instruction and intervention team, and considers referrals for multi-disciplinary evaluation. In addition, the SAT must collect and maintain data on the activities of the team, including dates of meetings and the results of its recommendations.

Within five school days of receipt of a written SAT referral for a multidisciplinary evaluation, appropriate persons must be notified of the date, time, location and specific information needed for the meeting. Within ten school days of receipt of the written SAT referral, the SAT must conduct a review of the area(s) of concern, collect and analyze available educational data and review previous interventions and make a determination regarding a referral for evaluation.

Problem solving activities of the SAT cannot be used to delay processing a referral for consideration of a special education evaluation where immediate action is warranted. The SAT should review the effectiveness of the SAT's recommendations within the timeline established for each student, but in no case should the review take place beyond forty-five school days. For young children, interventions should be reviewed more frequently. Depending on the results of the interventions, the SAT should:

1. Continue, modify or add interventions within a timeline established for the student by the SAT;
2. Within five days of the decision to evaluate, refer the student for a multidisciplinary special education evaluation and immediately forward that referral to the special education director or designee; or
3. Close the case.

The SAT must invite parents to review recommendations made by the SAT in regard to the student's program and to provide feedback to the team about those recommendations. When the SAT determines a referral for a multidisciplinary special education evaluation is appropriate, prior written notice (PWN) must be provided and informed parental consent obtained before conducting the evaluation.

C. Private/Religious Schools

Each district must locate, identify and evaluate all students suspected of needing special education services who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district in accordance with Chapter 8.

D. Parents and Other Interested Persons or Agencies

A parent, adult student, the district or any other interested person or agency may initiate a request for an initial evaluation to determine if the student is eligible for special education services. Referrals received from an outside source are forwarded to the student's home school or appropriate SAT for consideration. The district must receive and process these written referrals in accordance with the SAT process described in Section 3.B. above for school-aged students. A SAT meeting must be conducted or a request for written parental consent for initial evaluation must be sent within ten school days of receipt of referral. For preschool children, home-schooled students or students in private schools, the referrals should be received and processed directly by the special education director or designee.

Chapter 3
EVALUATION/REEVALUATION

Chapter Contents

Section 1. Evaluation Team 12

Section 2. Planning, Conducting and Timelines for a Multidisciplinary Evaluation 12
- A. Initial Evaluation
- B. Reevaluation
- C. Additional Evaluations

Section 3. Written Notice and Consent for Evaluation 15
- A. Written Notice Requirements
- B. Consent Requirements
- C. When Written Notice and Consent Are Not Required
- D. Information from Other Agencies or Districts

Section 4. Evaluation Procedures 18
- A. Areas to Evaluate
- B. Evaluation Procedures and Instruments
- C. Qualifications and Responsibilities of Evaluators

Chapter 3
EVALUATION/REEVALUATION

Several phases are involved in establishing student eligibility for special education. Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities. This chapter outlines the requirements for evaluations/reevaluations and assessments.

Section 1. Evaluation Team

The evaluation team is a group of people with the responsibility to make decisions regarding evaluation and assessments. This team includes the same membership as the individualized education program (IEP) team (although not necessarily the same individuals) and other qualified professionals as appropriate. The parent/adult student is a member of the evaluation team and must be provided an opportunity to provide input and participate in making team decisions including what additional data, if any, are needed to fulfill the purposes of an initial evaluation/reevaluation. The evaluation team may conduct its business with or without holding a meeting. However, if requested by the parent/adult student, a team meeting will be held. The SAT (Chapter 2 Section 3 B.) is one forum or option for addressing the decisions to be reached by the evaluation team.

Section 2. Planning, Conducting and Timelines for a Multidisciplinary Evaluation

Evaluation means procedures used in accordance with the protection and evaluation requirements of IDEA 2004 and West Virginia Code §18-20-1 to determine whether a student has a disability or is gifted, and the nature and extent of the special education and related services 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. Screening of a student by a teacher or specialist to determine the appropriate instructional strategies for curriculum implementation (e.g., universal benchmark assessments, continuous progress monitoring) is not considered to be an evaluation for eligibility for special education and related services and does not require parental consent. However, the evaluation team may consider the results of such screenings to assist in determining areas to evaluate.

A. Initial Evaluation

The principal, classroom teacher or other designated individual is responsible for documenting the date written parental consent for initial evaluation is received and immediately forwarding this request to the special education director or designee. Within eighty days of the documented date, the district must conduct a full, individual initial evaluation and convene an eligibility committee (EC) to determine the student's eligibility for special education before the provision of special education and related services to a student with an exceptionality. The purpose of an initial evaluation is to gather information to determine:

1. Whether the student has a disability or is gifted;
2. The educational needs of the student, including present levels of academic achievement and related developmental needs of the student;
3. The effects of the exceptionality on educational and functional performance;
4. If the student needs specially designed instruction; and
5. The nature and extent of the special education needed by the student.

The eighty-day timeline will not apply to a district if:

1. The parent repeatedly fails or refuses to produce the student for an evaluation after the district has made and documented reasonable efforts to schedule an evaluation (See Section 3, B., 2. Consent Requirements for what constitutes reasonable efforts.); or
2. The student enrolls in another district prior to the eligibility determination and the receiving district is making sufficient progress to ensure a prompt completion of the evaluation and the parent/adult student and receiving district agree to a specific time when the evaluation will be completed.

As part of an initial evaluation, if appropriate, the evaluation team will review existing evaluation data on the student including:

1. Evaluations and information provided by the parent/adult student; and
2. Data regarding the student's response to scientific research-based general education interventions using:
   a. Current classroom-based assessments and classroom-based observations;
   b. Observations by teachers and related service providers; and
   c. Results from statewide and district-wide testing.

Based on that review, and input from the parent/adult student, the team will decide what additional data, if any, are needed to fulfill the purposes of an initial evaluation. If the team determines that no additional data are needed, the district must notify the parents/adult student of that determination and the reasons for the determination and the right of the parents to request an assessment.

B. Reevaluation

Within three years of the date of the last EC, or more frequently if the parent or teacher requests or conditions warrant (e.g., if the district determines that the educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation), the district shall conduct, as appropriate, an individual multidisciplinary reevaluation to determine a student's educational needs and continued eligibility for special education and related services and whether any additions or modifications to the student's special education and related services are needed to enable the student to meet their measurable annual IEP goals and to participate, to the extent appropriate, in the general education curriculum. As part of the reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the student, including:

1. The current IEP and the student's progress toward meeting the annual goals;
2. Evaluations and information provided by the parent of the student;
3. Current classroom-based, local or state assessments and classroom-based observations; and
4. Observations by teachers and related service providers.

This team may conduct its review with or without holding a meeting but must document its decisions on the *Reevaluation Determination* form.

If the IEP Team decides that additional evaluations are needed, the team will obtain consent as described in Section 3.B., Consent Requirements. This evaluation must be conducted prior to the established triennial review date. For students with giftedness, a reevaluation must be conducted during the eighth grade year to determine eligibility for exceptional gifted.

If the IEP Team decides that no additional assessments are needed to determine the educational needs of the student and whether the student continues to be a student in need of special education, the district must provide PWN to the parent/adult student of that determination and the reasons for the determination and of his or her right to request an assessment for this purpose. If the student's parent, teacher or the adult student requests a reevaluation, this evaluation must be conducted prior to the established triennial review date.

The district must also reevaluate a student with a disability before determining that the student is no longer eligible for special education, unless:

1. The student graduates with a standard high school diploma; or
2. The student reaches the age of twenty-one.

For a student whose eligibility terminates under circumstances described above, the district must provide the child with a summary of the child's academic achievement and functional performance, including recommendations on how to assist the student in meeting his/her postsecondary goals. PWN must be provided to the parent/adult student if the student is exiting special education due to graduation with a standard high school diploma.

While reevaluation procedures must be provided at no cost to the parent/adult student, reevaluations may not occur more than once a year without district and parent agreement.

C. Additional Evaluations

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

If the EC or IEP team determines that a comprehensive multidisciplinary evaluation is required to determine whether a student meets the criteria for a different exceptionality, the district must conduct the evaluation within eighty days of the documented date of receipt of parental consent.

In those instances when an additional evaluation completed by an outside agency has not been completed within sixty days, the district is required to document its reasonable efforts to obtain the additional evaluation within sixty days. In this situation, when a district has documented its reasonable efforts to obtain the evaluation within sixty days, the district is not considered to be in violation of the sixty day timeline.

If the parent/adult student requests an additional assessment for reasons other than the determination of educational needs or eligibility, such as admission to college, the district is not obligated to conduct the evaluation but should consider the request and provide PWN of the district's refusal to conduct the evaluation.

Section 3. Written Notice and Consent for Evaluation

A. Written Notice Requirements

Within ten school days of the district's decision to evaluate or reevaluate, written notice requesting consent for evaluation or reevaluation must be provided to the parent/adult student. Written notice must be in language understandable to the general public. It must be provided in the native language or other mode of communication normally used by the parent/adult student unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the district must take steps to ensure the parent/adult student understands the content of the notice. Any non-written notice should be documented with written evidence that the requirements of this section have been met.

The written notice must include the following:

1. A description of the evaluation or reevaluation proposed or refused by the district;
2. An explanation of why the district proposes to evaluate or reevaluate the student;
3. A description of other options the district considered and the reasons why those options were rejected;
4. A description of each assessment procedure, test, record, or report that the district used as a basis for the proposed or refused evaluation or reevaluation;
5. A description of any other factors relevant to the evaluation or reevaluation;
6. A statement that the parent/adult student has special education rights and a description of how to obtain a copy of the *Procedural Safeguards Notice*; and
7. Sources to contact to obtain assistance in understanding the *Procedural Safeguards Notice.*

The written notice requirements are met through the use of the WVDE *Notice of Individual Evaluation/Reevaluation Request* form. The date of receipt by the school/district of the parental consent must be documented in the student's individual West Virginia Education Information

System (WVEIS) student record under Student Special Education Information, Student Special Education Referral/Reevaluation Detail.

B. Consent Requirements

1. Definition of Consent

   Consent means that the parent/adult student:

   a. Has been fully informed in his or her native language or other mode of communication of all information relevant to the evaluation for which consent is sought;
   b. Understands and agrees in writing (as indicated by signature) to the carrying out of the activity;
   c. Has been given enough information to make informed decisions about the district's request to conduct an evaluation. Information must be provided on the various types of assessments for which consent is sought;
   d. Understands that the granting of consent is voluntary on the part of the parent/adult student and may be revoked at anytime.

   If consent is revoked, the revocation is not retroactive, i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked. Consent for evaluation must not be construed as consent for the initial provision of special education and related services.

2. Consent for Evaluation

   Written consent must be sought for evaluation and reevaluation. Based on recommendations from the evaluation team, the district will seek consent to administer the needed assessments within ten school days of the decision to evaluate/reevaluate. If the parent/ adult student fails to respond within ten school days of the initial request for consent, the district must mail or hand-deliver a second notice. If the parent/adult student once again fails to respond, the district must document reasonable measures taken to obtain consent, which may include:

   a. A record of telephone calls made or attempted and the results of those calls;
   b. Copies of correspondence sent to the parent/adult student and any response received; and/or
   c. Detailed records of visits made to the parent's/adult student's home or place of employment and the results of those visits.

   If the parent/adult student fails to respond after the district has taken reasonable measures to obtain consent for assessments and after the passage of thirty school days from the initial request for consent, the district may:

   a. As part of a reevaluation, provide PWN that the district will conduct the reevaluation;

or

b. As part of an initial evaluation, pursue the evaluation by using mediation or filing a due process complaint.

If the parent refuses consent, the district may use mediation or due process hearing procedures if the student is enrolled in or seeking enrollment in a public school. However, the district cannot pursue the evaluation if the student is in a parental private placement or is home schooled.

C. When Written Notice and Consent Are Not Required

Neither written consent nor consent is required for:

1. The review of existing data as part of an evaluation or reevaluation;
2. The administration of a test or other assessment that is administered to all students unless consent is required of the parents of all the students;
3. Screening, including monitoring of progress by a teacher or specialist, to determine the appropriate instructional strategies for curriculum implementation; and
4. Initial evaluations, when the student is a ward of the state and is not residing with the student's parent, if:
   a. Despite reasonable efforts, the district cannot discover the whereabouts of the parents;
   b. The rights of the parents have been terminated under state law; or
   c. The rights of the parents to make educational decisions have been subrogated by a judge in accordance with state law and consent has been provided for the initial evaluation by an individual appointed by the judge to represent the child.

D. Information from Other Agencies or Districts

Policy 4350, *Procedures for the Collection, Maintenance and Disclosure of Student Data* and the Family Educational Rights and Privacy Act (FERPA) do not require the consent of the parent/adult student for the district to:

1. Request information from other public school districts that the student has attended; or
2. Send information to other public school districts, including schools maintained by the Office of Institutional Education Programs or the West Virginia Schools for the Deaf and Blind, in which the student enrolls or intends to enroll.

Parental consent is required prior to the sharing of information between the district of residence and the district where a private school is located if a student has been parentally-placed in the private school. Before the district seeks to obtain relevant information about a student from other agencies, consent must be obtained from the parents. A copy of the signed consent form for release of information must be included with the letter(s) requesting the information. A copy of the signed consent form for release of information must be maintained in the student's confidential file.

Section 4. Evaluation Procedures

A. Areas to Evaluate

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. 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 exceptionality.

B. Evaluation Procedures and Instruments

The district must ensure, at a minimum, that the evaluation or reevaluation meets the following requirements:

1. A variety of assessment tools and strategies must be used to gather relevant, functional, developmental and academic information about the student, including information provided by the parent/adult student. This information shall be used to determine:
   a. Whether the student is a student with an exceptionality;
   b. The content of the student's IEP including information related to enabling the student to be involved in and progress in the general education curriculum (or, for a preschooler, to participate in appropriate activities) should the student be determined to require special education and related services.
2. No single measure or evaluation may be 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.
3. The district must use technically sound instruments to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
4. Assessments and other evaluation materials must be:
   a. Selected and administered so as not to be discriminatory on a racial or cultural basis;
   b. Provided and administered in the student's native language and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is not feasible to do so. Attempts to provide a qualified examiner in the student's native language or mode of communication must be documented;
   c. Used for purposes for which they are valid and reliable; and
   d. Administered in accordance with any instructions provided by the producer of the assessments.
5. Tests and other assessment materials must include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
6. Tests must be selected and administered so as to best 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 aptitude 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 are the factors that the test purports to measure). This includes the provision of accommodations, such as assistive technology, braille and interpreters.

7. Assessments of students with exceptionalities who transfer from one district to another district in the same academic year are coordinated with the student's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.
8. The district must provide and use assessment tools and strategies that produce relevant information that directly assists persons in determining the educational needs of the student.
9. All services and assessments must be provided at no expense to the parent/adult student.

C. Qualifications and Responsibilities of Evaluators

Individuals conducting evaluations shall be:

1. Appropriately certified, licensed or otherwise qualified to administer the evaluations for which they are responsible;
2. Trained in the use of the specific evaluation instruments or techniques for which they are responsible;
3. Knowledgeable in the area of concern; and
4. Knowledgeable in the applicable state and federal regulations.

Each evaluator, including the classroom teacher, shall write, sign and date an individual evaluation report. Prior to the reevaluation date or within eighty days of initial parental consent for evaluation, each evaluator must make the written report available to the EC.

Chapter 4
ELIGIBILITY

Chapter Contents

Section 1. Eligibility Determination 21

Section 2. Eligibility Report 22

Section 3. State Eligibility Criteria 23

A. Autism
B. Blindness and Low Vision
C. Deafblindness
D. Deafness
E. Developmental Delay
F. Emotional/Behavior Disorder
G. Gifted
H. Hard of Hearing
I. Mental Impairment
J. Orthopedic Impairment
K. Other Health Impairment
L. Specific Learning Disability
M. Speech/ Language Impairment
N. Traumatic Brain Injury

Chapter 4
ELIGIBILITY

Several phases are involved in establishing student eligibility for special education. Chapter 3 discussed the requirements for evaluations and assessments. This chapter will outline eligibility requirements, definitions and eligibility criteria.

Section 1. Eligibility Determination

Within eighty days of receipt of consent for an initial evaluation or after the completion of a reevaluation and prior to the established reevaluation date, the district must schedule an EC meeting to determine whether a student is or continues to be a student in need of special education services. EC members should be selected in consideration of the presented evaluation information and shall consist of the parent and/or adult student and qualified professionals such as:

- District administrator of special education, principal or designee;
- Members of the multidisciplinary evaluation team;
- General and/or special educator;
- Additional individuals with specific expertise related to the student and the area(s) of concern;
- For initial EC's, the referring teacher; and
- For students suspected of having a specific learning disability (SLD), the student's general education teacher and at least one person qualified to conduct individual diagnostic examinations of students such as a school psychologist, speech language pathologist (SLP) or remedial reading teacher.

The district must provide written notice to the parent and/or adult student and other EC members of the meeting time, date, place, purpose and invited members no less than eight days prior to the scheduled meeting date. If the parent is unable to attend, the district must use other methods to ensure their participation such as videoconferences and conference calls.

The EC will draw upon information from a variety of sources, including, as appropriate, but not limited to, formative assessments, aptitude and achievement tests, parent/adult student input, teacher observations, health, social or cultural background, adaptive behavior, and functional assessments. The EC shall ensure that information obtained from all of these sources is documented and carefully considered. The EC will consider these evaluation or reevaluation findings and determine whether the student meets or continues to meet eligibility criteria.

Results of the multidisciplinary evaluation shall be utilized by the EC as the primary source of information to determine the student's educational needs and if the student meets the following three prongs as described in Section 3. State Eligibility Criteria:

- Meets the eligibility criteria in one of the designated exceptionalities;
- Experiences an adverse effect on educational performance; and

- Needs special education;

or

- No longer meets the eligibility criteria or no longer needs specially designed instruction.

A student cannot be identified as a student in need of special education services if the primary reason for such a decision is:

- A lack of appropriate instruction in reading, including the essential components of reading instruction as defined by the Elementary and Secondary Education Act (ESEA) – phonemic awareness, phonics, vocabulary development, reading fluency, including oral reading skills, and reading comprehension strategies;
- A lack of appropriate instruction in math; or
- Limited English proficiency.

Using the results of the multidisciplinary evaluation, the EC must determine the student's **primary** exceptionality when more than one exceptionality condition is present. The committee must discuss how each exceptionality affects the student's educational and functional performance and determine and document which has the **most adverse impact** on the student's participation and progress in the general curriculum.

If consensus upon the primary exceptionality cannot be reached, the district administrator or designee must make the decision and provide the parent/adult student with PWN of its decision.

Section 2. Eligibility Report

Upon completing the review of the student's multidisciplinary evaluation or reevaluation, the EC must prepare an *Eligibility Committee Report* and provide a copy of the report to the parent/adult student. The parent/adult student and other IEP Team participants must have all the information they need to participate meaningfully in the IEP Team meeting. Copies of the evaluation reports and documentation of eligibility determination must be provided at no cost to the parent/adult student.

Eligibility Committee Report for Evaluation/Reevaluation

The *Eligibility Committee Report* includes:

1. Signatures with dates and positions of all eligibility committee members;
2. All data on the student as required in the State Eligibility Criteria for the area of suspected exceptionality (see Section 3 of this chapter);
3. The specific exceptionality determined for state and federal reporting purposes;
4. Information about how the student's exceptionality affects his or her educational performance;
5. The committee's decision regarding whether the student needs special education services;

6. Recommendations for those students deemed ineligible for special education to be considered by the SAT or the instruction and intervention team; and
7. The date of the eligibility determination.

The eligibility committee is required to write an *Eligibility Committee Report* detailing how the student meets eligibility requirements even if no new assessments were conducted. The report must address each required eligibility component and include results of previous assessments if they are being used to determine eligibility.

For students suspected of having a specific learning disability (SLD), the committee must also complete a SLD Team Report (see Section 3.L.). For students who are gifted, the *Eligibility Committee Report* is required to document compliance with reevaluation timelines.

Section 3. State Eligibility Criteria

The district must use the eligibility criteria and assessment procedures set forth by the WVDE when determining eligibility for special education. These criteria and assessment procedures are listed under items A. – N. in this section. Listed under each exceptionality definition are the eligibility criteria that must be used to determine whether an individual qualifies as a student with an exceptionality in need of special education. To demonstrate eligibility for special education services, a three-pronged test of eligibility must be met.

Three-Prong Test of Eligibility

Requirements of the three-prong test of eligibility are:

1. Meets State Eligibility Requirements: The state eligibility requirements for specific exceptionalities are listed in this chapter.
2. Experiences Adverse Effect on Educational Performance: The term "adverse effect on educational performance" is broad in scope. An adverse effect is a harmful or unfavorable influence of the disability on the student's performance. Educational performance includes both academic areas (reading, math, communication, etc.) and nonacademic areas (daily life activities, mobility, pre-vocational and vocational skills, social adaptation, self-help skills, etc.). Consideration of all facets of the student's condition that adversely affect educational performance involves determining any harmful or unfavorable influences that the exceptionality has on the student's academic or daily life activities. Adverse effect is not solely measured by scores on individual testing but may also be determined through consideration of other data such as classroom performance and retention history. For students with giftedness, the eligibility committee is not required to document an adverse effect; rather, the impact of the giftedness on the student's educational performance must be documented.
3. Needs Special Education: Special education is specially designed instruction, at no cost to the parents, to meet the unique needs of the student with an exceptionality. Specially designed instruction means the content, methodology, or delivery of instruction is adapted, as appropriate, to address the unique needs of the student that result from the

student's exceptionality and to ensure access of the student to the general curriculum so that the student can meet the educational standards that apply to all students.

A student is not eligible for special education unless all three of the above components are satisfied and documented. A student who only needs a related service and not special education is not eligible.

Use of Reevaluation Data in Determining Continuing Eligibility

Districts must carefully consider the reevaluation of students initially found eligible for special education. Districts must consider the effect of exiting a student from special education who has received special education for many years and how the removal of such supports will affect the student's educational progress, particularly for a student who is in the final year(s) of high school.

Definitions and Eligibility Criteria

A. Autism

Definition: Autism is a developmental disability, generally evident before age three, significantly affecting verbal and nonverbal communication and social interaction and adversely affecting educational performance. A student who manifests the characteristics of autism after age three could be diagnosed as having autism if the criteria in this section are satisfied. Other characteristics often associated with autism include, but are not limited to, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Characteristics vary from mild to severe as well as in the number of symptoms present.

Eligibility Criteria for Autism

An eligibility committee will determine that a student is eligible for special education services as a student with autism when **all** of the following criteria are met:

1. 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:
      1) 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;
      2) Failure to develop peer relationships appropriate to developmental level;
      3) 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);
      4) Lack of social or emotional reciprocity.
   b. Qualitative impairments in communication as manifested by **at least one** of the following:

1) 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);
2) In individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others;
3) Stereotyped and repetitive use of language or idiosyncratic language;
4) 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:
1) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;
2) Apparently inflexible adherence to specific, nonfunctional routines or rituals;
3) Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements);
4) Persistent preoccupation with parts of objects.

2. The student is diagnosed as having autism by a psychiatrist, physician, licensed psychologist or school psychologist.
3. The student's condition adversely affects educational performance.
4. The student needs special education.
5. The student's educational performance **is not** adversely affected primarily because the student has an emotional/behavioral disorder as defined in this chapter.

B. Blindness and Low Vision

Definition: Blindness and low vision refers to an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness and includes students ages three through twenty-one.

Eligibility Criteria for Blindness and Low Vision

An eligibility committee will determine that a student is eligible for special education services as a student with blindness and low vision when all of the following criteria are met:

1. The student has a documented visual impairment, not primarily perceptual in nature, as determined by an optometrist or ophthalmologist or neurologist:
   a. Measured acuity of 20/70 or less in the better eye with correction at distance or near;
   b. Visual field restriction of twenty degrees or less in the better eye;
   c. A deteriorating eye condition which will result in loss of visual efficiency (e.g., glaucoma, retinitis pigmentosa, or macular degeneration); or
   d. A visual loss caused by a disturbance of the posterior visual pathway and/or cortex.
2. The student's physical eye condition, even with correction, adversely affects educational performance.
3. The student needs special education.

C. Deafblindness

Definition: Deafblindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes students ages three through twenty-one.

Eligibility Criteria for Deafblindness

An eligibility committee will determine that a student is eligible for special education services as a student with deafblindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility committee will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access spoken communication.
2. The student has been diagnosed by an otologist, otolaryngologist, or audiologist as having a hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and/or fine motor skills;
- Communication;

- Social/emotional/affective development; and/or
- Self-help skills.

Eligibility Criteria for Developmental Delay

An eligibility committee will determine that a student is eligible for special education services as a student with developmental delay when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student needs special education.

Special Considerations

1. Special education and related services for the eligible student with a developmental delay will be provided as of the student's third birthday when eligibility is determined prior to the third birthday.
2. Each district will participate in transition planning conferences arranged by the designated lead agency for Part C.
3. For a student transitioning from a Part C early intervention program, an interagency transition plan must be developed to assure that by the time a student turns three years of age either an IEP or Individual Family Service Plan (IFSP) which meets the requirements of Chapter 5, Section 2. IEP Development of these regulations has been developed and implemented by the district.
4. For a student who turns three years old in the spring/summer, the district is responsible for implementation of the IEP or IFSP services for students as of the third birthday, regardless of which agency provides the services.
5. If appropriate, a student who turns three 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.
6. If the developmental delay is the result of a vision and/or hearing loss, eligibility shall be determined under that exceptionality if the student meets the eligibility for that exceptionality.
7. When a student reaches age six, he or she no longer meets the eligibility criteria for developmental delay; therefore, the IEP Team must follow procedures for reevaluation and reconvene the eligibility committee prior to the student's 6th birthday to determine eligibility under another exceptionality.

F. Emotional/Behavioral Disorder

Definition: An emotional/behavioral disorder means a condition in which a student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

3. Inappropriate types of behavior or feelings under normal circumstances;
4. A general pervasive mood of unhappiness or depression; or
5. A tendency to develop physical symptoms or fears associated with personal or school problems; or
6. Schizophrenia.

The term **does not** include students who are socially maladjusted unless it is determined they have an emotional/behavioral disorder.

Eligibility Criteria for Emotional/Behavioral Disorder

An eligibility committee will determine that a student is eligible for special education services as a student with an emotional/behavioral disorder when **all** of the following criteria are met:

1. The student continues to exhibit an emotional/behavioral disorder consistent with the definition after interventions have been implemented.
2. The student has been observed exhibiting one or more of the characteristics listed in the definition of emotional/behavioral disorder and the characteristics have been observed and documented:
   a. For a long period of time; and
   b. By more than one knowledgeable observer trained in data gathering; and
   c. In more than one setting; and
   d. At a level of frequency, duration, and/or intensity that is significantly different from the student's peers in the same or similar circumstances.
3. The student's condition adversely affects educational performance in the area of academics, peer and/or teacher interaction, and/or participation in class/school activities.
4. The student exhibits behavior(s) that is not primarily the result of physical, sensory or intellectual deficits.
5. The student needs special education.

G. Gifted

Definition: Giftedness is exceptional intellectual abilities and potential for achievement that requires specially designed instruction and/or services beyond those normally provided in the general classroom instruction.

Eligibility Criteria for Gifted, Grades One through Eight:

An eligibility committee will determine that a student is eligible for special education services as a gifted student in grades one through eight when the following criteria are met:

1. General intellectual ability with a full scale score at the 97th percentile rank or higher on a comprehensive test of intellectual ability with consideration of 1.0 standard error of measurement at the 68% confidence interval (see approved test list for the identification of gifted students in Appendix A);

2. At least one of the four core curriculum areas of academic achievement at the 90th percentile rank or higher as measured by an individual standardized achievement test, or at least one of the four core curriculum areas of classroom performance demonstrating exceptional functioning as determined during the multidisciplinary evaluation; and
3. The need for specially designed, differentiated instruction and/or services beyond those normally provided in the general classroom. Differentiated instruction for gifted students may include enrichment of the content emphasizing the development of higher-level thinking, including critical thinking, creative thinking, and problem solving skills and/or acceleration of content while the student remains in the chronologically appropriate grade. Related services may include, for example, guidance and counseling, independent study and distance learning. This is not an all-inclusive list.

Special Considerations:

1. Intellectual Ability. Overall general intellectual ability is not considered valid if a clinically significant difference exists and the evaluator determines the greater score is a better indicator of the student's intellectual abilities. A clinically significant difference is defined as a verbal-performance-scores difference that occurs in 10% or less of the standardization sample. The evaluator must include a statement in the report indicating which score is the better indicator of the student's intellectual abilities and the supporting reasons for this determination.
2. Historically Under-represented Gifted Population. Historically Under-represented Gifted Population are those students whose giftedness may not be apparent due to low socioeconomic status, a disability in accordance with this policy, or a background that is linguistically or culturally different. If it is determined that the eligibility criteria and/or assessment instruments discriminate against a student because the student belongs to a historically under-represented gifted population, eligibility for gifted services shall be based upon criteria that complement the definition and eligibility for gifted as described in this policy. To determine whether a student demonstrates the potential for intellectual giftedness when the student does not meet the eligibility criteria as described in this policy, the eligibility committee must consider all data gathered by the multidisciplinary evaluation team. These data include, but are not limited to, individual achievement, group achievement, classroom performance, teacher input, inventories, scales, checklists, student product(s) and parent information. The following lists different procedures that the eligibility committee may use in determining eligibility of a student who belongs to a historically under-represented population. This is not an exhaustive list.

    a. Using an alternative assessment to identify giftedness in minority students.
    b. Using a matrix to get a total picture.
    c. Using parent, student, and teacher rating scales to give added information.

Eligibility Criteria for Exceptional Gifted, Grades Nine through Twelve

Before the end of the eighth grade year, the IEP Team will:

1. Conduct a reevaluation determination to review existing evaluation data which includes the following:
   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
2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP Team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required of the district. The review team must include the student, parent and school counselor.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility committee will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access spoken communication.
2. The student has been diagnosed by an otologist, otolaryngologist, or audiologist as having a hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility committee will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

1.
   a. The student with mild to moderate mental impairments has general intellectual functioning ranging from two to three standard deviations below the mean, in consideration of 1.0 standard error of measurement as determined by a qualified psychologist, using an individually administered intelligence test; OR
   b. The student with severe mental impairments has general intellectual functioning more than three standard deviations below the mean, in consideration of 1.0 standard error of measurement as determined by a qualified psychologist, using an individually administered intelligence test; and
2. The student exhibits concurrent deficits in adaptive functioning expected for his or her age in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, or safety; and
3. The age of onset is eighteen or below; and
4. The student's condition adversely affects educational performance; and
5. The student needs special education.

Caution is advised when assessing students with cultural and language issues to prevent inappropriate identification of these students as having a cognitive impairment. When determining eligibility, tests measuring intellectual ability must be used with care; that is, only those tests designed and normed for the population being tested may be used. Tests measuring intellectual ability that are translated into another language by the examiner or an interpreter yield invalid test results and must not be used as the sole basis of the eligibility determination. Evaluation teams must consider using nonverbal tests of intellectual ability when the student is culturally or linguistically diverse.

J. Orthopedic Impairment

Definition: Orthopedic impairment means a severe physical limitation that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., spina bifida, congenital amputation, osteogenesis imperfecta), an impairment caused by disease (e.g., poliomyelitis, bone tuberculosis), or an impairment from other causes (e.g., cerebral palsy, amputations, fractures or burns that cause contracture).

Eligibility Criteria for Orthopedic Impairment

An eligibility committee will determine that a student is eligible for special education services as a student with an orthopedic impairment when documentation of all of the following criteria exists:

1. The student exhibits characteristics consistent with the definition.
2. The student has an orthopedic impairment diagnosed and described by a licensed physician.
3. The existence of educational needs as a result of the orthopedic impairment.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

K. Other Health Impairment

Definition: Other health impairment means having limited strength, vitality or alertness, including heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems. These health problems may include, but are not limited to, asthma, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), cancer, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome and stroke to such a degree that it adversely affects the student's educational performance.

Eligibility Criteria for Other Health Impairment

An eligibility committee will determine that a student is eligible for special education services as a student with an other health impairment when documentation of all of the following criteria exists:

1. The student exhibits characteristics consistent with the definition;
2. The student has a chronic or acute medical or health condition as diagnosed and described by a licensed physician; and
3. The existence of educational needs as a result of the medical or health condition.
4. The student's condition adversely affects educational performance.
5. The student needs special education.

L. Specific Learning Disability

Definition: Specific learning disability (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculation, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. It is not necessary to identify the specific psychological process as long as the student meets the Eligibility Criteria.

Disorders/Conditions Not Included:

Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, mental impairment, emotional/behavioral disorder or environmental, cultural, or economic disadvantage.

A student must not be determined to have a specific learning disability if the determinant factor is any of the following:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in the *No Child Left Behind Act* (i.e., phonemic awareness, phonics, vocabulary, fluency and comprehension);
2. Lack of appropriate instruction in math; or
3. Limited English proficiency.
4.

Eligibility Committee (EC) Membership for SLD Determination:

The determination of whether a student manifests a specific learning disability must be made by the student's parent(s) and a team of qualified professionals, which must include:

1. The student's general education teacher; or if the student does not have a general education teacher, a general education classroom teacher qualified to teach a student of his or her age; for a student of less than school age, an individual qualified to teach a student of his or her age; and
2. At least one person qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech-language pathologist, or reading specialist.

Eligibility Options:

Districts shall use a process based on the student's response to scientific, research-based intervention in accordance with each school's specific grade level configuration and the timelines listed below:

- Elementary Schools July 1, 2009
- Middle Schools July 1, 2010
- High Schools July 1, 2011

If a district chooses to use the severe discrepancy formula until the above required timelines become effective, individual schools within the district that have established a response to intervention process may request a waiver from the WVDE to determine eligibility using that model.

For either method, the EC must draw upon information from a variety of assessment tools and strategies and may not rely on any single procedure for determining eligibility for special education and related services.

Examples of sources include formative and summative assessments, ongoing progress monitoring, aptitude and achievement tests, parent input, and teacher recommendations as well as information about the student's physical condition, social or cultural background, and adaptive behavior. The EC must also ensure that information obtained from all of these sources is documented and carefully considered.

ELIGBILITY DETERMINATION: RESPONSE TO INTERVENTION

Definition: Response to Intervention (RTI) is the practice of providing high-quality instruction/intervention matched to student needs and using learning rate over time and level of performance to make important educational decisions [NASDSE, 2005]. It is a systematic approach to supporting the diverse needs of students in both academic and behavioral domains through differentiated instruction and targeted interventions based on ongoing assessments of student performance. The RTI process is characterized by procedures aligned with the steps of problem solving and documents a student's response or non-response to general education interventions and academic performance in comparison to grade-level standards.

Components of Tiered Instruction and Intervention

Research based practices that support the RTI approach include scientifically based curricula and instruction, tiered instruction models, progress monitoring and formative assessment, systematic analysis of achievement problems by problem solving teams and matching instructional interventions to specific skill deficits as evidenced by formative assessment.

A three-tier model of service delivery features increasing intensities of instruction in direct proportion to student needs. Embedded in each tier are research based instructional practices and interventions customized to increase student achievement of targeted skills. Ongoing assessment of student mastery of grade-level skills is fundamental, and frequent progress monitoring data are used to identify appropriate target areas for support and intervention.

Only after a student has been provided an opportunity to learn with the additional targeted supports provided within a tiered instructional model should referral and eligibility for special education and related services be considered. Characteristics of a three-tier instructional model are described below.

Tier 1

Tier 1 includes universal screening of all students to determine levels of proficiency or mastery of grade-level content, skills and knowledge. Screenings occur a minimum of three times per school year. Interventions in Tier 1 are aimed at general education classroom instructional procedures that enhance the core academic and/or behavior program. Classrooms are characterized by differentiated instruction, use of scientific research based instructional methods and strategies, and ongoing progress monitoring of student performance. Students who do not achieve mastery on essential grade-level skills, as substantiated by assessment results, are identified for **additional** supports and interventions at Tier 2.

Tier 2

The primary goal of Tier 2 is to provide short-term intervention to support all students who need strategic instruction to achieve grade-level mastery. Tier 2 is supplemental instruction provided to students who do not respond sufficiently at Tier 1 to achieve grade-level competency. Tier 2 instruction is in addition to the core instruction and is provided to small groups of students (i.e., one teacher to five students) with similar instructional needs.

Interventions may be developed through a problem-solving approach (i.e., use of functional academic or behavioral assessments to craft individualized interventions) or a standard treatment protocol (i.e., use of a specific evidence-based practice/program). Tier 2 instruction begins after students have been identified as achieving below grade-level benchmarks and have demonstrated a lack of response to Tier 1 interventions.

Students in Tier 2 receive small group instruction in addition to the time provided to all students in the core instructional block. Explicit strategies that address specific skill deficits are used. Tier 2 interventions should be implemented for a minimum of two eight to twelve week periods, but could be longer depending on student progress toward benchmarks. Student progress toward target skills is monitored carefully and frequently in Tier 2 to adjust instruction and ensure skill mastery.

Tier 3

The third tier in the model is designed to provide intensive interventions to students who do not make sufficient progress even when provided Tier 2 small group supports. Tier 3 interventions are provided in an even smaller group setting than Tier 2 or, as warranted, individual settings. Progress monitoring occurs continually, and diagnostic assessments to determine specific skill deficits are administered. Interventions at Tier 3 are considered long-term and may necessitate a comprehensive evaluation to determine the need for special education and related services.

The Role of the Interventionist

The role of the interventionist should be filled by educators knowledgeable of scientific research based strategies and interventions. Fifteen percent of a district's IDEA funds can be used for early intervening services across K through 12, i.e., IDEA funds can be used to provide early intervention services to students not identified as disabled. It would be appropriate, therefore, for a special educator who is not managing a caseload at maximum standards to fill the role of interventionist for students in the RTI process. The IEPs of students identified for special education services and on the teacher's caseload would be the priority for this teacher; and the number of students who are in the RTI process should not, in combination with IEP students, result in responsibilities that exceed the caseload limits specified in Chapter 6 of this policy.

Components of a Systematic Problem Solving Process

Systematic problem solving refers to a set of procedures used by an instructional team to examine and analyze the nature and severity of a student's academic or behavioral concern. Parent participation is a key component in the process which includes the following components:

Problem Description

The student's academic or behavioral concern is explained in objective, measurable terms. Both the student and the learning environments are analyzed through data collection (e.g., classroom walk-throughs, observations). The match or mismatch between the learner and his or her learning environment is described.

Data Collection and Problem Analysis

Data are collected on the academic and/or behavioral concerns noted in the problem description. Data must be collected over a period of time and must be representative of the student's typical academic performance and/or behavior in the learning environment. Data collection procedures must be reliable, designed for individual student assessment and allow for repeated measurement of the same skills or behavior over time.

Intervention Design and Implementation

Individual student interventions are designed by using the data collected over time. Interventions are described in an intervention plan that includes goals, a progress monitoring plan, persons responsible for implementation and intervention timelines.

Progress Monitoring

Progress monitoring refers to a systematic, frequent collection of individual performance data. The measures are repeated over time and charted for documentation purposes.

Evaluation of Intervention Results

Individual interventions must be analyzed for effectiveness. The instructional team compares the student's initial level of performance to performance results achieved as a result of the specific intervention provided.

Eligibility Standards

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

Standard 1- Level of Learning

The first element in identifying a student with a specific learning disability is whether the student demonstrates low academic performance compared to same-grade peers in response to general classroom instruction that includes grade-level learning experiences, including appropriate targeted interventions, based on state-approved standards in one or more of the following areas:

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

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

Documentation:

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

Standard 2- Rate of Learning

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

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

Documentation:

- Progress monitoring data collected before, during and after the provision of **at least** two rounds of Tier 2 supplemental instruction; and
- Records indicating specific interventions provided, including frequency and duration (e.g., tiered instruction plans).

Standard 3- Exclusion Factors

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

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

Documentation:

- Formal educational, cognitive and/or medical evaluation reports;

- Formative assessments and progress monitoring data; and
- Functional academic and/or behavioral assessments.

Validating Underachievement

As in determining all other areas of disability, the EC must ensure that the underachievement of a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading, including the five essential components (i.e., phonemic awareness, phonics, vocabulary, fluency, comprehension), written expression or mathematics and the team must consider, as part of the evaluation described in Chapter 3, Section 4, the following factors:

1. Data that demonstrate that prior to or as part of the referral process, the student was provided appropriate instruction in general education settings; **and**
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents (i.e., benchmark and progress monitoring data).

Observation Requirement

The student suspected of having a specific learning disability must be observed in the learning environment, including the general classroom setting, to document the student's academic performance and behavior in the areas of difficulty. The EC must decide to:

1. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for evaluation; or
2. Have at least one member of the evaluation team conduct an observation of the student's academic performance in the general classroom after the student has been referred for an evaluation and parental consent is obtained.

In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for a student of that age. The purpose of the observation is to document how the academic concern impacts the student's academic performance. The observation must also document the name and title of the observer and the site, date and duration of the observation.

Evaluation Components

If using the RTI process, it is permitted, but not required, that the EC consider a pattern of strengths or weaknesses, or both, relative to intellectual development if the evaluation group considers that information relevant to an identification of a specific learning disability. The most useful procedures for gathering cognitive functioning information must be considered.

Relevant to reading difficulties, the individual evaluation process should explicitly target areas (e.g., phonological coding, phonological awareness, verbal memory) related to reading (Vellutino et al., 2004) and provide direction for meaningful classroom reading instruction and intervention. Assessments that focus on specific features of a student's reading difficulty rather

than global measures of reading (i.e., grade level equivalencies) are more useful in diagnosing specific skill deficits and strengths and informing the instructional process. For example, if literacy screening data indicate pervasive difficulties in the area of phonemic awareness, the formal evaluation battery might include in-depth assessments of phonological awareness, phonological memory and rapid naming strengths and weaknesses.

For many students suspected of having specific learning disabilities, a careful assessment of speech and language related skills may be indicated. For students who experience learning problems associated with the acquisition of fundamental reading skills, the evaluation battery may include speech and language skills (i.e., articulation, syntax, semantics and expressive/receptive language) as well as executive functioning skills (e.g., planning, organization, attention to detail, reasoning and problem solving).

Documentation of Student Response to Intervention

A thorough review of the following types of documentation will assist the EC in its eligibility determination. Most of this information is gathered and recorded throughout the natural course of a student's instruction and intervention and does not necessarily constitute additional paperwork requirements.

- A chronology of the student's educational history (i.e., preschool participation, grade retention, special education services, cumulative attendance).
- Benchmark and progress monitoring data (e.g., DIBELS graphs).
- Specific documentation of the nature and intensity of general classroom instruction that includes the five essential components of reading (e.g., lesson plans).
- Comprehensive documentation of the nature (i.e., group size), frequency and duration of intervention instruction results (e.g., Tier II intervention plans).
- Additional achievement/performance data (e.g., results of informal classroom assessments, teacher observations, grades, behavior data).
- Formal evaluation reports.

Written Report Requirements: SLD Team Report

The SLD Team Report must contain a statement of:

1. Whether the student has a specific learning disability;
2. The basis for making the determination, including an assurance that the determination has been made in accordance with required evaluation procedures specified in Chapter 3, Section 4;
3. The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning; and
4. The educationally relevant medical findings, if any;
5. Whether:
   a. The student does not achieve adequately for the student's age or to meet state-approved grade-level standards; and
   b. The student does not make sufficient progress to meet age or state-approved grade-level standards; **or**

c. The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards or intellectual development.

6. The determination of the group concerning the effects of a visual, hearing, or motor disability; mental impairment; emotional disturbance; or limited English proficiency on the student's achievement level.

Dissenting Opinions:

This report must be dated and evaluation team members must certify in writing whether the report reflects each team member's conclusions. If the report does not reflect an individual team member's conclusions, that team member must submit a separate statement presenting the member's conclusions.

Parent Notice Requirements

If a student has participated in an RTI process, the district must document that the student's parents were notified about the following:

1. The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
2. Strategies for increasing the student's rate of learning; and
3. The parents' right to request an evaluation at any time throughout the RTI process.

ELIGIBILITY DETERMINATION: SEVERE DISCREPANCY MODEL

Districts may use the severe discrepancy model until the timelines listed below become effective according to each school's' specific grade level configuration:

- Elementary Schools June 30, 2009
- Middle Schools June 30, 2010
- High Schools June 30, 2011

Using a severe discrepancy formula, the EC may determine SLD based on the following documentation:

- General intellectual functioning at or above one standard deviation below the mean, in consideration of 1.0 standard error of measurement; and
- A severe discrepancy between achievement and intellectual ability in one of more of the following areas:

  a. Oral expression;
  b. Listening comprehension;
  c. Written expression;
  d. Basic reading skill;
  e. Reading fluency skills;

f. Reading comprehension;
g. Mathematics calculation; or
h. Mathematics problem solving.

The discrepancy is determined by a comparison of age-based standard scores of ability and achievement. A regression formula is 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 measurement into account. 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 effect of regression are not available.

The EC may determine SLD eligibility only with the assurance that the student's underachievement is **not primarily the result** of any of the following:

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

Validating Underachievement

As in determining all other areas of disability, the EC must ensure that the underachievement of the student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading, including the five essential components (i.e., phonemic awareness, phonics, vocabulary, fluency, comprehension), written expression or mathematics and the team must consider, as part of the evaluation described in Chapter 3, Section 4, the following factors:

1. Data that demonstrate that prior to or as part of the referral process, the student was provided appropriate instruction in general education settings; **and**
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents (i.e., benchmark and progress monitoring data).

Observation Requirement

The student suspected of having a specific learning disability must be observed in the learning environment, including the general classroom setting, to document the student's academic performance and behavior in the areas of difficulty. The EC must decide to:

1. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for evaluation; or

2. Have at least one member of the evaluation team conduct an observation of the student's academic performance in the general classroom after the student has been referred for an evaluation and parental consent is obtained.

The purpose of the observation is to document how the academic concern impacts the student's academic performance. The observation must also document the name and title of the observer and the site, date and duration of the observation. In the case of a student of less than school age or out of school, a group member must observe the student in an environment appropriate for a student of that age.

Written Report Requirements: SLD Team Report

The SLD Team Report must contain a statement of:

1. Whether the student has a specific learning disability;
2. The basis for making the determination, including an assurance that the determination has been made in accordance with required evaluation procedures specified in Chapter 3, Section 4;
3. The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
4. The educationally relevant medical findings, if any;
5. Whether:
   - The student does not achieve adequately for the student's age or to meet state-approved grade-level standards; and
   - The student does not make sufficient progress to meet age or state-approved grade-level standards; **or**
   - The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards or intellectual development.
6. The determination of the group concerning the effects of a visual, hearing, or motor disability; mental impairment; emotional disturbance; or limited English proficiency on the student's achievement level.

Dissenting Opinions

The written report must be dated and evaluation team members must certify in writing whether the report reflects each team member's conclusions. If the report does not reflect an individual team member's conclusions, that team member must submit a separate statement presenting the member's conclusions.

M. Speech/Language Impairment

Definition: A speech/language impairment means a speech/language impairment such as stuttering, impaired articulation, a language impairment or a voice impairment that adversely affects a student's educational performance. See Appendix B for Documentation of Adverse Effects on Educational Performance for Students with Speech/language Disorders.

Language Impairment: A language impairment is a disorder or delay in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems. The impairment may involve any one or a combination of the following:

- Form (morphological and syntactic systems);
- Content (semantic systems); and/or
- Function (pragmatic systems).

Eligibility Criteria for Language Impairment

An eligibility committee will determine that a student is eligible for special education and/or related services as a student who has a language impairment when all of the following criteria are met:

1. Two or more procedures, at least one of which yields a standard score, are used to assess receptive language and/or expressive language.
2. Language - A student with a language impairment exhibits:
   a. Language abilities significantly below expected language performance for the students' chronological age and cognitive stage of development; and
   b. A language quotient (LQ) of at least 1.5 standard deviations (SD) below the mean; or
   c. A severe deficit in receptive, expressive or pragmatic language which prevents functional communication in school and/or social situations as measured by formal and/or informal diagnostic procedures.
3. The student's disability adversely affects educational performance. See Appendix B for Documentation of Adverse Effects on Educational Performance for Students with Speech/Language Disorders.
4. The student needs special education. (Speech/language therapy can be special education or a related service.)

Speech Impairment: Speech Impairments include articulation/phonology disorders, voice disorders, or fluency disorders. The following eligibility criteria and minimum assessment procedures have been established for all three types of speech impairments.

Definition for Articulation/Phonology Disorder:

- Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may:
  1) Interfere with communication;
  2) Draw unfavorable attention to the speaker;
  3) Adversely affect the speaker or listener; or
  4) Are inappropriate to the age of the speaker.
- Phonology disorders are errors involving phonemes, sound patterns and the rules governing their combinations that may:
  1) Interfere with communication;
  2) Draw unfavorable attention to the speaker;

3) Adversely affect the speaker or listener; or
4) Are inappropriate to the age of the speaker.

Eligibility Criteria for Articulation/Phonology Disorder

An eligibility committee will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

1. At least two procedures are used to assess the student, one of which is a standardized measure.
2. Application of developmental norms from diagnostic tests verifies that speech sounds may not develop without intervention.
3. The student's disability adversely affects educational performance.
4. The student needs special education. (Speech/language therapy can be special education or a related service.)

Fluency Disorder: A fluency disorder consists of stoppages in the flow of speech that are abnormally frequent and/or abnormally long. The stoppages usually take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

1. A fluency disorder exists when an abnormal rate of speaking, speech, interruptions, repetitions, prolongations, blockages of airflow and/or voicing interferes with effective communication.
2. A fluency disorder does not exist when developmental dysfluencies are part of normal speech development and do not interfere with educational or developmental performance.

Eligibility Criteria for Fluency Disorder: An eligibility committee will determine that an individual is eligible for special education and/or related services as a student who has a fluency disorder (speech impairment) when all of the following criteria are met:

1. The student has a fluency rating of moderate or severe on the Fluency Communication Rating Scale for students age three through twenty-one years. See Appendix C for Fluency Communication Rating Scale.
2. The student's disability adversely affects educational performance.
3. The student needs special education. (Speech/language therapy can be special education or a related service.)

Voice Disorder: Voice disorders are the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

A voice disorder exists when the vocal characteristics of quality, pitch, intensity, or resonance:

- Interfere with communication;
- Draw unfavorable attention to the speaker;

- Adversely affect the speaker or listener; or
- Are inappropriate to the age and gender of the speaker.

A voice disorder does not exist when the vocal characteristics of quality, pitch, intensity, or resonance:

- Are the result of temporary physical factors such as allergies, colds, or abnormal tonsils or adenoids;
- Are the result of regional dialectic or cultural differences or economic disadvantage; or
- Do not interfere with educational or developmental performance.

Eligibility Criteria for Voice Disorder: An eligibility committee will determine that a student is eligible for special education and/or related services as a student who has a voice disorder (speech impairment) when all of the following criteria are met:

1. The student has a voice production rating of moderate or severe on the Voice Rating Scale for students ages three through twenty-one years. See Appendix D for Voice Rating Scale.
2. The existence or absence of a structural or functional pathology is verified by an otolaryngologist.
3. The student's disability adversely affects educational performance.
4. The student needs special education. (Speech/language therapy can be special education or a related service.)

Special Considerations:

1. 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 that must be considered are informal evaluation results, physical ability, educational and therapy history.
2. 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.
3. When verbal communication is not an effective means of communication for the student, the student must be evaluated to determine the need for an alternative means of communication, such as an augmentative communication device.

N. Traumatic Brain Injury

Definition: Traumatic brain injury means 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. Traumatic brain injury 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 and motor abilities, psychosocial behavior, physical functions, information

processing, and speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

Eligibility Criteria for Traumatic Brain Injury

An eligibility committee will determine that a student is eligible for special education services as a student who has a traumatic brain injury when all of the following criteria are met:

1. The student has an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both as diagnosed by a licensed physician.
2. The student's condition adversely affects educational performance.
3. The student needs special education.

Chapter 5
INDIVIDUALIZED EDUCATION PROGRAMS

Chapter Contents

Section 1. IEP Initiation 49
- A. Purpose of Meeting
- B. Team Decision Making
- C. Scheduling IEP Meetings
- D. IEP Team Membership
- E. The General Educator's Role in IEP Development
- F. Invitation to IEP Team Meetings

Section 2. IEP Development 54
- A. Student Information
- B. Documentation of Attendance
- C. Considerations
- D. Present Levels of Academic Achievement and Functional Performance
- E. Goals and/or Objectives/Benchmarks
- F. Transition Services
- G. Statement of Special Education and Related Services
- H. Extended School Year (ESY) Services
- I. Statewide and District-wide Achievement Testing
- J. Least Restrictive Environment Considerations and Placement Decisions
- K. Consent for Initial Placement
- L. Parent/ Adult Student Objection to a Subsequent IEP
- M. Following the Meeting

Section 3. IEP Reviews 70
- A. Annual Reviews
- B. IEP Amendments
- C. Other IEP Reviews

Section 4. IEPs for Transfer Students 71
- A. Transfer from a West Virginia School District
- B. Transfer from an Out-of-State District
- C. Transmittal of Records

Chapter 5
INDIVIDUALIZED EDUCATION PROGRAMS

Chapter Contents (Continued)

Section 5. IEPs for Children from the West Virginia Birth to Three Program 72
A. Transition Planning
B. IEP or Individual Family Service Plan (IFSP) Required
C. Consent and Notice Requirements
D. Child's Status During Due Process Hearing Proceedings
E. Procedural Safeguards Notice

Section 6. Students with Disabilities in Adult Prisons 73

Chapter 5
INDIVIDUALIZED EDUCATION PROGRAMS

Special education is defined as specially designed instruction, at no cost to the parent, based on peer-reviewed research to the extent practicable, to meet the unique needs of a student with a disability or giftedness including instruction in the classroom, the home, hospitals, institutions and other settings. The definition of special education also includes instruction in physical education, speech/language therapy, transition services, travel training, assistive technology services and vocational education. Specially designed instruction means adapting the content, methodology or delivery of instruction to:

1. Address the unique needs of the student that result from his or her disability or giftedness; and
2. Ensure access to the general education curriculum so that the student can meet the education standards that apply to all students.

The IEP is a product of collaboration between a parent or adult student and educators who, through full and equal participation, identify the unique needs of a student with a disability or giftedness and plan the special education and related services to meet those needs. It sets forth in writing a commitment of resources necessary to enable the student to receive needed special education and related services. In addition, the IEP is a management tool that is used to ensure that each eligible student is provided special education and related services appropriate to the student's special learning needs. It serves as an evaluation device for use in determining the extent of the student's progress toward meeting the projected outcomes. The IEP is a compliance/monitoring document that may be used by authorized monitoring personnel from each governmental level to determine whether an eligible student is actually receiving the free appropriate public education agreed to by the parents and the school.

Section 1. IEP Initiation

A. Purpose of Meeting

The primary purpose of an IEP Team meeting is to design an IEP that will meet the unique needs of an eligible student. The IEP Team plans the special education and related services designed to provide access to and progress in the general curriculum. The parent or adult student, district personnel and other IEP Team members should come prepared to participate in an open discussion regarding the student's individual needs and how those needs affect the student's mastery of the content standards and objectives. Placement decisions must be considered **after** the special education services are determined.

Informal or unscheduled conversations involving district personnel on various issues (e.g., teaching methodology, lesson plans or coordination of service provisions) are not considered a meeting as long as no decisions are made regarding issues addressed on the student's IEP. A meeting does not include preparatory activities that district personnel engage in to develop a

proposal or a response to a parent or adult student proposal that will be discussed at a later meeting.

B. Team Decision Making

The IEP meeting serves as a communication vehicle between the parent or adult student and district personnel that enables them, as equal participants, to make joint, informed decisions regarding the student's special education services. All members of the IEP Team are expected to work toward consensus regarding the content of the student's IEP to ensure that he or she receives FAPE. Consensus means that all members are in general agreement regarding the IEP content.

If the parent or adult student and other IEP Team members cannot reach consensus regarding an IEP decision, then the district representative on the IEP Team must make the decision and provide PWN of the decision to the parent or adult student ten days prior to implementing the IEP. The parent or adult student may exercise their right to mediation or a due process hearing regarding the decision (Refer to Chapter 11).

West Virginia statute requires that any teacher who disagrees with the IEP Team's decision file a written explanation outlining his/her disagreement or recommendations (West Virginia Code Section §18-20-1c (2)).

C. Scheduling IEP Meetings

An IEP meeting must be convened:

1. To develop an IEP within thirty days of eligibility determination and prior to the initiation of services.
2. To review the IEP periodically, but no longer than 365 days from the date of development of the current IEP. An IEP must be in effect at the beginning of each school year;
3. When another agency fails to deliver transition or other services outlined in the IEP, the IEP Team must reconvene to identify alternative strategies to meet the transition objectives for the child set out in the IEP;
4. Within twenty-one days of receipt of written request by any member including the parent or adult student. However, if the district refuses a parent's or adult student's request to convene a meeting, it must provide PWN to the parent or adult student within ten days of its refusal.
5. Within twenty-one days of receipt of written request by a general education teacher who has responsibility for implementing the IEP.
6. Within ten days any decision to change the student's placement because of a violation of a code of student conduct, the IEP Team must conduct a manifestation determination and if appropriate, complete a functional behavioral assessment and/or develop or review a behavioral intervention plan.

D. IEP Team Membership

The following are required members of the IEP Team:

- **Parent(s)** - This term means a natural, adoptive, or foster parent of a child; a guardian (but not the State if the child is a ward of the State); an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; or an individual assigned to be a surrogate parent.
- Not less than **one general education teacher of the student**, if the student is or may be participating in general education environment (including universal pre-K programs, Head Start). A general education teacher of the student is required to participate in developing the IEP of a student who is, or may be, participating in the general education environment. For preschool – age students, the general education teacher may be the kindergarten teacher or another appropriate designee. Other designees at the preschool level may include a care provider, Head Start teacher or community preschool teacher who meets state and/or national licensing standards. State Code requires the receiving and referring teachers participate in the development of the student's IEP (West Virginia Code §18-20-1c (2)). Participation may be through attendance at the IEP meeting or by the provision of a classroom teacher report to the IEP Team.
- Not less than **one special education teacher of the student or, when appropriate, special education service provider (e.g., speech language pathologist)**. Generally, this individual will be the student's special education teacher or provider who has primary responsibility for implementing the student's IEP.
- A **representative of the district** who is qualified to provide or supervise the provision of special education, knowledgeable about the general education curriculum and knowledgeable about the availability of resources of the district and has the authority to allocate resources (one of the other members may be so designated if he/she meets these requirements). Examples include the county administrator of special education (CASE), principal, assistant principal or professional special education personnel. For speech only IEP Team members, the speech/language pathologist may serve as the district representative, if the criteria are met.
- An **individual who can interpret the instructional implications of evaluation results** (who may be one of the other members). Examples include special education specialist, audiologist, special educator, speech/language pathologist, related service provider or school psychologist.
- At parent or district discretion, **others with knowledge or special expertise** regarding the child, including related services personnel as appropriate. The determination of having knowledge and expertise regarding the student will be made by the parent or adult student or district personnel who invited the individual to be a member of the IEP Team.
- The **student** when appropriate, but required when the purpose of the meeting is consideration of the postsecondary goals and transition services needed for reaching those goals.
- To the extent appropriate and with parent or adult student consent, a **representative of any participating agency** that is likely to be responsible for providing or paying for

transition services. If a representative does not attend, steps must be taken to obtain participation from the agency in transition planning.

- For a child previously served under West Virginia Birth to Three, at the request of the parent, **invite the Part C service coordinator or other representatives of the Part C system** to assist with the smooth transition of services.
- For a student being considered for or currently in a private school placement made by the IEP Team, ensure participation of **a representative of the private school or facility** through attendance at the meeting, or other methods such as conference telephone calls.

The role(s) filled by each IEP Team member will be designated on the IEP form.

A member of the IEP Team is not required to attend an IEP meeting, in whole or in part, if the parent of a student with a disability and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

Members of the IEP Team may be excused from an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

- The parent or adult student and district consent to this in writing.
- The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

School personnel must contact the parent to discuss excusal(s), obtain parent consent, and provide IEP Team Member In-Lieu-of Attendance Reports forms to the identified team member(s). Excused team members must submit the In-Lieu of Attendance Report form to parents and the IEP Team chair between receipt of parent consent for the excusal and the IEP Team meeting.

E. The General Educator's Role in IEP Development

If a student is or may be participating in the general education curriculum or environment, at least one of the student's general education teachers who is, or may be, responsible for implementing any portion of the IEP must participate in developing the IEP.

The general education teacher's role in the development, review and revision of the IEP includes:

- Discussion of the student's involvement and progress in the general education curriculum;
- Determination of appropriate positive behavioral interventions and strategies for the student; and
- Determination of supplementary aids and services, program modifications and supports for school personnel.

F. Invitation to IEP Team Meetings

To the extent possible, the district should encourage the consolidation of all IEP Team meetings, including meetings that may involve eligibility, reevaluation and IEP development.

The district must:

1. Schedule and notify the parent of the meeting at a place and time mutually agreed on by the parent or adult student and the district.
2. Take steps to ensure one or both parents attend or have the opportunity to participate.
3. No less than eight days prior to the meeting unless waived by the parent, provide the parent or adult student written notice of the meeting using the Notice of EC/IEP Team Meeting form, which includes:
   a. The purpose, time and location of the meeting;
   b. Who will attend the meeting; and
   c. Information regarding the parent's or adult student's right to bring other people who have knowledge or special expertise regarding the student to the meeting. For students who were participating in Part C services, this would include their right to have the Part C coordinator or representative to attend the first IEP meeting.
4. Beginning not later than the first IEP to be in effect when the student turns sixteen, or younger if determined appropriate by the IEP Team, the notice also must:
   a. Indicate that the purpose of the meeting will be consideration of the post-secondary goals and transition services for the student;
   b. Indicate that the district will invite the student; and
   c. Identify any other agency that will be invited to send a representative with the consent of the parent/adult student.
5. Invite the student, if appropriate or required, to attend and participate in his or her IEP Team meeting. If a purpose of the meeting is to consider transition, and the student does not attend, the district must take other steps to ensure that the student's preferences and interests are considered.
6. Take whatever action is necessary to ensure that a parent or adult student understands the proceedings at an IEP Team meeting, including arranging for an interpreter for a parent or adult student who has a hearing impairment or whose native language is other than English.
7. Document its attempts to arrange a mutually agreed upon time and place for the meeting. Documentation could include records of telephone calls or conversations, copies of correspondence sent to the parent or adult student and any responses received, and detailed records of any visits made to the parent or adult student.
8. If neither parent can attend, provide alternatives to physical meetings such as video and telephone conferencing in the place of physical IEP meetings if the parent or adult student and district agree.
9. If the parent refuses to attend or the district cannot convince the parent to attend, conduct the IEP Team meeting and provide prior written notice of the decisions made.

Section 2. IEP Development

The WVDE provides IEP and special education process forms/templates to ensure that all IEPs are developed in compliance with federal and state regulations. Therefore, districts are required to use the WVDE IEP process forms/templates and provide all required information in the development of a student's IEP. The IEP requirements are listed below.

A. Student Information

All IEPs must include the required demographic components.

B. Documentation of Attendance

The district must ensure the attendance and participation of the IEP Team members at the IEP meeting. Signatures and positions of team members document attendance.

Team member signatures including parent or adult student do not reflect agreement or disagreement with the IEP, but only indicate attendance.

C. Considerations

In developing each student's IEP, the IEP Team must consider any of the following that may be appropriate for the student and document its consideration on the IEP accordingly:

1. Strengths of the student;
2. Concerns of the parents for enhancing the education of their child;
3. Results of the initial evaluation or most recent evaluation of the student;
4. Academic, developmental and functional needs of the student;
5. Whether the child needs assistive technology devices and services; and/or
6. The communication needs of the student.

Additional considerations:

1. For students with giftedness, the IEP Team will consider if acceleration is a focus of gifted service, and if so, its effect on high school graduation.
2. If the student's behavior impedes his or her learning or that of others, the IEP Team will consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
3. If the student has limited English proficiency, the IEP Team will consider the language needs of the student.
4. If the student has blindness or low vision, the IEP Team will provide for instruction in braille and the use of braille unless the IEP Team determines that braille is not appropriate for the student. This determination can only be made 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.

5. In the case of the student who is deaf or hard-of-hearing, the IEP Team will consider the language needs of the student, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, the student's academic level and his or her full range of needs including opportunities for direct instruction in the student's language and communication mode.

D. Present Levels of Academic Achievement and Functional Performance

Using the information considered in Part C., the IEP Team identifies and develops statements of present levels of academic achievement and functional performance and **measurable** annual goals that enable school personnel to track the effectiveness of services and to accurately report progress toward goals.

Statements of present levels of academic achievement and functional performance must document:

1. How a school-age student's disability or giftedness affects his or her involvement and progress in the general education curriculum, i.e., the same curriculum used by students without disabilities [West Virginia Content Standards and Objectives (CSOs)]; or
2. How a preschool student's disability affects his or her involvement and progress in the West Virginia Early Learning Standards Framework and how the disability affects the student's participation in appropriate activities.

Although the content of present levels of academic achievement and functional performance statements are different for each student, each statement must:

1. Be written in objective, measurable terms and easy-to-understand non-technical language;
2. Establish a basis for the other components of the IEP, including annual goals, and, if applicable, benchmarks/objectives and special education services for students who participate in the West Virginia Alternate Performance Task Assessment (APTA);
3. Provide a starting point for goal development; and
4. Articulate the gaps between the student's grade level expectations (CSOs) and his or her demonstrated performance.

E. Goals and/or Objectives/Benchmarks

Measurable academic and functional annual goals must be related to the needs described in the present levels of academic achievement and performance statements. Specifically, annual goals must be written to:

1. Include a measurable statement that describes what a student is reasonably expected to accomplish from the special education program within the time period covered by the IEP, generally one year.

2. Enable the student to be involved in and make progress in the general education curriculum and to meet other educational needs that result from the disability or giftedness.
3. Include the timeframe, condition, behavior and the evaluation procedure with performance criteria.

For students taking the West Virginia APTA, which is aligned to the alternate standards, i.e., extended standards, each goal **must** have at least two benchmarks/objectives. Benchmarks/objectives must include a statement of how far the student is expected to progress toward the annual goal and by what date.

The IEP Team has the discretion to use benchmarks/objectives as described above for any student eligible for IEP services.

For purposes of determining the need for extended school year services, for each student with a disability, the IEP Team must identify at least one critical skill area that is needed for the student to maintain levels of performance. A critical skill is denoted by marking an annual goal or short term objective with an asterisk.

The IEP must include a statement describing how the student's progress toward IEP goals will be measured and when the parent or adult student will be informed of the student's progress toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards).

F. Transition Services

Secondary transition services are defined as a coordinated set of activities for a student with an exceptionality that are designed within a results-oriented process focused on improving the academic and functional achievement of the student to facilitate movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation. The activities include instruction, community experiences, development of employment and other postschool adult-living objectives and, if appropriate, acquisition of daily living skills and a provision of functional vocational evaluation. These activities are based on the individual student's needs, taking into account the student's preferences and interests.

Beginning with the first IEP to be in effect when a student is sixteen years old (or sooner at the discretion of the IEP Team), the IEP must include:

1. Appropriate, measurable postsecondary goals related to independent living skills, if needed;
2. Appropriate measurable postsecondary goals based upon age-appropriate transition assessment related to training, education and employment; and
3. Transition services (including courses of study) needed to assist the student in reaching postsecondary goals identified on the IEP.

The goals and transition services must be updated on the IEP annually.

Not later than the student's 17th birthday, the IEP must include a statement that the student has been informed whether or not special education rights will transfer to the student on his or her 18th birthday. Special education rights will transfer from the parent to the student when the student turns eighteen years old unless the parent has obtained legal guardianship.

G. Statement of Special Education and Related Services

Each student's IEP must describe the special education and related services, supplementary aids and services, based on peer-reviewed research to the extent practicable, and program modifications or supports for school personnel that will be provided to or on behalf of the student to enable the student to:

- Advance appropriately toward attaining the annual goals;
- Be involved in and make progress in the general education curriculum;
- Have an equitable opportunity to participate in extracurricular and other nonacademic activities; and
- Be educated and participate with other students with and without disabilities.

These services must be based on peer-reviewed research to the extent practicable.

The description of services in the IEP must identify:

1. Supplementary aids and services and program modifications and supports for school personnel - Supplementary aids and services means aids, services, and other supports that are provided in general education classes or other education-related settings to enable students in need of special education services to be educated with students without exceptionalities to the maximum extent appropriate in accordance with LRE requirements. These services must be considered prior to removing a student from the general education classroom.

   The determination of which supplementary aids and services are appropriate for a particular student must be made on an individual basis. Supplementary aids and services are any material/curricular/human resource or assistance, beyond what is normally afforded students without exceptionalities, provided to support a student with an exceptionality's placement. Supplementary aids may include, but are not limited to, large print books, positive behavioral interventions, assistive technology devices, auditory trainers, curriculum accommodations, services and other supports that are provided in general education classes or other education related settings to enable students in need of special education services to be educated with students without exceptionalities to the maximum extent appropriate. Supplementary services may include, but are not limited to direct instruction, peer tutoring, interpreting and note taking.

Modifications are changes in educational expectations for the student. These include actual changes in the general education curriculum and instruction or the use of an alternative or supplemental curriculum. Examples include mastery of essential concepts, acceleration, different test questions and material at a different reading level.

Supports for school personnel may include, but are not limited to, additional training in the use of assistive technology, specific instructional strategies or the use of technology; other professional development activities such as mentoring or coaching; and assistance in planning lessons using differentiated instruction.

2. Special Education Services

Special education services include specially designed instruction to meet the unique needs of the student. Special education services are those necessary to enable the student to achieve the annual goals, make progress in the general education curriculum and participate in extracurricular and other non-academic activities. Special education services document the goal area requiring specially designed instruction, e.g., Reading/Language Arts, Math, Behavior or Fine Motor Skills. Special education services are either direct or indirect. Direct services are instruction, therapies or interventions provided one-on-one or in groups to an eligible student in the general education classroom or in a special education school environment, home or community. Indirect services are services provided by a special education teacher or provider to the student's teacher(s) to directly benefit the student. Examples of indirect instruction are designing instructional materials or monitoring behavior management plans

3. Related Services

The term "related services" refers to transportation and such developmental, corrective and other supportive services required to assist an eligible student to benefit from special education as described in the IEP. These services include, but are not limited to:

- Assistive technology
- Audiology
- Speech therapy
- Language therapy
- Interpreting services
- Psychological services
- Physical therapy
- Occupational therapy
- Therapeutic recreation
- Counseling services
- Early identification and assessment of students' exceptionalities
- Rehabilitation counseling services
- Orientation and mobility services
- Medical services for diagnostic or evaluative purposes
- School nurse services

- Social work services in school
- Supports for school staff
- Parent counseling and training. Parent counseling and training includes helping a parent:
  - Understand child development and the special needs of his or her child; and
  - Acquire skills to support the implementation of his or her child's IEP.
- Transportation
- Travel training

This list of related services is not exhaustive and may include other developmental, corrective, supportive services or transition services. EXCEPTION: The term does not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device or the replacement of such device.

Although services may be of benefit to a student with an exceptionality, all of the services listed above may not be required for each individual student. Related services are the responsibility of the district only if the IEP Team determines they are required to assist the student to benefit from special education. Further, the student is not entitled to related services if:

a. He or she does not **need** special education, or
b. The parent or adult student does not consent to special education services.

Location, Extent/Frequency and Duration

For each service identified, the IEP must:

State the projected starting date and expected duration of the services and modifications.

1. List the anticipated extent/frequency. A specific quantitative amount of time (e.g., minutes per week or month) or a specific description of the instructional/environmental circumstances (e.g., accelerated learning or pre-teaching provided prior to the introduction of new content) is required. Specifying a range is only acceptable if the IEP Team determines that it is necessary to meet the unique needs of the student. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff or services.
2. State the location where services and modifications will be provided. For supplementary aids, services or modifications, state the specific location, i.e., math classroom, hallway or community. For special education and related services, indicate the location as special education environment (SEE) or general education environment (GEE).

H. Extended School Year (ESY) Services

Determination of Services

For students with disabilities, the IEP Team shall annually determine and document a student's need for ESY services. Students 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. The IEP Team in making its determination of a student's need for ESY must review documentation that the student exhibits, or may exhibit:

1. Significant regression during an interruption in educational programming;
2. A limited ability to recoup, or relearn skills once programming has resumed; and
3. Regression/recoupment problem(s) that interfere with the maintenance of identified critical skills as described in the current IEP; and
4. Other factors that interfere with the maintenance of identified critical skills as described in the current IEP, such as predictive data; degree of progress; emerging skills and breakthrough opportunities; interfering behaviors; nature and/or severity of the disability; and special circumstances.

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.

Documentation of Services

The type and length of the services the student requires is determined on an individual basis by the IEP Team. ESY services shall consist of activities developed to maintain critical skills identified on the IEP developed for the academic year. The IEP Team must document the duration, number of hours per week and physical location of the special education and related services to be delivered.

Services

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 and must be provided at no cost to the parent. The district shall annually inform parents of students with disabilities of the availability of ESY services and of procedures and criteria for determining a student's need for ESY services, and of their right to refuse ESY services.

I. Statewide and District-wide Achievement Testing

Students with disabilities participate at the grade level at which they are enrolled in all components of the West Virginia Measures of Academic Progress under standard conditions or with accommodations unless they meet the criteria for participation in the WV APTA. WESTEST, APTA and the Writing Assessment have been designed to allow a variety of test administration options in presentation, response, setting or timing/scheduling within Standard Conditions for All Students.

Accommodations in presentation, response, setting or timing/scheduling specific to students with disabilities are allowed within the category of Accommodations for Students with an IEP. The allowable options and accommodations are defined in the *West Virginia Guidelines for Participation in State Assessments* and the test administration manuals.

Modifications are changes in the administration of an assessment that change what is intended to be measured by the assessment or the meaning of the resulting scores and are not allowed for WESTEST, APTA or the Writing Assessment. Modifications not allowed include off-level testing for assessments, reading the WESTEST Reading/Language Arts Test and using a calculator on the section of the WESTEST Mathematics Test that does not permit the use of a calculator.

Acceptable ways to participate in the West Virginia Measures of Academic Progress are as follows:

- ***Standard Conditions For All Students*** - Standard conditions refer to the prescribed procedures followed during the administration of a specific assessment.
- ***With Accommodations*** - Testing accommodations are changes in the administration of an assessment, such as setting, scheduling, timing, presentation format, response mode or others, including any combination of these, which **do not change what is intended to be measured** by the assessment or the meaning of the resulting scores.

Role of the Individualized Education Program (IEP) Team

For eligible students with disabilities under this policy, the student's IEP Team determines how the student participates in the West Virginia Measures of Academic Progress, including whether the student takes the WESTEST or meets the criteria for participation in the WV APTA. If the student takes the WESTEST or APTA, and other tests in the West Virginia Measures of Academic Progress, the IEP Team determines and documents on the IEP any allowable accommodations as defined in this document. These accommodations for appropriate assessment are to be reviewed at least annually and prior to the test. The IEP information, including testing conditions and accommodations, is documented in the student's WVEIS Special Education Student Information Record.

The parent, and the student if appropriate, must be involved in and informed of decisions regarding assessment participation. The implications of the decisions must be carefully explained to the parent and the student.

The IEP must specify how the student will participate in all the applicable assessments:

- Standard conditions for all students; or
- With accommodations - specific and acceptable accommodations (as defined in this document) must be listed and the test/subtest to which each applies; or
- Student meets criteria for WV APTA and why the student cannot participate in the regular assessment.

When the student participates in WESTEST, the student also will participate in the other components of the West Virginia Measures of Academic Progress [ACT EXPLORE; ACT PLAN; Writing Assessment for grades four, seven and ten; Health Education Assessment Plan (HEAP) and National Assessment Educational Progress (NAEP) as determined by enrollment grade]. If different accommodations are needed for tests other than WESTEST, they must be specified on the IEP and be acceptable accommodations. Testing conditions and accommodations used for WESTEST, if any, must be documented in the student's WVEIS Special Education Student Information Record. Accommodations for WESTEST and APTA must be provided and documented during test administration to verify appropriate assessment accommodations were implemented.

Making Assessment Decisions

The following are guidelines for making assessment decisions for students with IEPs:

- Ensure that decisions regarding the student's participation in the West Virginia Measures of Academic Progress are based upon instruction, as well as educational performance data, and are consistent with the IEP.
- Ensure that parents, students, teachers and administrators are aware of the impact of test participation decisions on accountability and reporting. APTA results will be included in accountability with the results of all students. Disaggregated results for students with disabilities will be reported by school, county and state for APTA and WESTEST as required by IDEA 2004 and No Child Left Behind (NCLB), to the extent possible in consideration of maintaining confidentiality of individual student results. In all forms of participation, individual student results will be available to parents and teachers.
- Determine if accommodations are needed and whether the accommodation is on the list included in this document or in the test administration manual. For an assessment accommodation that is not found on the list of allowable accommodations, the County Test Coordinator or County Special Education Director may submit a request for approval to the Office of Assessment and Accountability following the procedures outlined in this document. Failure to use only allowable and/or approved accommodations will result in an invalid test score for the student.

To determine whether accommodations are needed:

1. Review the present levels of academic achievement and functional performance and IEP services to determine if the student is receiving instruction:
   a. Primarily in the general curriculum, which is based on the CSOs; if so, the student should participate in the WESTEST and other West Virginia Measures of Academic Progress components, using the acceptable accommodations (as per this document) if appropriate, or
   b. Primarily in the skills described in the West Virginia Alternate Academic Achievement Standards, that is, extended standards, which are linked to the West Virginia Content Standards and Objectives and meet the criteria for participation in

the West Virginia Alternate Performance Task Assessment; if so, the student should participate in the West Virginia Alternate Performance Task Assessment.

2. Review the supplementary aids and services and program modifications provided in the IEP for classroom instruction and assessment and the allowable accommodations.
   a. Does the IEP provide for accommodations in classroom instruction and assessments? An accommodation for WESTEST or APTA must be one the student uses in classroom instruction or assessment and must follow *West Virginia Guidelines for Participation in State Assessments.*
   b. Would using this accommodation in the components of the Measures of Academic Progress result in getting the best measure of what the student knows and can do on the skill being tested? Not every accommodation used in instruction is appropriate or helpful in assessment. Consider whether accommodations used to assist a student in learning also are needed to show what he or she has learned. Accommodations should address the barriers to accessing the test resulting from the student's disability to ensure the skill, rather than the disability, is being measured. Factors such as the effectiveness of the accommodation, difficulties encountered when utilizing the accommodation and available research on the use of the accommodation need to be evaluated and considered.
   c. Will the student actually use the accommodation when testing occurs? When possible, the student should be involved in the decision. An accommodation is more likely to be effective if the student understands how to use it and is willing to do so. Implementation of the accommodation must be documented at test time.

Document the assessment decisions on the IEP, including:

- Whether the student will take the general assessment (WESTEST) or participate in APTA for WESTEST, APTA and other components of the West Virginia Measures of Academic Progress, list the specific and acceptable assessment accommodations (as defined in this document), if any, and the test/subtest to which they apply; and
- Document WESTEST or APTA conditions and accommodations in the student's WVEIS Special Education Student Information Record.

Eligibility Criteria for APTA

In the decision-making process for participation in the West Virginia Measures of Academic Progress, students in grades three through eight and ten with significant cognitive disabilities whose performance cannot be adequately assessed through WESTEST even with accommodations may be considered for APTA. The eligibility requirements for APTA are as follows:

1. The student has a current IEP;
2. Multidisciplinary evaluation and educational performance data support the following:
   a. The student exhibits significant impairment of cognitive abilities and adaptive skills to the extent that he/she requires instruction in the West Virginia Alternate Academic Achievement Standards linked to the CSOs and access skills (social, motor and communication) not directly addressed in the CSOs but embedded in instructional

standards-based activities.

b. The student cannot participate in the WESTEST and other components of the West Virginia Measures of Academic Progress, even with accommodations. **Please note, the reasons why the student cannot participate must be clearly stated on the IEP.**

In addition, if the student is fourteen years of age or older:

3. It has been determined by the IEP Team that the student is unable to complete the state and county standard graduation requirements necessary to earn a standard diploma, even with extended learning opportunities and significant instructional modifications, thus is working toward a modified diploma. **Please note, not all students earning a modified diploma must take the APTA; however, students working toward a standard diploma do not meet criteria for the APTA. For additional information, see Policy 2510.**

If the student meets all of the criteria, the IEP document must include a justification statement for the APTA.

J. Least Restrictive Environment Considerations and Placement Decisions

Least Restrictive Environment (LRE)

An eligible student must be educated with general education students in the general education classroom to the maximum extent appropriate. This requirement is known as the LRE. An appropriate LRE is one that enables the student to make reasonable gains toward goals identified in an IEP. The IEP must explain the extent, if any, to which the student will **not** participate in the general education classroom, the general education curriculum, or extracurricular or other nonacademic activities and indicate the extent to which the student participates in the LRE. Data regarding LRE placements is collected from the district by the WVDE and becomes public information.

In determining an appropriate placement in the LRE, the IEP Team must consider the student's needs and the continuum of services available to meet those needs beginning with the consideration of the general education setting. Removal from the general education environment occurs only when the nature or severity of the exceptionality is such that education in general classes and other settings with general education students cannot be achieved satisfactorily even with the use of supplementary aids and services. An eligible student is not to be removed from age-appropriate general education classrooms solely because of needed accommodations and modifications to the general education curriculum.

Note: The district's reassignment of students to another classroom or building in the district is **not** a change of placement for a student as long as the IEP goals remain unchanged and the degree of interaction with peers without disabilities remains the same. Examples include, but are not limited to, dividing a class because of overcrowding; moving an entire grade level to a different building; and going to a different school as a result of moving from one grade level to another grade level.

The IEP Team must consider the following when determining the LRE in which the IEP can be implemented:

1. LRE: A student receiving special education services is to be educated with age-appropriate non-exceptional peers to the maximum extent appropriate based on the IEP. The LRE decision focuses on with **whom** the student is educated rather than **where** the student is educated. This provision includes students placed in public or private institutions or other care facilities.
2. Basis of Placement: Placement decisions are made individually for each student. The services and placement needed by each student must be based on the student's unique needs that result from his or her disability or giftedness, not on the student's category of exceptionality.
3. When to Make and Review Placement Decisions:
   a. Placement decisions for a student are made **following** the determination of needs, goals and benchmarks/objectives.
   b. Placement decisions are revisited at least annually by the IEP Team.
4. Neighborhood School: A student with a disability must be enrolled in the school he or she would attend if not disabled, unless the IEP requires another location. If the student cannot be educated in the neighborhood school, the student must be provided an educational program as close to the student's home as possible.
5. Similar-age Peers: In considering a setting outside the general education environment, the IEP Team must determine placement in environments, including classrooms and schools, with similar-age peers.
6. Harmful Effects of Placement: Consideration must be given to any potentially harmful effects of the placement on the student or on the quality of services
7. Array of Services and a Continuum of Placement Options: The IEP Team must consider an array of services and a continuum of placement options to meet the individual needs of each student.
8. Removal from the General Education Environment: Special classes, separate schooling and other types of removal of a student with a disability from the general education environment may occur only when the nature or severity of the disability is such that education in the general education environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily.
9. Participation in Nonacademic and Extracurricular Services and Activities: A student with a disability must be allowed to participate with students without disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate. These services and activities may include, but are not limited to, meals, recess, field trips, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to community agencies, career development and assistance in making outside employment available.

Placement Decisions

In determining an appropriate placement for a student with an exceptionality in the LRE, the IEP Team must consider the student's needs and the services available to meet those needs. The continuum of services for school-age students is described in subsection A below. The services for preschool students are described in Section B. Regardless of placement, the student must be given access to the general education curriculum unless the IEP Team determines it to be inappropriate.

Placement Options for Students Ages Six Through Twenty-one

Educational time spent in age-appropriate community-based settings that include individuals with and without disabilities, such as college campuses or vocational sites, should be counted as time spent inside the general education classroom.

General Education: Full-Time - The student's specially designed instruction and related services are delivered inside the general education classes or integrated community settings for 80% or more of the school day. This may include students placed in:

- General education class with special education/related services provided within general education class;
- General education class with instruction within the general education class and with special education/related services provided outside the general education class; or
- General education class with special education services provided in a resource room.

General Education: Part-Time - The student's specially designed instruction and related services are delivered inside the general education classes or integrated community settings for no more than 79% of the school day and no less than 40% of the school day. This may include students placed in:

- Resource rooms with special education/related services provided within the resource room; or
- Resource rooms with part-time instruction in a general education class.

Special Education: Separate Class - The student's specially designed instruction and related services are delivered inside the general education classes or integrated community settings for less than 40% of the school day. This may include students placed in:

- Separate special classrooms with part-time instruction in a general education class; or
- Separate special classrooms with full-time special education instruction on a regular school campus.

Special Education: Special School - The student's specially designed instruction and related services are delivered in public or private separate day school facilities. This includes students receiving special education and related services, at public expense, for greater than 50% of the school day in public or private separate schools. This may include students placed in:

- Public and private day schools for students with disabilities;
- Public and private day schools for students with disabilities for a portion of the school day (greater than 50%) and in regular school buildings for the remainder of the school day; or
- Public and private residential facilities if the student does **not live** at the facility.

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

- A non-school environment, such as a public library, group home or mental health center;
- A medical treatment facility/hospital; or
- The home.

Special Education: Residential Facility - The student's specially designed instruction and related services are delivered in a facility which provides twenty-four hour care and supervision. This includes students with disabilities who received education programs and lived in public or private residential facilities during the school week, including students receiving special education and related services, at public expense, for greater than 50% of the school day in public or private residential facilities. This may include students placed in:

- Public and private residential schools for students with disabilities; or
- Public and private residential schools for students with disabilities for a portion of the school day (greater than 50%) and in separate day schools or regular school buildings for the remainder of the day.

This does not include students who received education programs at the facility, but do not live there.

Special Education: Parentally-Placed in Private School – The student who is enrolled by his or her parents or guardians in regular parochial or other private schools, whose basic education is paid through private resources, and whose specially designed instruction and related services, at public expense, are provided by the district under a service plan. This does not include students who are placed in private schools by the district.

Special Education: Correctional Facilities - The student's specially designed instruction and related services are delivered in correctional facilities. This includes all students receiving special education in:

- Short-term detention facilities (community-based or residential), or
- Correctional facilities.

Placement Options for Students Ages Three Through Five

Early Childhood Program – The student is attending an early childhood program and receives specially designed instruction either in the early childhood environment or in another community

setting. The early childhood programs include at least 50% students without disabilities and include, but are not limited to:

- Head Start;
- Kindergarten;
- reverse mainstream classrooms;
- private preschools;
- preschool classes offered to an eligible pre-kindergarten population by the public school system; and
- group child care.

Three educational environment categories within early childhood setting include:

1. The student attends the early childhood program at least 80% of the time in school.
2. The student attends the early childhood program 40% to 79% of the time in school.
3. The student attends the early childhood program less than 40% of the time in school.

The time the child spends in both the early childhood program, whether public or private and whether funded by the district or the parents, and the time in special education is considered when determining the total amount of time the child is in "school."

Special Education Program – Special education programs include, but are not limited to, special education and related services provided in:

1. Special education classrooms: The student attends a program in a class that includes less than 50% students without disabilities and receives no services in an early childhood setting. This includes classrooms in:
   a. Regular school buildings;
   b. Child care facilities;
   c. Hospital facilities on an outpatient basis; and
   d. Other community – based settings.
2. Separate schools: Students who receive education programs in public or private day schools designed specifically for children with disabilities and do not attend an early childhood program.
3. Residential facilities: Students who receive education programs in publicly or privately operated residential schools or residential medical facilities on an inpatient basis and do not attend a early childhood program.

Home – The student receives some special education and related services in the principal residence of the student's family or caregivers, and receives no services in an early childhood setting or in a special education setting. The student may receive some services in a service provider location. The term caregiver includes babysitters.

Service Provider Location – The student receives **all** of their special education and related services from a service provider, does not attend an early childhood program or a special

education program and **does not** receive services in the home. Examples of service provider locations include, but are not limited to:

- Private clinicians' offices;
- Clinicians' offices located in school buildings,
- Hospital facilities on an outpatient basis, and
- Libraries and other public locations.

K. Consent for Initial Placement

Informed consent is required for the initial provision of special education and related services as described in the IEP. If the parent or adult student refuses initial consent, the district will not provide special education and related services to the student, in which case:

1. The district will not be in violation of the requirement to make FAPE available to the student or the requirement to provide special education and related services; and
2. The district will not be required to convene an IEP meeting or develop an IEP for the student.

The district must make and document reasonable efforts to obtain informed consent from the parent/adult student for the initial provision of special education and related services.

L. Parent or Adult Student Objection to a Subsequent IEP

If during a subsequent IEP meeting the parent or adult student disagrees with an IEP change or placement change proposed by the district, the district must provide PWN of the proposed changes prior to implementation.

If, following an IEP meeting, the parent or adult student disagrees with an IEP change or placement change proposed by the district, he or she may file a written objection to all or parts of the proposed change. The district and parent or adult student may use methods such as additional IEP Team meetings, IEP facilitation or mediation to resolve the disagreement. If these attempts to resolve the dispute fail, the district or the parent may request a due process hearing to obtain a hearing officer's decision regarding the proposed change.

See Chapter 11 for more information about the various forms of dispute resolution.

M. Following the Meeting

Following the IEP Team meeting, a copy of the IEP must be provided to the parent or adult student. If the parent or adult student does not attend the meeting or disagrees with the IEP, the district must provide PWN of proposed or refused actions. When an IEP has been amended without a meeting, the district must provide documentation of the changes to the parent or adult student or upon their request, provide a copy of the IEP incorporating the changes.

Prior to the initiation of services, the district must ensure that the student's IEP is accessible to each service provider who is responsible for its implementation, including but not limited to each general education teacher, special education teacher, related service provider and other providers. In addition, each teacher and provider must be informed of his or her specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications and supports that must be provided for the student in accordance with the IEP.

Section 3. IEP Reviews

A. Annual Reviews

Each student's IEP must be reviewed at least annually, once every 365 days. Meetings may be held any time throughout the school year, as long as the IEP is reviewed annually and is in effect at the beginning of each school year. Either at or after the annual review, written notice that the new IEP changes will be implemented must be provided to the parent or adult student.

The IEP review includes the following purposes:

1. To determine whether the student's annual goals have been achieved;
2. To revise the IEP if there is any lack of expected progress toward annual goals and in the general education curriculum, where appropriate;
3. To consider whether a reevaluation is necessary or to address the results of reevaluation;
4. To address information about the student provided to, or by, the parent or adult student; and
5. To address the student's anticipated needs.

B. IEP Amendments

In making changes to a student's IEP after the annual IEP meeting for a school year, the parent/ adult student and the district may agree, in writing, not to convene an IEP meeting for the purposes of making such changes, and instead, may develop a written document to amend the student's current IEP. Districts must document the changes made to the IEP on the IEP Amendment Form and provide a copy to the parents. Upon request, a parent or adult student will be provided with a revised copy of the IEP with the amendments incorporated. The annual review date remains the date of the original IEP.. The IEP Team members and other services providers impacted by the amendments must be informed of the changes to the IEP.

C. Other IEP Reviews

If the parent/adult student believes that the student is not progressing satisfactorily or that there is a problem with the current IEP, he or she may request an IEP Team meeting. The district will grant any reasonable request for such a meeting. If the district refuses to convene an IEP meeting requested by the parent or adult student, the district must provide PWN to the parent or adult student, including an explanation of why the district has determined the meeting is unnecessary.

If any other member of the IEP Team feels that the student's placement or IEP services are not appropriate, that team member may request an IEP Team meeting. West Virginia statute requires that an IEP meeting be held within twenty-one days of a teacher's request (West Virginia §18-20-1C (4)).

Section 4. IEPs for Transfer Students

A. Transfer from a West Virginia School District

When a student with a current WV IEP transfers school districts within the same school year, and enrolls in a new school, the district must make reasonable efforts to consult with the parent within two school days of initial enrollment and to initiate FAPE for the student within one school day of the parent consultation. FAPE includes services comparable to those described in the previously held IEP. Within ten school days of the parent or adult student consultation, the district must adopt the previously held IEP or develop and implement a new IEP.

B. Transfer from an Out-of-State District

When a student with a disability transfers from out of state to a West Virginia school district within the same school year, and enrolls in a new school, and had an IEP that was in effect in that other state, the district shall make reasonable efforts to consult with the parent within two school days of initial enrollment and to initiate FAPE for the student within one school day of the parent consultation. FAPE includes services comparable to those described in the previously held IEP, in consultation with the parent or adult student, until such time as the district conducts an evaluation, if necessary, determines eligibility, develops and implements a new IEP, if appropriate.

Within two school days of enrollment, the receiving district shall request records and supporting documents and any other records related to the provision of special education and related services from the sending district. If the district decides an evaluation is necessary to determine the transfer student's eligibility under West Virginia eligibility criteria, the district must conduct the evaluation using the requirements and timelines for initial evaluation, including obtaining parental consent.

C. Transmittal of Records

The district in which the student was previously enrolled must take reasonable steps to respond within one school day to the request for records from the new/receiving district. This includes schools administered by the Office of Institutional Education Programs and the West Virginia Schools for the Deaf and Blind. Parent consent is not required when transmitting records to a district in which the student seeks or intends to enroll.

Section 5. IEPs for Children from the West Virginia Birth to Three Program

A. Transition Planning

The district should develop and have in effect an interagency agreement with the WV DHHR the lead agency for the West Virginia Birth to Three Program under Part C of the IDEA 2004. The agreement will outline the obligations of each agency to ensure a smooth and effective transition of children assisted under Part C to programs serving students with developmental delays under Part B.

In the case of a child who may be eligible for services because of developmental delays, the district will participate in a transition planning conference with the family that is arranged by the DHHR. The conference will be conducted at least ninety days (and up to nine months at the discretion of all parties) before the child's third birthday to discuss eligibility requirements under Part B of the IDEA 2004 and any services the child may receive.

The DHHR has the responsibility to:

1. Review the child's program options for the period from the child's third birthday through the remainder of the school year; and
2. Establish a transition plan that includes steps to support the transition of the toddler with a disability to preschool services. The interagency agreement should outline the district's participation in this process.

B. IEP or Individual Family Service Plan (IFSP) Required

A child three through five years old who is eligible as a student with developmental delays must have an IEP in place by his or her third birthday. If a child's third birthday occurs during the summer, the IEP Team must determine the date when services under the IEP will occur. At the discretion of the district, the IEP Team will consider an IFSP, which may be used in place of an IEP, if the child's parent is provided with a detailed explanation of the differences between an IFSP and an IEP and if written parental consent to use the IFSP is obtained. An IFSP may be used in place of an IEP and must be developed in accordance with Part B policies and procedures. The district is not required to develop an IFSP instead of an IEP. The district is required to implement only the educational components of the IFSP, if one is used.

C. Consent and Notice Requirements

1. Initial Provision of Special Education: Regardless of whether a district gains consent to evaluate or does not need to evaluate, when a student with a disability transitions from a Part C program, parental consent for the initial provision of special education and related services in a Part B program and written notice of the proposed IEP or IFSP are required. Eligibility and initial placement must be documented for Part B services.
2. Release of Information: The district must obtain written parental consent for the release of information to obtain pertinent student records from non-educational agencies such as

DHHR developmental disabilities programs, medical providers, day-care centers and Head Start.

3. Assessments: At the transition planning conference, if further assessments are necessary to determine eligibility and the student's present levels of performance, informed consent to evaluate is required. (Parental consent for assessment under Part B is required even though the parent may have given consent earlier to Part C). Otherwise, only written notice to inform the parent of the district's decision to use the current evaluation data and not to conduct any further assessments must be provided to the parent. The parent must also be informed of his or her right to request additional assessments.

D. Child's Status During Due Process Hearing Proceedings

Following the development of an IEP or an IFSP, if an educational placement dispute arises involving a child transitioning from Part C to Part B, the child cannot "stay put" in Part C when he or she is over the age of three. With written consent of the parent, the child must be placed in the public school until completion of all the hearing proceedings. If the parent does not give written consent, the student will not receive services until completion of the hearing proceedings.

E. Procedural Safeguards Notice

A copy of the *Procedural Safeguards Notice* must be made available to the parent or adult student only one time a year except that a copy will also be given upon:

1. Initial referral or parental request for evaluation;
2. The first occurrence of the filing of a due process or state complaint; and
3. The request of a parent or adult student.

It is recommended that the *Procedural Safeguards Notice* be given at the annual IEP meeting.

Section 6. Students with Disabilities in Adult Prisons

The following are exceptions for students with disabilities who are convicted as adults under West Virginia law and incarcerated in adult prisons:

1. The student will not participate in statewide assessments.
2. Transition planning and services do not apply if the student will remain in prison beyond his or her 21st birthday.

The IEP Team may revise the student's IEP and placement, regardless of the LRE requirements, if the state has demonstrated a bona fide security or other compelling penological interest that cannot be otherwise accommodated.

Chapter 6
ADMINISTRATION OF SERVICES

Chapter Contents

Section 1. Initiation of Services 75

Section 2. Provision of IEP Information 75

Section 3. Provision of Services 76

Section 4. Provision of Staff 76
A. Qualified Personnel
B. Adequate Staff

Chapter 6
ADMINISTRATION OF SERVICES

Each district shall provide the special education and related services necessary to implement each student's IEP.

Section 1. Initiation of Services

A complete IEP must be in effect prior to the provision of special education and related services. For initial IEPs, services must be implemented as soon as possible. Short delays in the immediate initiation of services may 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. A short delay during the school year should not exceed fifteen days. If the IEP Team determines the student needs extended school year and/or other services during the summer, these services must be provided, otherwise the implementation of the IEP will begin in the fall.

For a preschool student, the IEP must be in effect by the third birthday. If a child's third birthday occurs during the summer the IEP Team must meet to complete the IEP prior to the third birthday and to determine the date when services will be initiated. If the IEP Team determines the child needs extended school year and/or other services during the summer, these services must be provided once the child turns three years of age, otherwise the implementation of the IEP will begin in the fall.

A current IEP must be in effect at the beginning of each school year for each student receiving special education and related services. For a student transferring from another district or state, and in consultation with the parent/adult student, the district must initiate special education services comparable to those provided by the previous district until the current IEP is adopted or revised as specified in Chapter 5, Section 4, IEPs for Transfer Students.

Section 2. Provision of IEP Information

The student's IEP must be accessible to each general education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation. Each teacher and provider must be informed of his or her specific responsibilities related to implementing the student's IEP.

According to West Virginia State Code, the general education teacher is entitled to a signed copy of the IEP for the student prior to the placement of the student into the general education classroom when the student's IEP requires an adjustment in either the curriculum, instruction or service to be provided by the classroom teacher including modifications and supports that must be provided for the student in accordance with the IEP.

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age students with exceptionalities in close proximity to classrooms for age-appropriate non-exceptional peers;
- Classrooms for eligible students with exceptionalities that are adequate and comparable to the classrooms for students without exceptionalities;
- Classrooms/facilities for eligible students with exceptionalities with physical and/or sensory impairments that are in compliance, to the extent necessary, with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the specifications outlined in West Virginia Code, Chapter 18, Article 10F, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified exceptionality;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted devices worn by students in schools in accordance with established procedures to assure they are functioning properly;
- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the general education classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teachers' class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

- Significant cognitive and/or sensory impairments;
- Communication;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent(s);
- Age of the students because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20 (includes all students, with or without an IEP)
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	30/See Class Size Requirement for Instructional Period

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, **will** be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) should to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K special education classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square

feet per child of usable indoor space for daily program activities. This requirement may limit the number of children per classroom.

- **Integrated classrooms** – To maximize the effectiveness of instruction for all students, the percentage of students with disabilities, excluding those with speech/language impairments, receiving specially designed instruction in general education settings **should** approximate natural proportions that are no more than 30% of the total class enrollment when integrated classrooms are established in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math.

  For integrated classrooms where instructional responsibilities are shared, the special educator should not be assigned to more than two co-teaching or integrated classrooms during one instructional block. The special educator should meet with the class on a consistent schedule that provides support to the students and to the general educator.

- **Special education classrooms for students with disabilities** – Students may receive special education services in special education environments. Special education staffing per instructional period is based on the student's level of need without regard to the area of disability. Below are considerations to assist the district special education administrator or designee in determining the needs of the student as Level I, Level II or (optional) Level III.

  Students with Level I needs typically, but not exclusively, function within the school setting by:

  - Receiving varying levels of assistance from a special educator during general education core academic classes or elective classes;
  - Receiving small group instruction within special education classes;
  - Taking the WESTEST under standard conditions or with accommodations;
  - Participating in physical education classes independently;
  - Participating in co-curricular or extra curricular activities independently;
  - Receiving special education services in GEFT or GEPT;
  - Using assistive technology to access WV CSOs;
  - Working toward a standard diploma; or
  - Participating in transition activities leading to a vocational completer certificate, postsecondary education, military service or employment.

  Students identified with Level I needs may reflect varied levels of capacity across the areas below:

  - Cognition;
  - Academic performance;
  - Social interaction;
  - Emotional/behavioral areas;
  - Communication;
  - Sensory abilities;

- Perceptual abilities;
- Motor abilities;
- Health/medical areas; and/or
- Other manifestations of their disability.

Note: Close adult supervision may be provided on a temporary or occasional basis to students with Level I needs who are experiencing unique medical needs, specific short-term difficulties or when the close adult supervision is being faded for students previously identified with Level II needs.

Students with Level II needs typically, but not exclusively, require services such as the following to function within a school setting:

- A markedly modified curriculum with a focus on basic or functional academics and life skills;
- Close adult supervision in structured opportunities when participating in general education classes, co-curricular and/or extracurricular activities;
- Close adult supervision to maintain the safety of the student or others;
- Close adult instruction, assistance and/or supervision with the use of assistive technology, medical equipment, medical procedures, travel training or mobility;
- A wide array and/or intensity of related services;
- A large number of repetitive trials or opportunities to demonstrate skills with a concomitant need for progress monitoring and record keeping on a daily basis;
- Transition activities that focus on special education vocational classes, supported employment or sheltered workshops; and/or
- Instruction until the age of twenty-one.

Students identified with Level II needs have significant and comprehensive needs related to:

- Cognition;
- Academic performance;
- Functional performance;
- Social interaction;
- Emotional/behavioral areas;
- Communication;
- Sensory abilities;
- Perceptual abilities;
- Motor abilities;
- Health/medical areas; and/or
- Other manifestations of their disability.

Optional

Students with Level III needs typically, but not exclusively, demonstrate those needs shown at Level II as well as needs such as those shown below to function within a school setting:

- Intense adult supervision across settings because the student poses a danger to him/herself and/or to others;
- Intensive instruction, services, safety assistance and supervision to learn and maintain skills and to increase independence in activities of daily living; and
- Transition services that include coordination and linkages with the Office of Behavioral Health Services for Mental Retardation/Developmental Disabilities Waiver Program and adult community services and community use.

The following chart provides maximum class size for instructional periods by programmatic level and level of service needs for students with disabilities as determined and documented by the district special education administrator or designee.

Maximum Number of Students per Instructional Period Based on Level of Service

Programmatic Level	EC Early Childhood Grades K - 4	MC Middle Childhood Grades 5 - 8	AE Adolescent Education Grades 9 – 12
Level I Service Needs	6	12	12
Level II Service Needs	12 minimum staffing ratio 1:6*	12 minimum staffing ratio 1:6*	12 minimum staffing ratio 1:6*

* The stated ratio provides a minimum standard for instructional responsibility.

1 – 6 students: at least one highly qualified teacher is required to provide instruction and direction for the students during an instructional period.

7 – 12 students: at least one highly qualified teacher and another qualified adult are required to provide instruction and direction for the students during an instructional period.

(Optional) Level III

Programmatic Level	EC Early Childhood Grades K – 4	MC Middle Childhood Grades 5 - 8	AE Adolescent Education Grades 9 – 12
Level III Service Needs	8 minimum staffing ratio 1:4**	8 minimum staffing ratio 1:4**	8 minimum staffing ratio 1:4**

** The stated ratio for Level III provides a minimum standard for instructional responsibility.

1 – 4 students: at least one highly qualified teacher is required to provide instruction and direction for the students during an instructional period.

5 - 8 students: at least one highly qualified teacher and another qualified adult are required to provide instruction and direction for the students during an instructional period.

These ratios do not preclude the use of additional staff to support a student with Level II or Level III service needs. Staffing reflects both the standards as set forth in policy and the needs of the student as reflected on the IEP. Chapter 6, Section 4 requires each district to provide highly qualified personnel in adequate numbers to implement the IEP of each eligible student in the district.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, will be considered on a case-by-case basis and remain valid for the current school year only.

- **Special education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Universal Pre-K with Students with IEPs	Special Education Pre-K
Maximum Number of Students per Session	Maximum of 20 students per session with a recommended limit of 10 students with IEPs per session	8
		10
Staffing Requirements*	1 teacher and 1 additional staff person*	1 teacher and 1 additional staff person**
		1 teacher and 2 additional staff persons

* An additional staff person must be provided upon the enrollment of an 11th student with an IEP.

** Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to provide program support.

Waivers to staffing ratios may be requested in writing through the WVDE waiver process. Waivers may require an on-site visit, will be considered on a case-by-case basis and remain valid for the current school year only.

Implementation of Caseload Requirements

The caseload requirements and waiver process established in this chapter are effective July 1, 2009. For the 2007 – 2008 school year, districts must follow the caseload requirements outlined in Policy 2419: *Regulations for the Education of Exceptional Students*, effective July 16, 2001. Districts will have the option of using the 2001 caseload requirements or the 2007 caseload requirements for the 2008 – 2009 school year. Caseload requirements effective July 16, 2001 are included as Appendix E for reference.

Chapter 7
DISCIPLINE

Chapter Contents

Disciplinary Change of Placement.....85

Section 1. District Actions When Removals Are Not a Change of Placement.....86

Section 2. District Actions When Considering a Disciplinary Change of Placement.....86
- A. District Actions When Conduct is Determined a Manifestation of the Student's Disability
- B. District Actions When Conduct is Determined Not to Be a Manifestation of the Student's Disability
- C. District Actions When a Behavior Violation Involves Weapons, Illegal Drugs or Serious Bodily Injury
- D. Hearing Officer Actions Resulting in a Change of Placement
- E. FAPE Requirements in an Interim Alternate Educational Setting (IAES)

Section 3. Additional Disciplinary Considerations.....89
- A. Requesting an Expedited Hearing
- B. Parent/Adult Student Request for Evaluation of a Disciplined Student
- C. Protections for Students Not Yet Eligible for Special Education
- D. Referrals to and Action by Law Enforcement and Judicial Authorities
- E. Transfer of Discipline Records

Chapter 7
DISCIPLINE

According to West Virginia Code §18A-5-1, county boards of education are required to incorporate and implement a preventive discipline program. This may include the Responsible Students through School-Wide Positive Behavior Support Program (RS-SWPBS). If a student's behavior, regardless of the student's disability, impedes his/her learning or the learning of others, the IEP Team must consider the use of strategies, including positive behavioral supports and interventions, to address the behavior. If the IEP Team determines that such services or supports are needed, they must be included in the IEP and be implemented.

Students with disabilities who are subject to disciplinary actions by a district are entitled to all of the due process rights afforded students without disabilities under West Virginia Code §18A-5-1a. In addition to these rights, IDEA 2004 provides added procedures and safeguards to a student with a disability whom the district is considering removing from his or her current educational placement for disciplinary reasons. When determining whether a change of placement is appropriate, the district must consider any unique circumstances on a case-by-case basis. These procedures do not prevent district personnel from maintaining a safe environment conducive to learning that is critical for all students.

Disciplinary Change of Placement

A disciplinary change of placement is a removal from the student's current educational placement for more than ten consecutive school days **or** a series of removals that constitute a pattern. A pattern is established because the series of removals total more than ten cumulative school days in a school year, the student's behavior is substantially similar to his/her behavior in the previous incidents that resulted in the series of removals, and additional factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another are present. Whether a pattern of removals constitutes a change of placement will be determined on a case-by-case basis by school personnel. These determinations are subject to due process and judicial review.

In determining the number of cumulative school days a student has been removed, consideration must be given to days of removal due to in-school suspensions, partial day suspensions or bus suspensions. An in-school suspension is not considered as a day of suspension for purposes of this Chapter as long as the student is afforded the opportunity to continue to participate in the general curriculum, continue to receive services specified on the student's IEP and continue to participate with students without disabilities to the extent they would have in their current placement. Portions of a school day that a student has been suspended may be considered as a removal in regard to determining whether there is a pattern of removals as defined in the preceding paragraph.

Whether a bus suspension counts as a day of suspension depends on whether the bus transportation is a part of the student's IEP. If bus transportation is a part of the student's IEP, a bus suspension must be treated as a suspension under this Chapter unless the district provides the bus service in some other way, because transportation is necessary for the student to obtain

access to the location where services will be delivered. If bus transportation is not a part of the student's IEP, a bus suspension is not a suspension under this chapter. In these cases, the student and the student's parent have the same obligation to get the student to and from school as a student without disabilities who has been suspended from the bus. However, the district should consider whether the behavior on the bus is similar to behavior in a classroom that is addressed in an IEP and whether the student's behavior on the bus should be addressed in the IEP or a behavior intervention plan.

The following sections delineate the actions a district must take when the removal is or is not a change of placement.

Section 1. District Actions When Removals Are Not a Change of Placement

School personnel may remove any student, including a student with a disability, for up to ten consecutive school days in a school year if the student violates the school's code of student conduct. During the initial ten cumulative days of removal, services need not be provided to a student with a disability unless services are provided to students without disabilities. These removals must be applied to the same extent as they are applied to students without disabilities.

School personnel may remove a student with a disability for up to ten consecutive school days per incident for separate acts of misconduct in a school year as long as the removals do not constitute a pattern resulting in a change of placement.

For each subsequent removal beyond ten cumulative school days in a year that is not a change in placement, school personnel in consultation with at least one of the student's teachers must determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

Section 2. District Actions When Considering a Disciplinary Change of Placement

A manifestation determination is required if the district is considering removing a student with a disability from his or her educational placement for disciplinary reasons beyond ten consecutive school days or more than ten cumulative school days when the district deems that a pattern exists. A manifestation determination is defined as a review of the relationship between the student's disability and the behavior subject to disciplinary action. Whenever considering disciplinary action that will result in a change of placement, the district must:

1. Provide same day written notice of the removal and the procedural safeguards notice to the parent/adult student of the disciplinary action to be taken; and
2. Within ten school days of any decision to change placement, meet with the parent and relevant members of the IEP Team (as determined by the parent and district) to conduct a manifestation determination by reviewing all pertinent information in the student's file,

including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

a. If the conduct in question was caused by, or had a **direct and substantial relationship** to the student's disability; or
b. If the conduct in question was the direct result of the district's failure to implement the IEP.

If the district, the parent and relevant members of the IEP Team determine that either of the conditions described in a. and b. were met, the conduct must be determined to be a manifestation of the student's disability, and the district must take immediate steps to remedy those deficiencies.

A. District Actions When Conduct is Determined to Be a Manifestation of the Student's Disability

The IEP Team shall:

1. Conduct a FBA and develop a BIP if one has not been completed; or
2. Review the existing BIP and revise as needed to address the current behavior(s); and
3. Return the student to the placement from which the student was removed unless the parent and the district agree to a change of placement as part of the modification of the BIP as determined by the IEP Team.

B. District Actions When Conduct is Determined Not to Be a Manifestation of the Student's Disability

1. Determine appropriate disciplinary action, which may include relevant disciplinary procedures applicable to students without disabilities;
2. Convene IEP Team to develop an IEP that specifies the educational services to be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
3. Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

C. District Actions When a Behavior Violation Involves Weapons, Illegal Drugs or Serious Bodily Injury

Regardless of whether the behavior is a manifestation of the student's disability, the district may remove a student to an interim alternative educational setting (IAES) for not more than forty-five school days, if the student:

1. Carries or possesses a weapon at school, on school premises or at a school function; or
2. Knowingly possesses, carries, or uses illegal drugs **or** sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or
3. Inflicts serious bodily harm to another person at school, on school premises, or at a school function.

Districts must use the following definitions when removing students because of the above special circumstances:

1. Weapon – a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less that 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)).
2. Illegal drug – a controlled substance, a drug or other substance identified under schedules I, II, III, IV or V in Section 202(c) of the Controlled Substance Act (21 U.S.C. 812 (c)). An illegal drug does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or used under any other authority under that Act or under any other provision of federal law.
3. Serious bodily harm - a bodily injury that involves:
   a. A substantial risk of death;
   b. Extreme physical pain; or
   c. Protracted and obvious disfigurement; or
   d. Protracted loss or impairment of the function of the bodily member, organ or mental faculty.

The IAES must enable the student to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the student's IEP. As appropriate, the setting must include a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

D. Hearing Officer Actions Resulting in a Change of Placement

Through an expedited due process hearing, district administrators may ask a WVDE hearing officer to remove a student with a disability to an appropriate IAES if the district believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The hearing officer may order a change of placement to an appropriate IAES for not more than forty-five school days. This procedure may be repeated if the district believes the student would be dangerous if returned to the original placement.

E. FAPE Requirements in an Interim Alternate Educational Setting (IAES)

If the student's placement will change to an IAES, the IEP Team must create/select an IAES that enables the student to:

1. Continue to receive education services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in his or her IEP; and
2. Receive, as appropriate, an FBA and behavioral intervention services to address the behavior violation so that it does not recur.

Section 3. Additional Disciplinary Considerations

A. Requesting an Expedited Hearing

An expedited hearing is a hearing conducted by a WVDE special education due process hearing officer, that occurs within twenty school days of the request with a decision rendered within ten school days of the hearing.

An expedited due process hearing may be requested if:

1. The parent/adult student disagrees with:
   a. The manifestation determination decision; or
   b. Any decision of the IEP Team regarding a change of placement during a disciplinary proceeding; or
   c. The decision regarding the student's placement in an IAES.
2. The district believes that maintaining the current placement is substantially likely to result in injury to the student or to others.

A decision of a hearing officer in an expedited hearing may be appealed to federal or state district court.

When a request for an expedited hearing has been made, the student must remain in the IAES pending the decision of the hearing officer or until the expiration of the disciplinary removal, whichever occurs first unless the parent and the state education agency (SEA) or district agree otherwise.

See Chapter 11 for an explanation of regular and expedited due process hearing rights and procedures.

B. Parent/Adult Student Request for Evaluation of a Disciplined Student

If a request for an evaluation of a student who is not currently eligible for special education is made during the period in which the student is subject to disciplinary measures, the evaluation must be conducted in an expedited manner. Pending the results of the evaluation, the student remains in the educational placement determined by district officials, which can include suspension or expulsion without educational services if services cease for students without disabilities.

1. If the student is subsequently determined eligible for special education, the district will immediately:
   a. Convene an IEP Team meeting to develop an IEP.
   b. Conduct a manifestation determination.
      1) If the behavior was caused by or had a direct and substantial relationship to the student's disability, the disciplinary action must be set aside, and the student must be provided appropriate educational services in the LRE.
      2) If the behavior was not caused by or did not have a direct and substantial relationship to the student's disability, the student is subject to the disciplinary action as determined by school personnel, but he or she is still entitled to receive FAPE, which must be defined by the IEP Team. Educational services cannot cease for more than ten school days in a school year. Educational services must be provided to the extent necessary to allow the student with a disability access to the general education curriculum and the opportunity to advance toward achieving the goals set out in his or her IEP.
2. If the evaluation team determines that the student is not a student with a disability and is not eligible for special education, he or she will be subject to the same disciplinary actions as all other students without disabilities who engage in comparable behaviors.

C. Protections for Students Not Yet Eligible for Special Education

A student who has not been determined eligible for special education and related services and who has violated any rule or code of conduct of the district may assert the protections of the IDEA 2004 if the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

1. Basis of knowledge

   With limited exceptions, which are described in item 2. of this section, the district will be deemed to have knowledge that an individual is a student with a disability if one or more of the following is true:

   a. The parent/adult student has expressed concern to district professional personnel that results in written documentation that the student may need special education and related services.
   b. The parent/adult student has requested in writing that the student be evaluated for special education.
   c. The student's teacher or other district personnel have expressed concern about a pattern of behavior demonstrated by the student directly to the director of special education or to other district supervisory personnel in accordance with the district's established child find system and referral process.

2. No basis of knowledge

   The district will be deemed not to have knowledge that an individual is a student with a disability if one or more of the following is true:

a. An evaluation was conducted and a determination was made that the student did not have a disability;
b. The parent/adult student did not give written consent for an evaluation; or
c. The parent/adult student refused special education services.

If the district did not have a basis of knowledge that a student was a student with a disability prior to taking disciplinary measures, the student is subjected to the same disciplinary measures applied to all other students who engage in comparable behaviors.

D. Referrals to and Action by Law Enforcement and Judicial Authorities

The district may report a crime committed by a student with a disability to appropriate authorities. The IDEA 2004 does not prevent state law enforcement or judicial authorities from exercising their responsibilities, with regard to the application of federal and state law, for crimes committed by a student with a disability.

If a student brings a firearm to school, law enforcement must be contacted pursuant to the Gun-Free Schools Act.

If the district reports a crime, it will ensure that copies of the special education and disciplinary records of the student are provided to the appropriate law enforcement authorities for their consideration, to the extent the release of records is permitted by the FERPA and WV Board of Education Policy 4350. Generally, the release of records requires parent or adult student consent.

E. Transfer of Discipline Records

West Virginia Code §18A-5-1a requires that whenever a student transfers to a new school in West Virginia, the principal of the school from which the student transfers shall provide written record of any disciplinary action taken against the student to the principal of the school to which the student transfers. WV Board of Education Policy 4350 describes the procedures and record requirements for transfer of records between WV schools.

Chapter 8
PRIVATE SCHOOL STUDENTS

Chapter Contents

Section 1. Definitions of Private School Placements....93
A. Definition of Voluntary Enrollment by a Parent
B. Definition of District Placement
C. Definition of Unilateral Placement by a Parent

Section 2. Students Voluntarily Enrolled by a Parent....93
A. Child Find
B. Annual Count of Eligible Students
C. Consultation
D. Compliance
E. Determining the Proportionate Funding for Private School Students
F. Expenditure Requirements
G. Determination of Services
H. Provision of Services
I. Content of a Service Plan
J. Dispute Resolution

Section 3. Students Placed by the District....98

Section 4. Unilateral Placement by a Parent....99
A. General Provisions for Reimbursement
B. Denial or Reduction of Reimbursement

Chapter 8
PRIVATE SCHOOL STUDENTS

Section 1. Definitions of Private School Placements

In order to describe the district's responsibilities for serving private school students, it is helpful to distinguish three separate ways that students are placed in private schools. These are defined by who enrolls or places the student in a private school and why.

A. Definition of Voluntary Enrollment by a Parent

A parent may choose to enroll his or her child in a private school for a variety of personal reasons, such as to obtain a religious education, to attend a school with a particular philosophy or curriculum, or because the parent is dissatisfied with the services offered or provided by the district. This is considered a voluntary enrollment.

B. Definition of District Placement

At times, the district may place a student in a private school or facility to fulfill its obligation to provide FAPE. These placements are always made by an IEP Team in accordance with the requirements of Section 3 of this chapter.

C. Definition of Unilateral Placement by a Parent

A parent may withdraw a student with a disability from a public school and then enroll the student in a private school or provide services from a private provider at parent expense because he or she believes the district has not provided FAPE in a timely manner. In this case, the parents would be seeking reimbursement for the costs associated with the placement. This is considered a unilateral placement. All students who are unilaterally placed are also voluntarily enrolled in a private school. Specific information regarding a parent's request for reimbursement of costs of a unilateral placement is included in Section 4. of this chapter.

Section 2. Students Voluntarily Enrolled by a Parent

To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the district, provision is made for the participation of those students in IDEA, Part B special education and/or related services as determined through a consultation process. The extent of services provided through IDEA, Part B funds is determined based on the number and location of the students enrolled in private schools in the district.

A. Child Find

The district must have an ongoing Child Find system to locate, identify, and evaluate all students with disabilities ages three through twenty-one residing and/or educated within the district's

geographic boundaries. This includes students who have been placed by a parent in a private school (including a religious school) located in the district regardless of the student's residency.

The Child Find process must ensure the equitable participation of parentally-placed private school students with disabilities and include activities similar to Child Find activities for public school students including comparable timelines for the evaluation process. The district must consult with private school representatives and representatives of parents who place their children in private schools regarding the Child Find procedures.

B. Annual Count of Eligible Students

The district must conduct an annual count of the number of parentally-placed private school students with disabilities on December 1. This count will be used to determine the amount of funds the district must expend to provide special education and related services to private school students in the next fiscal year in accordance with Section 2 of this Chapter. The district must consult with representatives of private school students to determine how to conduct the count. All eligible parentally-placed private school students are counted, regardless of whether they are receiving services. Each district must maintain and provide the WVDE a record of the number of students evaluated, the number of students determined to be students with disabilities and the number of students receiving services under a Service Plan.

C. Consultation

To ensure timely and meaningful consultation, a district must consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and/or related services for the students, including the following:

1. Child Find: The Child Find process and how parentally-placed private school students suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.
2. Proportionate Share of Funds: The determination of the proportionate amount of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the amount was calculated.
3. Consultation Process: The consultation process among the district, private school officials and representatives of parents of parentally-placed private school students with disabilities, including how such process will operate throughout the school year to ensure that parentally-placed private school students with disabilities identified through the Child Find process can meaningfully participate in special education and/or related services.
4. Provision of Special Education and Related Services: How, where, and by whom special education and/or related services will be provided for parentally-placed private school students with disabilities, including a discussion of:
   a. Types of services, including direct services and alternate service delivery mechanisms;
   b. How the services provided will be evaluated;

c. How such services will be apportioned if funds are insufficient to serve all students; and
d. How and when these decisions will be made.

5. Written Explanation by the District Regarding Services: How, if the district disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.
6. Written Affirmation: When timely and meaningful consultation has occurred, the district must obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the district must forward the documentation of the consultation process to the WVDE.

D. Compliance

A private school official has the right to submit a complaint to the WVDE that the district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official.

If the private school official wishes to submit a complaint, the official must provide the basis of the complaint to the WVDE. The district will forward the appropriate documentation to the WVDE. If the private school official is dissatisfied with the decision of the WVDE, the official may submit a complaint to the Secretary of the US Department of Education by providing the basis of the complaint against the district to the Secretary, and the WVDE will forward the appropriate documentation to the Secretary.

E. Determining the Proportionate Funding for Private School Students

IDEA requires school districts to use a proportionate share of funds received under Part B to provide services for parentally-placed students with disabilities who attend private schools within the boundaries of the district, regardless of their place of residence. To determine this proportionate amount, the district must first determine the number of these private school students through the Child Find activities developed in the consultation process.

The number of parentally-placed private school students who are found eligible as a student with a disability as of December 1 of the previous year is divided by the total (public and private) number of students with disabilities in the district to arrive at the percentage of private school students with disabilities. This percentage is then applied to the total funding received by the district under Part B and Section 619 to determine the district's obligation.

1. State and local funds may supplement but may not supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school students with disabilities.
2. The costs of private school consultations and of carrying out Child Find activities, including individual evaluations, may not be paid from the proportionate share of funds.

3. The cost of any special education or related service, such as direct service, consultation, equipment, materials, or transportation may be used to determine that the district has satisfied its expenditure requirement for private school students with disabilities.
4. If a district has not expended for equitable services all of the funds described in the expenditure requirements by the end of the fiscal year, the district must obligate the remaining funds for special education and related services to parentally-placed private school students with disabilities during a carry-over period of one additional year.

F. Expenditure Requirements

1. The district must control and administer the IDEA, Part B funds used to provide special education and related services for parentally-placed private school students with disabilities.
2. The district may place equipment and supplies that are purchased with Part B funds in a private school for a period of time needed for a program for eligible students with disabilities; however, the district must:
   a. Retain title and exercise continuing administrative control over all equipment and supplies;
   b. Ensure that all equipment and supplies are used only for Part B purposes;
   c. Ensure that all equipment and supplies can be removed without remodeling the private school; and
   d. Remove equipment and supplies if no longer needed or if necessary to prevent unauthorized use.
3. The district may use Part B funds to pay an employee of a private school to provide services to students with disabilities with a Service Plan when the employee performs the services:
   a. Outside of his or her regular hours of duty; and
   b. Under public supervision and control.
4. A district may use IDEA Part B, Section 611 and Section 619 funds to make public school personnel available in other than public facilities to the extent necessary to implement the students' Service Plans and if those services are not normally provided by the private school.
5. Part B and Section 619 funds must not be used to:
   a. Finance the existing level of instruction in the private school or otherwise benefit the private school;
   b. Meet the needs of the private school; or
   c. Meet the general needs of students enrolled in the private school.
6. Part B and Section 619 funds must not be used for repairs, remodeling, or construction of private school facilities.
7. Part B and Section 619 funds must not be used for classes that are organized separately on the basis of school enrollment or religion if the classes are on the same site and include students enrolled in public and private schools.

G. Determination of Services

No private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in the district. Decisions about the services that will be provided must be made in accordance with the consultation requirements in Section C.

1. Following consultation with the private school representatives, the district will make final decisions with respect to services to be provided. Annual consultation is not required to make these decisions. The district determines the period between consultations based on changing circumstances within the district, such as significant changes in the total amount of funds to be expended and/or the number and location of private school students with disabilities.
2. If a student is designated to receive services, the district must initiate and conduct meetings to develop, review and revise a Service Plan for the student. A team composed of the same members required for IEP Teams must develop the Service Plan. In addition, the district must ensure that a representative of the religious or other private school attends the meeting. If the representative cannot attend, the district must use other means to ensure participation, including individual or conference telephone calls. The Service Plan must describe the specific special education and/or related services that will be provided to the student in light of the determinations that have been made by the district.
3. If a parent makes clear his or her intention to keep his/her eligible child enrolled in the private elementary or secondary school located in another district, the district where the student resides need not make FAPE available.

H. Provision of Services

1. Private school students with disabilities may receive a different amount of services than public school students with disabilities; they are not entitled to every service or the amount of service that they would receive if enrolled in public school. This means that it is possible for a private school student to receive only a related service or piece of equipment, as determined through the consultation process.
2. Each student receiving services must have a Service Plan that describes the specific special education and/or related services the district will provide in light of the services the district determined, through the consultation process, it will make available.
3. To the extent appropriate, the district must initiate and conduct meetings to develop, review, and revise Service Plans consistent with the requirements for developing an IEP as outlined in Chapter 5.
4. The district must ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the district must use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.
5. Services must be provided by employees of the district or through contract by the district with an individual, association, agency, organization, or other entity.
6. Special education and related services, including materials and equipment, must be secular, neutral and nonideological.

7. Services may be provided on the premises of private, including religious, schools, to the extent consistent with law.
8. Services provided to private school students with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.
9. If necessary for a private school student to benefit from or participate in the services the district has selected to provide, the district must provide transportation from the student's school or home to the site where services will be provided. The district must take the student back to either the private school or the home, depending on the timing of the services. Transportation costs may be included in the district's expenditure requirement. The district is not required to transport the student from home to the private school.

I. Content of a Service Plan

Given the services that the district has elected to provide to private school students, the Service Plan must meet the requirements of the IEP to the extent appropriate (see Chapter 5). The Service Plan excludes elements that, although typical for an IEP, would be inappropriate given the services the district has elected to provide.

J. Dispute Resolution

Parents of private school students may only file a due process complaint on the issues of child find and evaluation. The due process complaint request must be filed with the district in which the private school is located and a copy must be forwarded to the SEA. Parents may challenge decisions regarding the provision of services by filing a formal state complaint with the WVDE in accordance with procedures outlined in Chapter 11, Section 1.

Section 3. Students Placed by the District

When the district, through the IEP Team, places a student with a disability in a private school or facility, the district must ensure the following:

1. A meeting is initiated and conducted to develop an IEP for the student.
2. All special education procedures and timelines are followed.
3. Special education and related services are provided in accordance with an IEP.
4. A representative of the private school or facility attends the meeting to develop the IEP or other methods are used to ensure participation by the private school or facility, including individual or conference telephone calls if the representative cannot attend.
5. The responsibility for reviewing and revising IEPs remains with the district.
6. Services are provided at no cost to the parent, including reimbursement to the parent for transportation and other costs associated with participation at an IEP meeting conducted in a geographical area outside the jurisdiction of the district.
7. The placement in the private school or facility is the LRE for that student.
8. The student is provided an education that meets state and district standards.

9. The student is afforded the same rights as students with disabilities who attend public schools. The parent is afforded the same rights as parents of students attending public schools.
10. Even if a private school or facility implements a student's IEP, responsibility for compliance with this part remains with the district and the WVDE.

At the discretion of the district, once a student with a disability enters a private school or facility, meetings to review and revise the IEP may be initiated and conducted by the private school or facility. If the private school conducts a meeting, the district must ensure that the parent and a district representative are involved in and agree to any proposed changes in the IEP before the changes are implemented.

Prior to placing a student with a disability in a private school or facility outside of West Virginia, the district must document the following:

1. FAPE cannot be provided within the district, within the region, or within the state;
2. More than one private school or facility was investigated in regard to the feasibility of providing services;
3. 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;
4. A current and complete IEP has been developed; and
5. A current signed contract between the district and the private school or facility exists.

Section 4. Unilateral Placement by a Parent

A. General Provisions for Reimbursement

1. The district is not required to pay for costs of tuition, special education, or related services at a private school or facility for a student who was unilaterally placed there by a parent if the district made FAPE available to the student in a timely manner. However, the student is included in the population considered for services through the consultation process for parentally-placed private school students to the extent applicable. One way for the district to document that FAPE was available is to have developed or reviewed an IEP for a student who has been evaluated and found eligible. If a parent disagrees with the availability of FAPE and there is a question about financial responsibility, the parent may file a due process complaint.
2. If the parent of a student with a disability, who previously received special education and related services from the district, enrolls the student in a private elementary or secondary school without the consent of the district, a court or hearing officer may order the district to reimburse the parent for the costs of unilaterally placing the student in a private school if the court or a hearing officer determines that:
   a. The district had not made FAPE available to the eligible student in a timely manner prior to the time the parent enrolled the student in the private school; and
   b. The private school placement is appropriate.

3. A hearing officer may find a student's placement in a private school or facility by a parent appropriate even if the private school or facility does not meet state standards.

B. Denial or Reduction of Reimbursement

A court or hearing officer may reduce or deny reimbursement to a parent for the cost of a unilateral placement in a private school or facility under the following circumstances:

1. Prior to removal of the student from the public school, the district informed the parent of its intent to evaluate the student (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parent did not make the student available for the evaluation.
2. A judicial decision finds unreasonableness with respect to the actions taken by the parent.
3. The parent did not inform the district in writing that he or she rejected the placement proposed by the district to provide FAPE and did not state his or her concerns and intent to enroll the student in a private school. This written notification by the parent must be provided to:
   a. The IEP Team at the most recent IEP meeting prior to removing the student from the public school; or
   b. The district, in writing, at least ten business days (including any holidays that occur on a business day) prior to removing the student from public school.

Reimbursement must not be reduced or denied under any of the following circumstances:

1. The district did not notify the parent of his or her obligation to provide the notice set forth in number 3. above.
2. The school prevented the parent from providing notice.
3. The district's proposed placement would likely result in physical harm to the student.

Reimbursement may be reduced, at the discretion of the hearing officer or court if:

1. The parents are not literate or cannot write in English; or
2. Compliance would likely result in serious emotional harm to the student.

Chapter 9
General Supervision and Accountability for Performance and Compliance

Chapter Contents

Section 1. General Supervision 102
- A. Responsibilities of the West Virginia Board of Education
- B. Responsibilities of the West Virginia Department of Education
- C. Responsibilities of the Districts

Section 2. State Performance Plan 107
- A. Performance Goals and Indicators
- B. Statewide and District Assessment Reporting
- C. Suspension and Expulsion Rates
- D. Disproportionality

Section 3. Highly Qualified Personnel 111
- A. Professional
- B. Paraprofessionals, Assistants and Aides

Chapter 9
GENERAL SUPERVISION AND ACCOUNTABILITY FOR PERFORMANCE AND COMPLIANCE

Section 1: General Supervision

A. Responsibilities of the West Virginia Board of Education

The West Virginia Board of Education establishes policies and ensures that procedures are in effect to provide a free appropriate public education (FAPE) to all students with exceptionalities in accordance with state and federal laws and regulations. The Board ensures the WVDE implements the general supervision of all programs and services for eligible students with exceptionalities and that all services meet state standards and the requirements of IDEA 2004. All district and state operated programs and the education of all students with exceptionalities residing within the state are under the general supervision of the Board and WVDE.

The West Virginia Board of Education has primary responsibility to:

1. Establish regulations pertaining to the education of all eligible students with exceptionalities in the State;
2. Establish standards pertaining to the education of all eligible students with exceptionalities in the State;
3. Establish regulations to protect student and parent rights as they pertain to the education of all eligible students with exceptionalities in the State;
4. Ensure that eligible students with exceptionalities in the State, including individuals in residential institutions and private schools, receive an education in accordance with State and federal laws;
5. Establish certification requirements for personnel providing educational and related services to eligible students with exceptionalities;
6. Approve allocations and disburse state and federal funds designated for the education of eligible students with exceptionalities;
7. Administer education programs, including programs providing special education and related services for students with exceptionalities, in the State's correctional institutions in accordance with applicable State and federal laws and regulations;
8. Adopt the National Instructional Materials Accessibility Standard for purposes of providing instructional materials to persons with blindness or other persons with print disabilities in a timely manner after publication of the NIMAS in the Federal Register; and
9. Work collaboratively, to the maximum extent possible, with the state agency responsible for assistive technology programs.

B. Responsibilities of the West Virginia Department of Education

The WVDE has the primary responsibility for administering the requirements of the IDEA 2004 and West Virginia Code §18-20-2 and ensuring FAPE for students with exceptionalities. The WVDE has a primary leadership role in developing quality educational services for eligible students with exceptionalities in the State, providing guidance in the implementation of State

Board of Education policies and regulations governing the education of eligible students with exceptionalities, and providing direction and assistance for special education services in the State. General supervision responsibilities of the WVDE include administration of funding, monitoring and supervision of local educational agency (LEA) implementation and implementation of interagency agreements to ensure collaboration among agencies serving students with exceptionalities.

The WVDE is responsible for ensuring that:

1. The requirements of IDEA 2004, Part B are implemented;
2. Each educational program for students with exceptionalities administered within the State, including each program administered by any other state or local agency, is under the general supervision of the WVDE and meets the education standards of the WVDE (including the requirements of IDEA 2004, Part B);
3. Policies and procedures implementing the State monitoring and enforcement requirements of the Act are in effect;
4. Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) requirements are met in the provision of special education services to homeless students;
5. The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for students with exceptionalities in the State;
6. Policies and procedures are in place to prevent inappropriate overidentification or disproportionate representation by race and ethnicity of students as students with disabilities:
   a) Data is collected and examined to determine if significant disproportionality based upon race and ethnicity is occurring in the State and the districts with respect to:
      1) The identification of students as students with disabilities, including those with a particular impairment;
      2) The placement in particular educational settings of these students; and
      3) The incidence, duration and type of disciplinary actions, including suspensions and expulsions.
   b) When a significant disproportionality in identification or placement is determined to exist:
      1) A review of the policies, practices and procedures is conducted, and, if appropriate, the policies, practices and procedures used in the identification or placement are revised to ensure that the policies, practices and procedures comply with the requirements of the Act; and
      2) The district is required to use the required amount of Part B funds to provide early intervening services to students in the district, particularly, but not exclusively, to students in those groups that were significantly overidentified; and
      3) The district is required to publicly report on the revision of policies, practices and procedures described in b) 1) above.
7. The necessary procedures are developed, including guidelines, forms and instruments to implement the State Board of Education policies and State and federal laws governing the education of students with exceptionalities;

8. A practical method is developed and implemented to determine which students are currently receiving needed special education and related services;
9. Teachers and administrators in all districts are fully informed about their responsibilities for implementing LRE requirements and are provided with technical assistance and training necessary to assist them in this effort;
10. LRE is effectively implemented for students in private or public institutions, including, if necessary, making arrangements such as memoranda of agreements or special implementation procedures;
11. Copies of applicable standards are disseminated to each private school and facility to which a district has referred or placed a student with a disability;
12. The implementation of all special education programs, including IEP and LRE requirements, for all eligible students with exceptionalities in the state, including students placed in residential institutions and private schools, incarcerated youth, and students with disabilities who are convicted as adults under state law and incarcerated in adult prisons is monitored through procedures such as written reports, on-site visits and parent questionnaires to assure the compliance with federal laws and regulations, state laws, policies, standards and regulations;
13. If there is evidence that a district makes placements that are inconsistent with LRE requirements, the WVDE conducts a review of the district's justification for its actions and assists in planning and implementing any necessary corrective actions;
14. Data, including data disaggregated by race and ethnicity, is examined to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of students with disabilities. If discrepancies are occurring, a review of the district's policies, practices and procedures relating to the development and implementation of IEPs is conducted; if appropriate, they may be revised to include the use of positive behavior interventions and supports, and procedural safeguards, to comply with IDEA 2004.
15. Direct educational services are provided, including special education and related services for students with exceptionalities , in the State's correctional institutions in accordance with written procedures developed to implement applicable State and federal laws and regulations;
16. An opportunity is provided for those private schools and facilities to participate in the development and revision of State standards that apply to them in the provision of services to students with disabilities;
17. Assistance is provided to districts in the development and/or modification of educational programs of study to meet the needs of students with exceptionalities in early, middle, adolescent and adult education;
18. Statewide planning for educational services for eligible students with exceptionalities is completed;
19. The Department participates in the development and provision of programs for the training of educational personnel related to special education issues and services;
20. Liaisons are established with:
    a. Other state and regional agencies, parent and professional organizations, and private agencies serving students with exceptionalities;
    b. Colleges and universities preparing personnel to work with students with exceptionalities; and

c. Federal projects and national agencies which provide services for students with exceptionalities;

21. Districts, parents and other agencies are informed of the content and implications of regulations and State and federal laws pertaining to the education of eligible students with exceptionalities;
22. Each district establishes, maintains and implements procedural safeguards that meet the requirements of IDEA;
23. Methods for the provision of services are prescribed as follows:
    a. An interagency agreement or other mechanism for interagency coordination is in effect between each non-educational public agency described in paragraph b. and the WVDE that are needed to ensure FAPE is provided, including the provision of the these services during the pendency of any interagency dispute referred to below. The agreement or mechanism must include the following:
        1) An identification of, or a method for defining, the financial responsibility of each agency, including the state Medicaid agency and other public insurers of students with exceptionalities, for providing any services that are also considered special education or related services. The financial responsibility of each noneducational agency must precede the financial responsibility of the district (or the state agency responsible for developing the student's IEP);
        2) The conditions, terms, and procedures under which a LEA must be reimbursed by other agencies;
        3) Procedures for resolving interagency disputes from other agencies or otherwise implement the provisions of the agreement or mechanism; and
        4) Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of any services that are also considered special education.
    b. If any public agency other than an educational agency is otherwise obligated under federal or State law, or is assigned responsibility under State policy or pursuant to paragraph a. of this section, to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services relating to assistive technology devices, assistive technology services, supplementary aids, supplementary services, related services transition services) that are necessary for ensuring FAPE to students with disabilities within the State, the public agency must fulfill that obligation or responsibility, either directly or through contract or other arrangement.
    c. Ensure that a noneducational public agency described in b. of this section may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context.
    d. Ensure that if a public agency other than an educational agency fails to provide or pay for the special education and related services described in paragraph b. of this section, the district (or state agency responsible for developing the student's IEP) must provide or pay for these services to the student in a timely manner. The district or state agency may then claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services and that agency must

reimburse the district or state agency in accordance with the terms of the interagency agreement or other mechanism described in paragraph a. of this section.

e. Ensure that the requirements are met through:
   1) State statute or regulation;
   2) Signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or
   3) Other appropriate written methods as determined by the Chief Executive Officer of the state or designee of that officer; and

f. Document that the state has on file with the Secretary information that demonstrates the requirements of 23. a. – e. are met.

24. The State Performance Plan (SPP) for special education is developed, reviewed and/or revised, including performance goals and indicators, and progress is reported annually, including the progress of students with disabilities on statewide assessments, as required by the United States Department of Education;
25. Valid and reliable data and information needed to report annually to the United States Department of Education are collected, including data for the SPP, Annual Performance Report and IDEA, Section 618 reports;
26. Districts are given reasonable notice and an opportunity for a hearing under 34 CFR 76.401 (d) prior to the state making a final determination that a district is not eligible for assistance under Part B of IDEA;
27. The State's funding mechanism does not result in placements that violate the LRE requirements and does not distribute funds based on the students' placements that would result in the failure to provide a student with a disability FAPE according to the student's unique needs described on the IEP;
28. State and district personnel are prohibited from requiring parents to obtain a prescription for controlled substances (defined as those substances under schedules I,II,III,IV or V in section 202(c) of the Controlled Substances Act) as a condition of attending school, receiving an evaluation or receiving services; and
29. State and district-wide assessments, to the extent possible, are developed and administered using universal design principles.

C. Responsibilities of the Districts

The districts, including the West Virginia Schools for the Deaf and Blind and schools under the supervision of the WVDE Office of Institutional Education Programs, have the responsibility for implementing the requirements of the IDEA 2004 and West Virginia Code §18-20-2 and ensuring FAPE for students with exceptionalities. Districts have responsibility for providing quality educational services for eligible students with exceptionalities within their jurisdiction.

The districts are responsible for ensuring that:

1. Data that are maintained, collected and reported to the WVDE regarding special education students and personnel are accurate;
2. Information related to parentally-placed private school students is maintained and provided to the WVDE including:
   a) The number of students evaluated;

b) The number of students determined to be student with a disability; and
c) The number of students served.

3. The compliance with the regulations of agencies, organizations, or individuals who provide contractual special education and/or related services is monitored;
4. Other agencies, organizations, or individuals are informed of the State and federal requirements pertaining to the education of students with exceptionalities;
5. Ongoing program evaluations are conducted to improve the effectiveness of services provided to eligible students with exceptionalities; and
6. Personally identifiable student data are collected, maintained and disclosed in accordance with state and federal confidentiality requirements.

Section 2: State Performance Plan

West Virginia has a well-established commitment to improving results for all students as established in the ESEA Consolidated State Application and Accountability Workbook, and for students with exceptionalities through the Continuous Improvement and Focused Monitoring System (CIFMS), IDEA 2004 and the SPP. IDEA 2004 and the SPP further require the district to measure progress through collecting and analyzing data relevant to the established performance and compliance indicators and targets. District plans to maintain progress or correct deficiencies are developed and implemented with stakeholder support.

A. Performance Goals and Indicators

IDEA 2004 requires states to measure progress annually on performance goals and indicators established by the U.S. Department of Education for students with disabilities related to participation and results on statewide assessments, graduation rates, drop-out rates, disproportionality and suspension rates. The SPP for 2005 - 2010 sets forth three monitoring priorities and twenty performance and compliance indicators, with measures specified for determining state and district performance. To the maximum extent possible, the goals for students with disabilities must be consistent with the goals and standards established by the State for all students. Performance targets and improvement activities for six years are included in the plan.

The SPP monitoring priorities are:

1. FAPE in the LRE, which includes graduation rates, dropout rates, participation and performance in statewide assessment, suspension rates, parent involvement, child find and placement in the LRE;
2. Disproportionality, which includes appropriate identification of racial/ethnic groups as students with disabilities; and
3. General supervision, which includes effective transition from early intervention to public school programs, effective secondary transition and post school outcomes, correction of noncompliance with IDEA requirements and effectiveness of the monitoring and dispute resolution systems.

WVDE Responsibility

The WVDE is required to collect, review and analyze data annually to determine whether the State and each district have met the established SPP targets on each of the twenty indicators. Data are collected through three sources:

1. WVEIS, a dedicated statewide computer network with an integrated record system for all student, personnel and financial information through which all the data required by Section 618 of IDEA 2004 are collected;
2. The CIFMS system through which districts submit their self-assessment data; and
3. The dispute resolution (complaint, mediation and due process) web-based data systems.

The WVDE is required to report Section 618 data to the United States Department of Education, Education Data Exchange Network (EDEN) and the Office of Special Education Programs (OSEP) and to publicly report state and district data, which is accomplished primarily through the WVDE website. Section 618 reports include assessment participation and results, child count, race/ethnicity, educational environments, suspension, exit and personnel. Results on the twenty SPP indicators are reported for the state in the Annual Performance Report, and for selected indicators for each district on the WVDE website. The SPP is revised as appropriate to ensure progress.

District Responsibility

The district is the primary unit for improving results, and progress on the SPP priorities and indicators depends on district efforts. The IDEA 2004 requires districts to adopt policies that are consistent with the WVDE's performance goals and indicators. Therefore, on an annual basis and as part of the district self-assessment requirements of the CIFMS, the district will:

1. Use data-based decision-making procedures and a local steering committee to review and analyze Section 618 data and additional district-level data to determine if the district is making progress toward the State's performance goals and indicators and district self-assessment improvement plans;
2. Develop, implement, and revise district improvement plans as necessary to make progress toward performance goals and indicators, and submit these plans and progress reports as required to the WVDE; and
3. Correct any noncompliance on SPP compliance indicators within one year of notification by the WVDE.

B. Statewide and District Assessment Reporting

WVDE Responsibility

The WVDE is required to collect and report statewide and district-wide (if applicable) assessment data, including the:

1. Number of students with disabilities participating in regular assessments and the number of those students who were provided accommodations;
2. The number of students participating in alternate assessment(s); and
3. The performance results of students with disabilities, if doing so is statistically sound and does not disclose results identifiable to individual students.

Whenever the WVDE reports information to the public on the assessment of students without disabilities, it must include the information above, as well as:

1. Aggregated data that includes the performance of students with disabilities together with all other students; and
2. Disaggregated data on the performance of students with disabilities.

District Responsibility

The district is accountable for appropriately including all students in statewide and district-wide assessments, with or without accommodations, if determined appropriate by the IEP Team following the *Guidelines for Participation of Students with Disabilities in State Assessment.* Therefore, on an annual basis and as part of the self-evaluation requirements of the WVDE's monitoring system, the district must:

1. Ensure that all students with disabilities participate in West Virginia Measures of Academic Progress (WVMAP);
2. Use data-based decision-making procedures to review and analyze district-level data to determine if the district is making progress in including all eligible students with disabilities in the statewide assessment program and in consistently improving the level of performance by students with disabilities; and
3. Develop, implement, and revise district improvement plans as necessary to make progress.

C. Suspension and Expulsion Rates

WVDE Responsibility

The WVDE is required to collect and analyze discipline data, including data disaggregated by race and ethnicity, from districts to determine whether significant discrepancies are occurring in the rate of long-term suspensions and expulsions of students with disabilities:

1. Among districts in the state; or
2. Compared to such rates for students without disabilities within the district.

District Responsibility

On an annual basis and as part of the self-evaluation requirements of the WVDE's monitoring system, the district must:

1. Ensure the suspension and expulsion data that it collects and reports to the WVDE are accurate;
2. Use data-based decision-making procedures to review and analyze district-level discipline data to determine if significant discrepancies are occurring between the long-term suspension and expulsion rates for students with and without disabilities; and
3. Develop, implement and revise district improvement plans, and when found to have a significant discrepancy, review and revise policies, procedures and practices as necessary to ensure that they are in compliance with the IDEA 2004 in relation to the following:
   a. The development and implementation of IEPs;
   b. The use of positive behavioral interventions and supports; and
   c. Procedural safeguards.

D. Disproportionality

WVDE Responsibility

The IDEA 2004 requires the WVDE to collect and analyze data to determine whether the state or districts have significant disproportionality of students identified as needing special education based on race and ethnicity. The state is required to report the:

1. Number and percentage of students in each particular racial/ethnic group who are identified as eligible for special education and weighted risk ratio indicating the chances of a student within the racial group being identified;
2. Percentage of students in each racial/ethnic group who are identified under particular categories of disability and weighted risk ratio indicating the chances of a student within the racial group being identified within particular categories; and
3. Percentage of students in each racial/ethnic group who are placed in particular special education settings and weighted risk ratio indicating the chances of a student within the racial group being placed in the setting.

In the case of a determination of significant disproportionality, the WVDE must provide for a review of the policies, procedures and practices used and require any district identified to reserve the maximum amount allowed under law of federal special education funds to provide comprehensive coordinated early intervening services. The district is required to publicly report on the revision of policies, procedures and practices.

District Responsibility

On an annual basis and as part of the self-evaluation requirements of the WVDE's monitoring system, the district must:

1. Use data-based decision-making procedures to review and analyze district-level data on race to determine if significant disproportionality exists; and
2. Review and, if appropriate, revise the district improvement plan, policies, procedures and practices used in the identification or placement of students to prevent disproportionality based on race.

Section 3: Highly Qualified Personnel

A. Professional

The district must ensure that personnel working with students with disabilities are fully licensed or certificated and highly qualified, whether they contract with or are employed by the district. The district must take measurable steps to recruit, hire and retain highly qualified personnel who meet WVDE certification, licensure or other requirements for position assignments, including those for teachers, related service providers, paraprofessionals and assistants. Nothing in IDEA 2004 creates a right of action on behalf of a student or class of students for failure to employ highly qualified personnel or prevents a parent from filing a state administrative complaint about staff qualifications.

The highly qualified requirements do not apply to any special educator contracted or employed by districts to provide services to privately placed students whether placed by the parents or an IEP Team.

B. Paraprofessionals, Assistants and Aides

The district may employ paraprofessionals, assistants, and aides who are appropriately trained and supervised to assist in the provision of special education and related services to students with disabilities if they meet standards established by the WVDE.

A special education paraprofessional working in a Title I school-wide program must be highly qualified as demonstrated by the competencies listed in the NCLB Act.

Chapter 10
PROCEDURAL SAFEGUARDS

Chapter Contents

Section 1. Notice Requirements....114

Section 2. Procedural Safeguards Notice....114
- A. Procedural Safeguards Notice Contents
- B. When the Procedural Safeguards Notice is Provided

Section 3. Prior Written Notice....115
- A. Content of Prior Written Notice
- B. Timeline for the Provision of Prior Written Notice

Section 4. Notice of Meetings....116

Section 5. Parental Participation....117

Section 6. Informed Consent....118
- A. Informed Consent Required
- B. Informed Consent Not Required
- C. Refusal to Give Consent
- D. Failure to Respond to a Request for Consent Regarding Reevaluation
- E. Revoking Consent

Section 7. Independent Educational Evaluations....119
- A. Right to an Independent Educational Evaluation
- B. Procedures for Requesting an Independent Educational Evaluation
- C. District Responsibilities Following Independent Educational Evaluation Requests
- D. Considerations of the Independent Educational Evaluation Results

Section 8. Surrogate Parents....121
- A. Referral for a Surrogate Parent
- B. Criteria for Serving as a Surrogate Parent

Chapter 10
PROCEDURAL SAFEGUARDS

Chapter Contents (Continued)

Section 9. Adult Students and the Transfer of Rights 123
A. Discussion of the Transfer of Rights
B. Following a Determination Concerning the Transfer of Rights
C. Written Notice and IEP Team Participation

Section 10. Confidentiality and Access to Records 123

Chapter 10
PROCEDURAL SAFEGUARDS

Education is a fundamental right and a necessary benefit for all West Virginia students. IDEA 2004 and Policy 2419 provide procedural safeguards, that is, procedures to protect the educational rights of students with exceptionalities who need changes in the manner in which their education is provided to ensure it is appropriate for their unique needs. These procedural safeguards ensure the student's right to free appropriate public education through informed parent/adult student participation in the special education process.

This chapter will address procedural safeguards of notice, consent, independent educational evaluation, and access to educational records. The remaining dispute resolution safeguards, state complaints, mediation, due process complaints, private placement, discipline, and attorneys' fees, are discussed in other chapters.

Section 1. Notice Requirements

IDEA 2004 and Policy 2419 require three types of notices, all of which must meet general requirements and additional criteria specific to the type of notice. The three types of notices are:

1. Procedural safeguards notice;
2. Prior written notice; and
3. Notice of meetings.

All notices must be written in the native language of the parent/adult student or other mode of communication used by the parent/adult student (unless it clearly is not feasible to do so) and must be written in an easily understandable manner. If the native language or mode of communication of the parent/adult student is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent/adult student in his or her native language or other mode of communication and the parent/adult student understands the content of the notice. The district must maintain written evidence that these requirements have been met.

Section 2. Procedural Safeguards Notice

To facilitate their informed participation, parents/adult students are informed of the extensive procedural safeguards through the *Procedural Safeguards Available to Parents and Students with Exceptionalities* document.

A. Procedural Safeguards Notice Contents

The notice includes a full explanation of the following procedural safeguards:

1. Independent educational evaluation;
2. Prior written notice;
3. Parent/adult student consent;
4. Access to educational records;
5. Opportunity to resolve complaints through due process complaints or the state complaint process, including:
   a. Time period in which to file a complaint;
   b. The opportunity for the agency to resolve the complaint;
   c. The difference between the due process and state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
6. The availability of mediation;
7. The student's placement during pendency of decisions in due process hearings;
8. Procedures for students who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placements by parents of students in private schools at public expense;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions; and
12. Attorneys' fees.

B. When the Procedural Safeguards Notice Is Provided

The district will provide the parent/adult student a procedural safeguards notice at least once per school year, that is, one copy between July 1 and June 30. Because notice must be provided on each of the following occasions, it may be necessary to provide more than one notice during a school year:

- Upon an initial referral or a parent/adult student request for evaluation;
- Upon the first occurrence of a filing of a due process complaint or state complaint alleging violations of Part B of IDEA 2004;
- Upon notice of a disciplinary removal resulting in a change of placement; and
- Upon request by the parent/adult student.

A parent/adult student may receive the procedural safeguards notice by electronic mail (e-mail) if the district makes that option available.

Section 3. Prior Written Notice

Prior written notice (PWN) is the act of informing a parent/adult student, in writing within a reasonable amount of time, before the district proposes or refuses to initiate or change the student's identification, the evaluation, educational placement, or provision of FAPE. PWN serves two purposes:

1. To provide the parent/adult student with enough information so that he or she is able to fully understand the district's proposed action(s) or refused action(s) and to make informed decisions, if necessary; and
2. To provide a framework for data-based discussion and problem solving.

A. Content of Prior Written Notice

PWN must include the following:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report that the district used as a basis for the proposed or refused action;
4. A description of other options the IEP Team considered and the reasons why those options were rejected;
5. A description of other factors relevant to the district's proposal or refusal;
6. A statement that the parent/adult student has special education rights and if notice is not an initial referral for evaluation, a description of how to obtain a copy of the *Procedural Safeguards Notice*; and
7. Sources to contact in obtaining assistance in understanding their *Procedural Safeguards Notice*.

B. Timeline for the Provision of Prior Written Notice

PWN must be provided to the parent or adult student ten days prior to implementing the proposed action or within ten days of the refusal. This requirement does not apply to notice of disciplinary removals, which must be provided on the same day as the decision to remove the student is made.

Section 4. Notice of Meetings

To ensure that one or both of the parents of the student with an exceptionality are present at each meeting and are afforded the opportunity to participate in meetings, including EC and IEP meetings, the district must provide written notice by:

1. Notifying parents/adult students of the meeting early enough, i.e., no less than eight days prior to the scheduled meeting date, to ensure that they will have the opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.

The written notice must include:

1. The purpose, time, and location of the meeting;
2. Who will be in attendance; and
3. An explanation that at the discretion of the district or parent/adult student, other individuals who have knowledge or special expertise regarding the student as determined by the district or the parent/adult student inviting the individual, can attend the meeting.

When scheduling an initial IEP Team meeting for a child who was previously served in the WV Birth to Three program, the written notice must indicate this purpose, and indicate that the district will invite, at the parent's request, the WV Birth to Three service coordinator or other representative to assist with the smooth transition of services.

If the purpose of the meeting includes the consideration of post secondary goals and transition services for the student, at age sixteen, or younger if appropriate, the written notice must also indicate this purpose, indicate that the district will invite the student and identify any other agency that will be invited to send a representative. The parent/adult student must provide written consent for any invited agency representative to attend the IEP Team meeting.

Section 5. Parental Participation

To ensure parental participation in the special education process, the district shall afford the parents of a student with an exceptionality an opportunity to 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. The procedures for accessing education records are outlined in West Virginia State Board of Education Policy 4350, *Procedures for the Collection, Maintenance and Disclosure of Student Data.*

Parents must also be afforded an opportunity to 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. Therefore, the district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting including arranging for an interpreter for parents with deafness or whose native language is other than English.

The district may conduct the EC and/or IEP Team meeting without a parent/adult student in attendance only when the district has documentation that reasonable measures have been taken to ensure parent/adult student participation. If unable to convince the parent/adult student that he or she should attend, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parent/adult student and any responses received; and/or
3. Detailed records of visits made with the parent/adult student and the results of those visits.

If neither parent can attend, the district shall use other methods to ensure parent/adult student participation, including individual or conference telephone calls.

The district must obtain written parental consent for the initial provision of special education services and provide the parent a copy of the IEP, at no cost to the parent.

Section 6. Informed Consent

Informed consent is written approval given by a parent/adult student who has been fully informed of and understands all information relevant to the activity for which consent is sought. The request for consent describes the activity for which consent is sought and lists the records, if any, that will be released and to whom. All information must be provided in the native language or mode of communication of the parent/adult student. The parent/adult student must be informed that the approval is voluntary and may be revoked at any time prior to the action. Consent is indicated by the parent's /adult student's signature.

A. Informed Consent Required

Informed written consent is required before:

1. Conducting an initial evaluation or reevaluation to determine whether a student is eligible for special education when this involves more than a review of existing information. The district need not obtain parental consent for a reevaluation if the district can demonstrate and document that it made reasonable efforts to obtain consent and the parent has failed to respond.
2. Initially providing special education and related services to a student with a disability. Parent consent for initial evaluation may not be construed as consent for the initial provision of special education and related services. When a student with a disability transitions from WV Birth to Three to Part B services, the district shall provide the student's parents a detailed explanation of the differences between an IFSP and an IEP. If the parent chooses an IFSP, the district obtains informed consent from the parent.
3. Disclosing personally identifiable information from the student's education records, unless provided as an exception under the FERPA and Policy 4350. The written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party to whom the disclosure will be made.
4. Accessing public benefits or insurance or private insurance to pay for services listed in the IEP. (See Chapter 1, Section 2, C.)
5. An agency representative likely to pay for or provide transition services attends an IEP meeting.
6. Personally identifiable information is released between officials in the district of residence and the district in which the private school is located.

B. Informed Consent Not Required

The district is not required to obtain informed consent in the following situations:

1. When a review of existing data is part of an evaluation or a reevaluation.
2. When tests are administered to both general and special education students in a grade or class and consent is not required for all students.
3. When a teacher or related-service provider conducts observations, ongoing classroom evaluation, or criterion-referenced tests, as described in the IEP, to determine the student's progress toward goals and benchmarks/objectives on the IEP.

4. When disclosing personally identifiable information to persons authorized to have access under FERPA.

C. Refusal to Give Consent

For initial evaluations, if the parent refuses consent or the parent fails to respond to a request to provide consent, mediation or due process procedures may be used, if appropriate. The district may not use the mediation or due process procedures if consent for the initial evaluation involves a student who has been parentally enrolled in a private school or is being home schooled.

If the parent refuses consent for or refuses to respond to a request for consent to initial provision of special education and related services after the district has documented reasonable efforts to obtain consent, the district cannot use mediation or due process to obtain placement. In this situation, the district is not considered in violation of the FAPE requirement and is not required to convene an IEP Team meeting or develop an IEP for the child for whom the parent refused consent.

The district may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit or activity, except as required by this part.

D. Failure to Respond to a Request for Consent Regarding Reevaluation

When a parent/adult student fails to respond to reasonable measures taken by the district to obtain written consent to determine continued eligibility, the district may proceed with the reevaluation. The district must have a record of its attempts to gain consent by documenting telephone calls made or attempted, correspondence sent, or visits made to the home or place of employment.

E. Revoking Consent

Consent previously given for an evaluation or an individual assessment, the initial provision of special education and related services, and the disclosure of information may be revoked only before the action occurs. Consent must be revoked in writing.

Section 7. Independent Educational Evaluations

An independent educational evaluation (IEE) means one or more individual assessments, each completed by a qualified examiner who is not employed by the district responsible for the education of the student in question.

A. Right to an Independent Educational Evaluation

1. A parent/adult student has the right to obtain an IEE at public expense if he or she disagrees with an evaluation obtained or conducted by the district. The parent/adult student is entitled to only one IEE at public expense in response to a district evaluation.
2. The parent/adult student has the right to an IEE at his or her own expense at any time.

3. If the IEE meets the criteria outlined in Chapter 3, Section 3, the EC/IEP Team must consider the IEE in its decision making process.
4. The parent/adult student is not automatically entitled to have additional assessments beyond those determined necessary for an evaluation. However, if the parent/adult student is interested in additional or different assessments and the district refuses to provide them, he or she may pursue additional assessments through a due process hearing request. In addition, the district may initiate a due process hearing to determine if the evaluation it conducted is appropriate. If the final decision of a hearing officer, or a court of law's decision on an appeal, is that the evaluation conducted by the district was appropriate, the parent/adult student still has the right to an IEE but at his or her own expense.
5. A hearing officer may order an IEE at public expense if he or she determines that the evaluation conducted by the district was not appropriate.

B. Procedures for Requesting an Independent Educational Evaluation

Within five days of a parent/adult student's written request for an IEE at public expense, the district may ask why he or she disagrees with the evaluation obtained by the district, but the district cannot require an explanation. Within ten school days of the written request for an IEE, the district must give the parent/adult student information about where the IEE may be obtained and the agency criteria, consistent with evaluation criteria described in Chapter 3, applicable for IEE including:

1. The location for the evaluation;
2. The required qualifications of the examiner; and
3. The maximum allowable charges for specified assessments to eliminate unreasonably excessive fees, including travel costs for necessary services not available in the community.

Except for the criteria listed above, the district may not impose other conditions or timelines if doing so would be inconsistent with the parent's/adult student's right to an IEE. Upon request, a list of qualified examiners who can conduct an IEE will be provided.

A parent/adult student may request an opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's cost criteria. If an IEE that falls outside the district's cost criteria is justified, that IEE will be publicly funded.

C. District Responsibilities Following Independent Educational Evaluation Requests

If a parent/adult student requests an IEE at public expense, the district must do one of the following within ten school days of written request:

1. Agree, in writing, to pay for an IEE at reasonable and prevailing rates, and provide the district's IEE criteria and information about where an IEE may be obtained.
2. Offer WVDE mediation to try to resolve differences. This is only available if parents agree to mediate.
3. Request a due process hearing to show that the district's evaluation is appropriate. If the final hearing decision is that the district's evaluation is appropriate, the parent/adult student may pursue an IEE, but at his or her own expense.

If a parent/adult student asks the district to pay for an IEE that has already been obtained, the district must:

1. Pay for the IEE; or
2. Request WVDE mediation when parents agree to mediate; and/or
3. Request a due process hearing within ten school days of the receipt of the evaluation report to show that the evaluation obtained by the parent/adult student did not meet the criteria for a publicly funded IEE; or
4. Request a due process hearing within ten school days of billing to demonstrate that the district's evaluation was appropriate. The district does not have to pay for an IEE if the hearing officer finds for the district.

D. Considerations of the Independent Educational Evaluation Results

If a parent/adult student obtains an IEE and makes that evaluation available to the district, the results must be considered by the district, if the IEE meets the district's criteria, in any decision made with respect to the provision of FAPE. The results may also be presented as evidence at a hearing regarding the student. This is true regardless of whether the IEE is at the expense of the parent/adult student or district.

The results of an IEE cannot be the sole determining factor for eligibility. The EC has the responsibility to use existing evaluation data and other information from a variety of sources, in addition to the IEE, to determine whether a student has an exceptionality or continues to have a disability under Policy 2419.

Section 8. Surrogate Parents

A surrogate parent is an individual assigned by the district to assume the rights and responsibilities of a parent under the IDEA 2004. The surrogate parent may represent a student in all matters relating to the identification, evaluation, and educational placement of the student and the provision of FAPE to the student.

A. Referral for a Surrogate Parent

Any person who is aware that a student may need a surrogate parent may make a referral for a determination to the district's special education director or an appropriate district administrator. The district will appoint a surrogate in any of the following circumstances:

1. A parent cannot be identified.
2. A parent cannot be found after reasonable efforts to locate the parent.
3. The student is a ward of the state. If a state judge has appointed a surrogate to oversee the care of a student who is a ward of the state, the judge-appointed surrogate may make decisions regarding the student's education, including special education, provided he or she meets the criteria for a district-appointed surrogate.
4. The student is an unaccompanied homeless youth as defined in Section 725 (6) of the McKinney-Vento Homeless Assistance Act.

The district will make a good faith effort and maintain records of attempts to locate a parent. The district cannot appoint a surrogate parent when the natural parent is available but chooses not to participate. When a surrogate parent is needed for a student, the district will appoint a surrogate who meets the conditions set forth below. The district will make reasonable efforts to assign a surrogate within thirty days after it determines that the student needs a surrogate.

B. Criteria for Serving as a Surrogate Parent

A surrogate parent may represent the student in all matters relating to identification, evaluation, placement and the provision of FAPE. The surrogate parent must:

1. Have knowledge and skills that ensure effective representation.
2. Not have a personal or professional interest that conflicts with the interest of the student.
3. Meet one of the following conditions:
   a. Is not an employee of the WVDE, the district, or any other agency that is involved in the education or care of the student; or
   b. Is not an employee of a nonpublic agency that provides education or care of the student.

A person who otherwise qualifies to be a surrogate parent is not an employee of the district or agency solely because he or she is paid to serve as a surrogate parent.

In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may be appointed as temporary surrogates without regard to the above requirements until a surrogate can be appointed that meets all of the requirements of this section.

Section 9. Adult Students and the Transfer of Rights

An "adult student" is a student who is at least eighteen years of age to whom special education rights have transferred under the IDEA 2004 and West Virginia Code.

A. Discussion of the Transfer of Rights

Not later than the student's 17th birthday, the IEP Team must discuss the transfer of special education rights to the student. Special education rights will transfer from the parent to the adult student when the student turns eighteen years of age unless a court has appointed a legal guardian to represent the educational interests of the student.

B. Following a Determination Concerning the Transfer of Rights

When the student's special education rights transfer at age eighteen, the parent and student will be informed that rights have transferred. The IEP must contain a statement that the student has been informed that special education rights will transfer to him or her.

C. Written Notice and IEP Team Participation

The right to receive written notice is always retained by **both** the parent and adult student. The parent will continue to receive copies of any notices, including those listed in Section 1 of this chapter. While a parent has the right to receive notices, only the adult student has the right to make decisions regarding his or her educational program.

Section 10. Confidentiality and Access to Records

The district must collect, use, and maintain information about a student to make appropriate decisions concerning special education and the provision of FAPE. IDEA 2004 and FERPA contain provisions to protect the confidentiality of personally identifiable information in student special education records. These statutes also provide for the right of the parent/adult student to review and inspect records. The full requirements may be found in West Virginia State Board of Education Policy 4350: *Collection, Maintenance and Disclosure of Student Data.* School personnel with responsibilities for educational records must be trained in these policies.

Additional procedural safeguards include the right to file a state complaint alleging a violation of IDEA 2004, Policy 2419 or Policy 4350, the right to request mediation and the right to file a due process complaint. These procedural safeguards may be found in Chapter 11, Dispute Resolution.

Chapter 11
DISPUTE RESOLUTION

Chapter Contents

Section 1. State Complaint Procedures 125
- A. Responsibilities of an Individual/Organization Filing a State Complaint
- B. Responsibilities of the West Virginia Department of Education
- C. State Complaints and Due Process Complaints
- D. Early Resolution to State Complaints

Section 2. Mediation 127
- A. Responsibilities of an Individual/District Requesting Mediation
- B. Responsibilities of the West Virginia Department of Education
- C. Meeting to Encourage Mediation

Section 3. Due Process Complaints 129
- A. Filing a Due Process Complaint
- B. Due Process Hearing Complaint Components
- C. Responding to a Due Process Complaint
- D. Sufficiency of Due Process Complaints
- E. Resolution Process
- F. Responsibilities of the West Virginia Department of Education
- G. Qualifications of Due Process Hearing Officers
- H. Selection of Due Process Hearing Officers
- I. Due Process Hearing Rights
- J. Student's Status During Proceedings
- K. Timelines and Convenience of Hearings and Reviews
- L. Expedited Due Process Complaint
- M. Due Process Hearing Process
- N. Civil Action
- O. Attorneys' Fees

Chapter 11
DISPUTE RESOLUTION

A variety of options are available to resolve disagreements between parents/adult students and districts related to the implementation of state and federal special education laws and regulations regarding the identification, evaluation or educational placement of a student or the provision of FAPE. The WVDE administers a dispute resolution system including the following processes that may be used singly or in combination:

1. State complaint including early resolution;
2. Mediation; and
3. Due process complaint including a resolution process.

Section 1. State Complaint Procedures

The federal regulations for implementing Part B of IDEA 2004 require each state to administer a complaint system for investigating and resolving state complaints. A formal state complaint is a charge that special education laws or regulations are not being followed by a district or public agency.

A. Responsibilities of an Individual/Organization Filing a State Complaint

An individual or organization may file a state complaint under the procedures described below. The complaint must be in writing and include:

1. A statement that a public agency has violated a requirement of Part B of IDEA 2004 or its implementing regulations or West Virginia Code §18-20 and implementing regulations Policy 2419: *Regulations for the Education of Students with Exceptionalities* and/or Policy 4350: *Procedures for the Collection, Maintenance and Disclosure of Student Data;*
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations against a specific student:
   a. The name and address of the residence of the student;
   b. The name of the school the student is attending;
   c. In the case of a homeless student (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434 a (2), available contact information for the student and the name of the school the student is attending;
   d. A description of the nature of the problem of the student, including facts related to the problem; and
   e. A proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. The party filing the complaint must forward a copy of the complaint

to the district or public agency serving the student at the same time the party files the complaint with the WVDE. The WVDE has made available a form for filing a state complaint. Although the use of this form is not required, the complaint must be in writing and meet the criteria in 1. – 4. as described above.

B. Responsibilities of the West Virginia Department of Education

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

Within sixty days after the complaint is filed, the WVDE must:

1. Carry out an independent on-site investigation if the WVDE determines the state complaint is sufficient. The WVDE will conduct an on-site investigation, if determined necessary based upon the nature of the allegations, review of information submitted by the parent/adult student and the district and information obtained through telephone interviews;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the district with the opportunity to respond to the complaint, including at a minimum, a proposal to resolve the complaint; and an opportunity for the district and the parent/adult student to voluntarily engage in mediation and/or early resolution;
4. Review all relevant information and make an independent determination as to whether the public agency is violating state or federal special education laws or regulations;
5. Issue a written decision to the district and the parent/adult student that addresses each allegation in the complaint and contains:
   a. Findings of facts and conclusions;
   b. The reasons for the WVDE's final decision; and
   c. Procedures for effective implementation of the WVDE's final decisions, if needed, including:
      1) Technical assistance activities;
      2) Negotiations; and
      3) Corrective actions, including timelines, to achieve compliance. Timelines for completion of corrective activities will only be extended, if requested by the district within five days of the district's receipt of the decision, based upon exceptional circumstances.
6. Address the district's failure to provide appropriate services, including corrective activities to effectively address the needs of the student, and appropriate future provision of services for all students with disabilities; and
7. Permit an extension of the sixty-day time limit only if exceptional circumstances exist with respect to a particular complaint or if the parent and the district involved agree to extend the time to conduct the resolution activities (e.g., early resolution, mediation).

C. State Complaints and Due Process Complaints

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

If an issue raised in a state complaint filed under this section has previously been decided in a due process hearing involving the same parties, the due process decision is binding on that issue and the WVDE must inform the complainant that the state complaint process cannot be used to overrule the due process decision.

A state complaint alleging a district's failure to implement a due process hearing decision must be investigated and resolved by the WVDE utilizing the state complaint procedures described in Section 1.B. of this chapter.

D. Early Resolution to State Complaints

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

Section 2. Mediation

Mediation is an informal, non-adversarial, confidential and voluntary process in which an impartial third party, the mediator, provides an opportunity to the parties involved in a dispute~~r~~ to resolve their differences and create a mutually satisfactory solution. IDEA 2004 requires that each state make mediation available to help districts and parents/adult students resolve disputes relating to the identification, evaluation or educational placement or the provision of FAPE of a student with a disability or an exceptionality. Mediation may take place at any time regardless of the filing of a due process and/or state complaint. Another component of the mediation system is an optional meeting to encourage mediation, which is described in Part C of this section.

The WVDE makes mediation information available to parents/adult students through the WVDE procedural safeguards document when a state complaint is filed for the first time, when a due

process complaint is received and/or upon request of a parent/adult student or district who are attempting to resolve differences relating to the identification, evaluation or educational placement or the provision of FAPE to a student with a disability or an exceptionality.

A. Responsibilities of an Individual/District Requesting Mediation

A district and/or parent/adult student may request mediation in a dispute relating to the identification, evaluation or educational placement, or the provision of FAPE of a student with an exceptionality by submitting a written request to the district or the WVDE. The WVDE has made available a form for requesting mediation although its use is not required. The request must contain an original signature (e.g., facsimiles and e-mails will not be accepted). The district and/or parent/adult student must both agree to use the mediation process.

If the parties resolve the dispute through the mediation process, the mediator will help the parties execute a legally binding agreement that sets forth that resolution. The agreement must:

1. State that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any subsequent due process hearing or civil proceedings; and
2. Be signed by both the parent/adult student and the representative of the district who has the authority to bind the district.

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.

An agreement reached by the parties through WVDE mediation is enforceable in state and federal courts.

B. Responsibilities of the West Virginia Department of Education

In accordance with IDEA 2004, the WVDE administers a system of mediation, which ensures:

1. Mediation is voluntary and is agreed to by both parties;
2. Mediation is not used to deny or delay a parent/adult student's right to a hearing on the issue, or to deny any other rights afforded under Part B of the Act;
3. Mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques;
4. Mediators are assigned from the list of qualified mediators on a rotational basis;
5. Mediation is free to the parties;
6. Parties to the mediation are informed of the confidential nature of the discussions that occur during mediation and these discussions may not be used as evidence in any subsequent due process hearing or civil proceeding arising from that dispute;
7. Parties may be required to sign a confidentiality agreement prior to commencement of the mediation;

8. Mediation sessions are scheduled in a timely manner and must be held in a location that is convenient to the parties in the dispute; and
9. That, if the parties resolve the dispute through the mediation process, the parties must execute a legally binding agreement that:
   a. Describes the resolution;
   b. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding arising from that dispute; and
   c. Is signed by both the parent/adult student and a representative of the district who has the authority to bind the agency.

Mediators must be:

1. Qualified and trained in effective mediation techniques and in the requirements of IDEA 2004 and Policy 2419 (i.e., verified by the WVDE as having met the requirements for qualified mediators and on the WVDE-maintained list of qualified individuals); and
2. Impartial (the criteria for impartiality are listed below).

Mediators must not:

1. Be an employee of the WVDE or an employee of the district that is involved in the care and education of the student; or
2. Have a personal or professional interest that conflicts with the person's objectivity, including, but not limited to, representing boards of education or parents against boards of education (i.e., attorneys, advocates) and having a student enrolled in the district involved in the dispute.

A person who otherwise qualifies as a mediator is not an employee of the WVDE or an employee of the district solely because he or she is paid by the WVDE to serve as a mediator.

C. Meeting to Encourage Mediation

For parents and schools that choose not to use the mediation process, districts may establish procedures to offer parents/adult students an opportunity to meet at a convenient time and location with a disinterested party who:

1. Is under contract with an appropriate alternative dispute resolution entity, or a parent and training information center, or community parent resource center; and
2. Who would explain the benefits of, and encourage the use of the mediation process to the parents/adult students.

Section 3. Due Process Complaints

A due process complaint may be filed to resolve disputes on any matter related to the proposal or refusal to initiate or change the identification, evaluation, educational placement or the provision

of FAPE of a public school student. Parents/adult students can ensure their rights under IDEA are protected by filing a due process complaint that will be presented before an impartial hearing officer. The procedures relevant to due process complaints do not apply to students placed in a private school by the parent for issues regarding the provision of services under the student's services plan; however, due process procedures do apply to child find, evaluation and reevaluation. Additionally, a parent who has placed their child in a private school where FAPE is an issue, a unilateral placement, may file a due process complaint. Impartial due process hearing officers contracted by the WVDE conduct all hearings. Appeals of hearing decisions must be filed in state or federal court.

A. Filing a Due Process Complaint

A parent/adult student, the district or an attorney representing a party may file a due process complaint by contacting the district superintendent or the WVDE. The WVDE has a form available for submitting a due process complaint. Although the use of this form is not required, the complaint must be in writing and mailed or hand delivered to the other party and the coordinator responsible for due process complaints at the WVDE.

A due process complaint must be initiated within two years of the date the parent/adult student or district knew or should have known of the disputed decision or alleged action that forms the basis for the complaint. The two-year timeline will not apply if the parent/adult student was prevented from filing a complaint due to specific misrepresentations by the district that it had resolved the problem forming the basis of the due process complaint or the district's withholding information it was required to provide to the parent/adult student.

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 education 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.

The district must inform a parent/adult student of any free or low-cost legal or other relevant services available to him or her if a due process complaint is requested or if the parent/adult student requests such information.

The party, or the attorney representing the party, must provide the other party a copy of the due process complaint, which must remain confidential. A parent/adult student may receive a copy of the district initiated due process request by electronic mail communication if the district makes that option available.

The party filing the due process complaint must forward a copy of the due process complaint to the WVDE.

B. Due Process Complaint Components

A due process complaint must be made in writing and must include the following:

1. The student's name, address of the residence of the student (or available contact information in the case of a homeless student) and the school the student is attending;
2. In the case of a homeless child or youth (within the meaning of the McKinney-Vento Homeless Assistance Act), available contact information for the student, and the name of the school the student is attending;
3. A specific description of the student's problem relating to the proposed or refused initiation or change, including the facts pertaining to the problem;
4. A proposed resolution of the problem to the extent known and available at the time; and
5. The signature of the individual requesting the due process hearing.

C. Responding to a Due Process Complaint

The party receiving a due process complaint must, within ten days of receiving the due process complaint notice, send to the other party a response that specifically addresses the issues raised in the due process complaint notice except as follows:

If the party receiving the due process hearing complaint notice is a district that has not sent a prior written notice under Chapter 10, Procedural Safeguards, to the parent with regard to the subject matter contained in the parent/adult student's due process complaint, the district must within ten days of receiving the due process complaint, send to the parent/adult student a response that includes:

1. An explanation of why the district proposed or refused to take the action raised in the due process complaint;
2. A description of other options the IEP Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report that the district used as a basis for the proposed or refused action; and
4. A description of other factors relevant to the district's proposal or refusal.

Providing the parent/adult student with PWN does not preclude the district from asserting that the parent/adult student's due process complaint was insufficient, where appropriate.

D. Sufficiency of Due Process Complaints

The district or the parent/adult student may not have a hearing on a due process complaint or participate in an early resolution session unless the due process complaint is sufficient; that is, meets the criteria in 1. – 5. listed in Section B., Due Process Complaint Components.

The due process complaint must be considered sufficient unless the district or the parent/adult student receiving the due process complaint notifies the hearing officer and the other party in writing within fifteen days of receipt of the due process complaint that the receiving party believes that the due process complaint does not meet the requirements of 1. – 5. as listed in Section B., Due Process Hearing Complaint Components.

The due process hearing officer must make a determination of sufficiency, on the face of the complaint, within five days of receiving notice that the party subject to the due process complaint believes that the due process complaint is insufficient. The hearing officer must immediately notify the parties in writing of the determination.

A party may amend a due process complaint only if:

1. The other party consents in writing to the change and is given the opportunity to resolve the due process issues through the resolution process described below; or
2. The hearing officer grants permission to amend the due process complaint no later than five days before the due process hearing begins.

If a party files an amended due process complaint, the timelines begin again for the resolution meeting and the resolution period as described in Section E., Resolution Process.

E. Resolution Process

Within fifteen days of receiving a due process complaint from the parent as the party and prior to initiating a due process hearing, the district must convene a meeting with the parent/adult student to discuss his or her due process complaint and the facts that form the basis for the complaint, so that the district has the opportunity to resolve the dispute.

The "resolution team" includes the parent/adult student, a representative of the district who has decision-making authority and relevant members of the IEP Team as determined by the school district and the parent/adult student who have specific knowledge of the facts identified in the complaint. The district's attorney will not attend the resolution session unless an attorney will accompany the parent/adult student.

The resolution meeting need not be held if:

1. Both parties agree in writing to waive the meeting; or
2. Both parties agree to participate in mediation.

Except where 1. or 2. above apply, failure of the parent/adult student to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If the district fails to hold the resolution meeting within fifteen days of receiving notice of a parent's/adult student's due process complaint or fails to participate in the resolution meeting, the parent/adult student may seek the intervention of a hearing officer to begin the due process hearing timelines. In cases where the district is unable to obtain the participation of the parent/adult student in the resolution meeting after reasonable efforts have been made and documented as specified in Chapter 10, Section 5, Parent Participation, the district may at the end of the thirty day resolution period request that a hearing officer dismiss the parent's/adult student's due process complaint.

If the district has not resolved the due process complaint to the satisfaction of the parent/adult student within thirty days of the receipt of the due process complaint, the due process hearing

may occur and the timeline for issuing a decision begins at the expiration of the thirty-day resolution process-period.

Adjustments to the thirty-day resolution period may be made when:

1. Both parties agree in writing to waive the resolution meeting;
2. After either the mediation or resolution meeting starts, but before the end of the thirty-day period, the parties agree in writing that no agreement is possible; or
3. If both parties agree in writing to continue the mediation at the end of the thirty-day resolution period, but later, the parent or district withdraws from the mediation process.

One day after any of the above three events occurs, the forty-five day timeline for the due process hearing begins.

If a resolution is reached regarding the issues raised in the due process complaint, the district representative and parent/adult student will sign a legally binding document that is enforceable in state and federal court or through the WVDE complaint procedure. Either party may void this agreement within three business days of signing the agreement.

F. Responsibilities of the West Virginia Department of Education

IDEA 2004 requires that each state administer a due process complaint system as a means to resolving disputes between districts and parents/adult students. The WVDE has the following responsibilities with regard to the implementation of the WVDE due process complaint system:

1. Provide assistance in alternative means for submitting due process complaints in instances where parents are unable to submit written requests;
2. Develop a model form to assist parents/adult students in filing a due process complaint;
3. Maintain a list of attorneys trained to serve as hearing officers. The listing shall include a statement of the qualifications of each person and shall be provided to each district and to any party who requests the information in writing;
4. Inform the parties of the availability of mediation when a due process complaint is initiated or the parties request the information;
5. Provide information regarding any free or low-cost legal, and other relevant services in the area, to the parent/adult student if the parent/adult student requests the information or when the parent/adult student or district files a due process complaint;
6. Ensure that all required timelines for due process complaint resolution process and due process hearings are met; and
7. 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.

G. Qualifications of Due Process Hearing Officers

WVDE will ensure that due process hearing officers, at a minimum, have the following qualifications:

1. A law degree;
2. Admission to the West Virginia State Bar;
3. The knowledge of, and the ability to understand IDEA 2004 and federal regulations and Policy 2419 pertaining to the Act, and legal interpretations regarding special education law, regulations and state policy by federal and state courts;
4. The knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice;
5. The knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice;
6. 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; and
7. Impartiality (see specific criteria listed below).

Due process hearing officers must not be:

1. A person who is an employee of the WVDE or the district that is involved in the education or care of the student; or
2. A person having a personal or professional interest that conflicts with the person's objectivity in the hearing; or
3. A lawyer who represents boards of education or parents in actions against boards of education.

An otherwise qualified due process hearing officer:

1. Shall be ineligible to begin hearing officer training or to serve as a 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 this representation; and
2. Is not an employee of the WVDE solely because he or she is paid by the Department to serve as a hearing officer.

H. Selection of Due Process Hearing Officers

Upon receipt of a written request for a due process complaint, the WVDE shall select a hearing officer by:

1. Using a rotational selection process from the list of qualified hearing officers;
2. Making an initial determination whether the hearing officer has a personal or professional interest which would conflict with objectivity in the hearing;
3. Selecting a new hearing officer if conflict is determined or the hearing officer is unavailable to conduct the hearing within timelines; and
4. Allowing either party to submit a challenge for cause to remove a hearing officer. This challenge must be submitted in writing to the hearing officer.

I. Due Process Hearing Rights

The party requesting a due process hearing may not raise issues at the due process hearing that were not raised in the due process complaint unless the other party agrees otherwise.

Any party to a hearing or an appeal has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to students with exceptionalities;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses and compel the production of relevant documents;
3. 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;
4. Obtain written, or at the option of the parent/adult student, electronic, verbatim record of the hearing; and
5. Obtain written, or at the option of the parent/adult student, electronic findings of fact and decisions.

In addition, the following apply to disclosure of information:

1. At least five business days prior to conducting a hearing, each party must 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.
2. A hearing officer may bar any party that fails to comply with the above from introducing the relevant evaluation or recommendations at the hearing without the consent of the other party.

Parents/adult students involved in hearings must be given the right to:

1. Have the student who is the subject of the hearing present;
2. Open the hearing to the public;
3. Have the record of the hearing and the findings of fact and decisions provided at no cost to the parent/adult student;
4. Be provided with interpreters for the deaf or interpreters fluent in the primary language of the home as needed at public expense at all stages of the due process procedures;
5. Have the hearing conducted at a time and place that is reasonably convenient; and
6. File a due process complaint on an issue separate from a due process complaint already filed.

J. Student's Status During Proceedings

During the pendency of any administrative or judicial proceeding regarding a due process complaint (except as provided for under Section L., 5.), unless the state or local agency and the parent/adult student agree otherwise, the student involved in the complaint must remain in his or her current educational placement. If the complaint involves an application for initial admission

to public school, the student, with the consent of the parent, must be placed in the public school until the completion of all the proceedings.

If a complaint involves initial services for a child transitioning form Part C to Part B and the child is no longer eligible for Part C services because he/she turned three, the district is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services, the district must provide those services that are not in dispute between the parent and the district.

If the decision of a hearing officer in a due process hearing agrees with the parent/adult student that a change of placement is appropriate, that placement must be treated as an agreement between the district and the parent/adult student.

K. Timelines and Convenience of Hearings and Reviews

Not later than forty-five days after the expiration of the resolution process thirty-day period or the adjusted time periods described in Section 3, E., 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 above timeline at the request of either party.

Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parent/student involved.

L. Expedited Due Process Complaint

An expedited due process hearing is used only for disciplinary issues (refer to Chapter 7) and may be requested with the WVDE, under the following circumstances:

1. The parent/adult student with a disability disagrees with a decision regarding a manifestation determination or with any decision regarding placement for disciplinary reasons, or
2. The district believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

In an expedited hearing, the due process procedures previously described in this chapter will be used with the following exceptions:

1. A resolution session meeting must occur within seven days of the date of the receipt of the due process complaint by the WVDE unless mutually waived by both parties in writing.
2. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen days or receipt of the due process complaint.

3. Time periods for disclosure of evidence and evaluations and recommendations based on those evaluations shall not be less than five business days prior to the hearing.
4. The hearing shall occur within twenty school days of the date the hearing is requested and shall result in a determination within ten school days after the hearing with no extensions permitted.
5. The student remains in the IAES pending the decision of the hearing officer or until the expiration of the time period provided (no more than forty-five days), whichever comes first, unless the parent/adult student and school personnel agree otherwise.

In making a determination in a disciplinary appeal, the due process hearing officer may:

1. Return the student to the placement from which the student was removed; or
2. Order a change in placement of a student with a disability to an appropriate IAES setting for not more than forty-five days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

If the district believes the student would be dangerous if returned to the original placement, another hearing may be filed and the hearing officer may determine either of the above.

M. Due Process Hearing Process

The impartial hearing officer shall:

1. Preside at the hearing;
2. Conduct the proceedings in a fair and impartial manner; and
3. Take steps to assure that the hearing will be conducted and completed in an efficient manner.

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.

In matters regarding a procedural violation, a hearing officer may find that a student did not receive FAPE only if the procedural inadequacies:

1. Impeded the student's right to FAPE;
2. Significantly impeded a parent's/adult student's opportunity to participate in the decision-making process; or
3. Caused a deprivation of educational benefit.

A hearing officer may order a district to comply with procedural requirements regardless of whether a district's failure resulted in a denial of FAPE. A hearing officer's determination of whether the student received FAPE must be made on substantive grounds.

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

N. Civil Action

Any party aggrieved by the findings and decisions made in the hearing has the right to bring a civil action with respect to the request for a due process hearing through any state court of competent jurisdiction within 120 days of the issuance of the hearing officer's written decision or in a district court of the United States without regard to the amount in controversy.

In any action brought under the above, the court shall:

1. Receive the records of the administrative proceedings;
2. Hear additional evidence at the request of a party; and
3. Grant the relief that the court determines to be appropriate based upon the preponderance of the evidence.

Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973, or other federal laws protecting the rights of students with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the Act. The procedures under 300.507 and 300.514 must be exhausted to the same extent as required had the action been brought under section 615 of the Act.

O. Attorneys' Fees

Parents are informed through the procedural safeguards notice that reasonable attorneys' 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 attorneys' fees may be agreed to by the parties or awarded by a court. IDEA, Part B funds may not be used to pay attorneys' fees.

The court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who is the:

1. Parent of a child with a disability;
2. WVDE or district against the attorney of a parent/adult student who files a complaint that is frivolous, unreasonable or without foundation, or against the attorney of a parent/adult student who continued to litigate after the litigation clearly became frivolous, unreasonable or without foundation; or
3. WVDE or district against the attorney of a parent/adult student, or against the parent/adult student, if the parent's/adult student's due process complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

A court awards reasonable attorneys' fees based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent if:

1. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process complaint, at any time more than ten days before the proceeding begins;
2. The offer is not accepted within ten days; and
3. The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

Attorneys' fees may not be awarded relating to any meeting of the IEP Team, including resolution meetings, unless the meeting is convened as a result of a due process decision or judicial action, or at the discretion of the WVDE.

The court may award attorneys' fees and related costs to a parent/adult student who is the prevailing party and who was substantially justified in rejecting the settlement offer.

The court may reduce the amount of the attorneys' fees if the court finds the:

1. Parent/adult student, or the parent's/adult student's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
2. Amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation and experience;
3. Time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. Attorney representing the parent/adult student did not provide to the district the appropriate information in the due process complaint notice.

Attorneys' fees may be awarded if the court finds that the WVDE or district unreasonably protracted the final resolution of the action or proceeding or there was a violation of procedural safeguards.

GLOSSARY

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.
Adaptive Physical Education	General physical education, which has been modified or adapted, so that a student with a disability can participate in the general physical education program. Modifications may include, but are not limited to, instructional adaptations and/or modified or specialized equipment.
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.
Adolescent Education	The educational program that addresses the intellectual, physical, social/emotional and transition needs of learners aged fourteen through twenty-one for special education across all programs and areas of study in grades nine – twelve.
Adult Education	The educational program that addresses the intellectual, physical, social/emotional and occupational needs of persons sixteen years old and older who presently are not enrolled in a public school.
Adversely Affects	Interferes with the student's educational performance to the extent that the student is unable to achieve in the general education program within the range of functioning of the student's chronological age peers without exceptionalities.
Age-Appropriate	The term applies to peers of similar chronological ages or settings in which peers of similar chronological ages without exceptionalities are served.
Annual Goal	Measurable statements developed from the present levels of educational performance that project what a student with an exceptionality can reasonably be expected to accomplish within a twelve 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.

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. The term does not include a medical device that is surgically implanted, or the replacement of such a device.

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:

1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;
4. Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
6. 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.

Audiological Services

Services provided by a qualified audiologist include:

1. Identification of students with hearing loss;
2. Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
3. Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
4. Creation and administration of programs for prevention of hearing loss;
5. Counseling and guidance of pupils, parents, and teachers regarding hearing loss; and
6. An appropriate aid, and evaluating the effectiveness of amplification.

Behavior Intervention Plan (BIP)	Written, purposeful and individualized plan based upon a student's functional behavioral assessment. The BIP describes the positive behavioral interventions, strategies and supports required to implement the student's IEP goals and objectives in the areas of social, emotional and/or behavioral development. The BIP may include, but is not limited to: 1. Environmental modifications that reduce the likelihood of the problem behavior; 2. Guidance, structured opportunities and/or instruction in the use of new skills as a replacement for problem behaviors; 3. Consequences to promote positive change and diminish problem behavior; 4. A crisis management plan (if appropriate); and 5. Procedures for monitoring, evaluating and reassessing the plan as necessary.
Benchmarks/ Objectives	Measurable, intermediate steps between a student's present levels of academic achievement and functional performance and the annual goals. Objectives are based on a logical breakdown of the major components of the annual goals.
Business Day	Means Monday through Friday, except for Federal and State holidays, (unless holidays are specifically included in the designation of business day).
Case Management	The maximum number of students for whom a special education teacher has primary responsibility in performing the administrative functions of the IEP process including: 1. Setting up meetings; 2. Ensuring appropriate forms are completed; 3. Ensuring timelines are met; and 4. Notifying participants of the times and dates of meetings.
Class List	The maximum number of students for whom a special education teacher has responsibility for direct instruction per instructional period.
Close Adult Supervision	The provision of staff to address the behavioral, academic, medical, health, safety or other needs of a student to enable them to make progress toward the goals of their IEP and be educated in the least restrictive environment.
Collaboration	A style of interaction in which two or more professionals work together toward a common goal.

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.
Community-Settings	Community environment(s) in which the student will be expected to use/apply the skills or behaviors that are being learned.
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.
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.
Consent	1. 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; 2. 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; 3. The "parent" understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; and 4. If a "parent" revokes consent, that revocation is not retroactive (i.e. it does not negate an action that has occurred after the consent was given and before the consent was revoked).
Consultation	An interaction in which a party provides assistance and expertise to assist another party. A special education teacher in WV who is not certified or highly qualified in the core academic area being taught serves in a consultative role as he or she contributes to teaching and learning in that core content area. Examples of these responsibilities are provided in Policy 5202.

Continuum of Alternative Placements	A range of settings in which eligible students with exceptionalities receive special education and related services.
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)).
Core Academic Subjects	English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history and geography.
Co-teaching	When two or more educators co-plan, co-instruct, and co-assess a group of students with diverse needs in the same general education classroom. (Murawski, 2005). A special education teacher in WV who is co-teaching in a core academic area within the co-teaching model must be highly qualified in the core content area being taught.
Counseling Services	Services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.
Critical Skills	The cognitive, physical, communication, and/or social/emotional abilities needed for the student to maintain current levels of performance.
Dangerous Weapon	A weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less than two and one-half inches in length (18 U.S.C. Section 930(g)(2)).
Day; Business Day; School Day	Day means calendar day unless otherwise indicated as school day or business day. Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day.) School day means any day, including a partial day that students are in attendance at school for instructional purposes. School day has the same meaning for all students in school, including students with and without exceptionalities.
Destruction	Physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
Direct Services	Instruction, therapy or interventions provided one-on-one or in groups to an eligible student with an exceptionality in school, home or community settings.

Disciplinary Removal	Any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by hearing officer for likely injury to self or others.
District	Has the same meaning as county school or local education agency. In West Virginia there are fifty-seven local school districts which include the fifty-five county districts, the West Virginia Schools for the Deaf and Blind and the schools operated by the WVDE, Office of Institutional Education Programs.
Drug Offenses	The use, possession, sale, or solicitation of drugs as identified in 21 U.S.C. Section 812(c). These offenses do not include use, possession, sale or solicitation of alcohol or tobacco.
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 Pre-K - four.
Early Identification and Assessment	The implementation of a formal plan for identifying a disability as early as possible in a child's life.
Economically Disadvantaged	A student whose family income meets the federal guidelines for reduced or free school lunch.
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.
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.
Educational Service Agency	Means a regional public multi-service agency: 1. Authorized by State law to develop, manage and provide services or programs to local educational agencies; 2. 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 3. Includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

Eligible Exceptional Students

Those individuals who, in accordance with the definitions, eligibility criteria, procedures and safeguards contained in this document, have been identified as having one of the following exceptionalities:

1. Autism, emotional/behavioral disorder, blindness and low vision, speech/language impaired, deafblindness, deaf and hard of hearing, gifted, exceptional gifted (grades nine - twelve) mentally impaired, orthopedically impaired, other health impaired, developmental delay, specific learning disability, traumatically brain injured; and
2. Need special education.

Eligible Students with Exceptionalities

Those individuals who are gifted or exceptional gifted as defined in Chapter Five of this Policy and/or eligible students with disabilities and who, by reason thereof, need special education.

Eligible Students with Disabilities

Those individuals who have one or more of the disabilities defined in IDEA 2004 and Chapter 5 of this Policy and who, by reason thereof, need special education.

Equipment

Means:

1. Machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and
2. 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.

Evaluation

Procedures used in accordance with the protection in evaluation requirements of IDEA 2004 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 do not include basic tests administered to or procedures used with all students in a school, grade, or class.

Executive Skills

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

Expulsion	An action taken by the district removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer, in accordance with district policy. Includes removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.
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 district, 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.
Firearm	Any weapon which will expel a projectile by action of an explosion.
Formative Assessment	An on-going classroom based assessment of student progress within an instructional program, which provides feedback to the student and information for the teacher to use in making necessary instructional adjustments, such as reteaching, alternative approaches or more opportunities for practice.
Free Appropriate Public Education (FAPE)	Special education and related services which: 1. Are provided at public expense, under public supervision and direction, and without charge to the parent; 2. Meet the standards of the state education agency, including the requirements of these regulations; 3. Include preschool, elementary school or secondary school education in the State, and 4. Are provided in conformity with an Individualized Education Program.
Functional Behavioral Assessment (FBA)	A sequential, multi-step, team evaluation process that helps to determine the purpose and the effect of the problem behavior(s) so that IEP goals and objectives can be identified, and interventions and modifications can be developed and implemented, specifically through a student's Behavioral Intervention Plan. A FBA requires that both school personnel and the parents evaluate the behaviors of concern within the broader perspective of the student's home and school environments.
General Curriculum	The curriculum adopted by a district, schools within the district, or where applicable, the state education agency for all students from preschool through secondary school. In these regulations, the term means the 21st Century Content Standards and Objectives for West Virginia Schools.
General Education	An educational program designed to meet the needs of all students in Pre-K, early childhood, middle childhood, adolescent or adult

	education. Instruction in a general education program includes community based, general and/or vocational education.
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.
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.
Historically Under-represented Gifted Population	Those students whose giftedness may not be apparent due to low socioeconomic status, a disability in accordance with this policy, or a background that is linguistically or culturally different.
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.
Homeless Children	As defined in the McKinny-Vento Homeless Assistance Act.
Illegal Drug	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.
Include	Means that the terms named are not all of the possible items that are covered, whether like or unlike the ones named.
Independent Educational Evaluation	An evaluation conducted by a qualified evaluator who is not employed by the district responsible for the education of the student in question, and who is selected by the party seeking the independent evaluation.

Indirect Services	Consultative services provided by a special education teacher or service provider to the individuals responsible for the provision of services described in the IEP to directly benefit the student. Indirect services include, but are not limited to, selecting or designing materials and/or activities, monitoring behavior management plans or evaluating progress on short term objectives.
Individualized Education Program (IEP)	A written statement for an eligible student with an exceptionality that is developed, reviewed and revised in accordance with Policy 2419 and IDEA 2004.
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 student with an exceptionality.
Individualized Family Service Plan (IFSP)	A written plan for providing early intervention services to a child and the child's family.
In-school Suspension	Instances in which a child is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.
Instructional Day	Minimum number of instructional minutes per program level as specified in Policy 2510.
Interim Alternative Educational Setting	An appropriate setting determined by the student's IEP Team in which the student is placed for no more than forty-five school days. This setting enables the student to continue to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the IEP. As appropriate, the setting includes a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.
Interpreting Services	With respect to students with deafness or who are hard of hearing: includes oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and special interpreting services for student with deafblindness.
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 peers without exceptionalities.

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 and application of functional academics and mobility.

Local Educational Agency

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:

1. An educational service agency, as defined in these regulations; and
2. Any other public institution or agency having administrative control and direction of a public elementary or secondary school.

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.

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.

Meeting

A meeting does not include informal or unscheduled conversations involving district 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 district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Middle Childhood Education	The educational program that addresses the intellectual, physical, and social/emotional needs of learners aged ten through fourteen across all programs in areas of study in grades five - eight.
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.
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.
Native Language	1. 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; 2. 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 3. 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).
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 district, referrals to agencies which provide assistance, and employment of students, including both employment by the district and assistance in making outside employment available.
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.
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.

Objective Criteria

Standards established to determine whether a student is learning or has achieved a skill and if instruction is effective.

Occupational Therapy

Services provided by a qualified occupational therapist, which include:

1. Improving, developing or restoring functions impaired or lost through illness, injury or deprivation;
2. Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
3. Preventing, through early intervention, initial or further impairment or loss of function.

Orientation and Mobility

Services provided to students with blindness or have low vision by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, including:

1. 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);
2. 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;
3. Teaching students to understand and use remaining vision and distance low vision aids, as appropriate; and
4. Other concepts, techniques and tools, as determined appropriate.

Out-of-School Suspension

Instances in which a child is temporarily removed from his/her school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is ten days or less, as well as removals in which the child continues to receive services according to his/her IEP.

Out-of-State Placement

The placement of a student with a disability in a school/facility located outside of the state for special education and related services.

Parent

1. A biological or adoptive parent;
2. A guardian, generally a person authorized to act as the parent or authorized to make educational decisions for the child;
3. An individual acting in the place of a biological or adoptive parent (e.g., grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for a child's welfare;
4. A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent; or
5. 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 2004 and this policy if:

1. The natural parents' authority to make educational decisions on the child's behalf has been extinguished under state law;
2. The foster parent has an ongoing, long-term parental relationship with the child;
3. The foster parent is willing to participate in making educational decisions on the child's behalf; and
4. The foster parent has no interest that would conflict with the interests of the child.

When more than one party is qualified to act as a parent, the biological or adoptive parent must be presumed to be the parent unless this individual does not have the legal authority to make educational decisions for the child. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of the child, then such person or persons must be determined to be the "parent" for purposes of implementing IDEA 2004 and Policy 2419.

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.

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.

Parental Consent	See Consent.
Part B of the Individuals with Disabilities Education Improvement Act (IDEA)	Part B requires that states ensure students with disabilities aged three through twenty-one are provided a free appropriate public education. Part B services are overseen by the West Virginia Department of Education (WVDE) and implemented by the local school districts. Educational services under Part B are designed and provided through the Individualized Education Program (IEP) process.
Part C of the Individuals with Disabilities Education Improvement Act (IDEA)	Part C requires that states have a statewide comprehensive coordinated interagency system of services for infants and toddlers with disabilities from birth through age two. Under Part C, the governor designates a lead agency to implement Part C in the state. In West Virginia, the lead agency is the West Virginia Department of Health and Human Resources (WV DHHR). Services under Part C are designed and delivered through an Individualized Family Service Plan (IFSP).
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.
Personally Identifiable	Information that includes: 1. The name of the student, the student's parent, or other family member; 2. The address of the student; 3. A personal identifier, such as the student's social security number or student number; or 4. a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.
Physical Education	The development of: 1. Physical and motor fitness; 2. Fundamental motor skills and patterns; and 3. 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.
Physical Therapy	Services provided by a qualified physical therapist.
Placement	The setting in which the eligible exceptional student receives special education and related services. For students ages six through twenty-one, these settings are: General Education - Full-Time, General

	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 three - five, these settings are: Early Childhood Program, Special Education Program, Home and Service Provider Location.
Positive Behavioral Interventions, Strategies and Supports - (PBS)	A broad term that describes a comprehensive, research-based, proactive approach to behavioral support aimed at producing comprehensive change for students with challenging behavior. PBS encompasses multiple approaches: changing systems, altering environments, teaching skills and appreciating positive behavior. The goal of PBS is not to eliminate the behavior but to understand the behavior's purpose (based upon information from the student's functional behavioral assessment) so that the student can replace it with new, pro-social behaviors that achieve the same purpose. PBS strategies may include, but are not limited to: 1. Altering the classroom environment; 2. Increasing predictability and scheduling; 3. Increasing choice making; 4. Making curricular adaptations; 5. Appreciating positive behaviors; and/or 6. Teaching replacement skills.
Present Levels of Academic Achievement and Functional Performance	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. These 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.
Prior Written Notice	A written notice to inform a parent/adult student of the district's proposal or refusal to initiate or change the student's identification, evaluation, educational placement or provision of FAPE. The notice must be provided to the parent/adult student within a reasonable amount of time prior to implementing the proposed action/refusal. Prior written notice may be documented through the use of a variety of special education process forms (e.g., request for evaluation, IEP form or EC report, etc.).
Private/Religious School	An educational facility operated by a non-public agency or organization.

Procedural Safeguards

The due process protections afforded in the implementation of the West Virginia special education process.

Procedure

Any written course of action set forth to implement federal, state, and local policy which includes:

1. A description of the actions to be undertaken;
2. The criteria or standards to be used when decisions are required;
3. The person(s) responsible for such actions, and
4. The timelines for completion.

Written procedures shall describe actions in terms which are both measurable and operational.

Program of Study

A Pre-K through grade twelve curricular sequence that constitutes the subject matter to be offered in the public schools of West Virginia (e.g., reading, mathematics, social studies, vocational education, business education).

Psychological Adjustment Disorder

Significant emotional or behavioral symptoms that adversely affect a student's educational performance documented by a comprehensive psychological evaluation.

Psychological Services

Includes:

1. Administering psychological and educational tests, and other assessment procedures;
2. Interpreting assessment results;
3. Obtaining, integrating and interpreting information about child behavior and conditions relating to learning;
4. Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests;
5. Planning and managing a program of psychological counseling for students and parents; and
6. Assisting in developing positive behavioral intervention strategies.

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 students with exceptionalities.

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.

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.
Recreation	Includes: 1. Assessment of leisure function; 2. Therapeutic recreation services; 3. Recreation programs in schools and community agencies; and 4. Leisure education.
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.
Regression /Recoupment	The loss of acquired skills and the inability to relearn those skills in a specified amount of time.
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 disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.
Related Services	Transportation and such developmental, corrective and other supportive services as are required to assist an eligible student with an exceptionality to benefit from special education. The term includes, but is not limited to, assistive technology, audiology, interpreting services, 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 and school nurse services, early identification and evaluation of disabling conditions in students, medical services for diagnostic or evaluative purposes only and parent counseling and training. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device or the replacement of that device.

Removal by a Hearing Officer	Those instances in which an impartial hearing officer orders the removal of a student with a disability from his or her current educational placement to an appropriate alternative educational setting for not more than forty-five school days based on the hearing officer's determination that maintaining the student's current placement is substantially likely to result in injury to the student or others. The IEP Team is responsible for determining the alternative educational setting.
School Day	Any day, including a partial day, in which students are in attendance at school for instructional purposes. A school day is the time inclusive of homeroom, class changes, breaks/recess, lunch and other non-instructional activities from the first designated assembly of the student body in groups (homeroom or first period) to the dismissal of the student body. The term school day has the same meaning for all students in school, including students with and without exceptionalities.
School Health Services and School Nurse Services	Health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a licensed school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.
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 twelve.
Self-Care	Skills involving eating, dressing, grooming, toileting and hygiene.
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.
Serious Bodily Injury	A bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty (18 U.S.C. Section 1365(3)(h))).
Serious Misconduct	Any activity for which suspension or expulsion is a punishment for students unless, for a student with a disability, the behavior is a manifestation of that disability. 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; or
12. Habitually violating school rules or policies.

Service Plan

A written statement that describes the special education and related services to be provided by the district to a parentally-placed student with an exceptionality enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with Chapter 8 of this Policy and is developed and implemented in accordance with Chapter 5.

Shared Instructional Models

Include an array of service delivery options provided by general education, Title I and/or special education teachers, related services and support personnel and others that encompass consultative and co-teaching models and are undertaken for the purpose of maximizing results for all students.

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.

Social Work Services in Schools

Services that include:

1. Preparing a social or developmental history on a student with a disability;
2. Group and individual counseling with the student and family;
3. Working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and
4. 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.

Socially Maladjusted

Students who are socially maladjusted (or more precisely Oppositional Defiant or Conduct Disordered) typically display a persistent pattern of willful refusal to meet even minimum standards of conduct. Their behavior and values are often in conflict with society's standards. They exhibit a consistent pattern of antisocial behavior without genuine signs of guilt, remorse, or concern for the feelings of others. (Montgomery, 2006)

Special Education

Specially designed instruction, at no cost to parents, to meet the unique educational needs of an eligible student with an exceptionality, 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, vocational education and travel training if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a student with an exceptionality.

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 a disability.

Specially Designed Instruction

Adapting content, methodology or delivery of instruction:

1. To address the unique needs of an eligible student that result from the student's exceptionality; and
2. To ensure access of the student to the general curriculum, so that he or she can meet the educational standards that apply to all students.

Speech-Language Pathology Services	Services provided by a qualified speech-language pathologist include, but are not limited to: 1. Identification of students with speech or language impairments; 2. Diagnosis and appraisal of specific speech or language impairments; 3. Referral for medical or other professional attention necessary for the habilitation of speech or language impairments; 4. Provision of speech and language services for the habilitation or prevention of communicative impairments; and 5. Counseling and guidance of parents, students and teachers regarding speech and language impairments.
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.
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.
Student Assistance Team	A trained school-based team which provides a formalized process for the review of student needs and complements the work of instruction and intervention teams.
Supplementary Aids and Services	Aids, services and other supports that are provided in general education classes, other education-related settings and in extracurricular and nonacademic settings, to enable students with exceptionalities to be educated with students without exceptionalities to the maximum extent appropriate. Supplementary aids include any material/curricular resource or assistance, beyond what is normally afforded students without exceptionalities, provided to support a student with an exceptionality's placement, such as large print books, assistive technology devices, auditory trainers, curriculum adaptations and classroom modifications or aids, services and other supports. Supplementary services include any human resource or assistance, beyond what is normally afforded students without exceptionalities, provided to support a student with an exceptionality's placement, such as direct instruction, peer tutoring, interpreting or note taking.
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.
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.

Transportation

Includes:

1. Travel to and from school and between schools;
2. Travel in and around school buildings; and
3. Specialized equipment (such as special or adapted buses, lifts and ramps), if required, to provide special transportation for a student with a disability.

Travel Training

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).

Underachievement

Academic achievement and or classroom performance that is significantly discrepant with the student's intellectual ability documented by the student's educational record.

Unilateral Removal

Instances in which school personnel (not the IEP Team) order the removal of students with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than forty-five school days. The IEP Team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP Team to change a student's placement.

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.

Ward of the State

A child who, as determined by the state where the child resides is:

1. A foster child;
2. Award of the State; or
3. In the custody of a public child welfare agency.

The term does not include a foster child who has a foster parent who meets the definition of a parent.

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.

ACRONYMS AND ABBREVIATIONS

ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
APTA	Alternate Performance Task Assessment
BIP	Behavior Intervention Plan
CASE	County Administrator of Special Education
CIC	Clean Intermittent Catheterization
CIFMS	Continuous Improvement and Focused Monitoring System
CSOs	Content Standards and Objectives
DIBELS	Dynamic Indicators of Basic Early Literacy Skills
E/BD	Emotional/Behavioral Disorder
EC	Eligibility Committee
EDEN	Education Data Exchange Network
ESEA	Elementary and Secondary Education Act
ESY	Extended School Year
FAPE	Free Appropriate Public Education
FBA	Functional Behavior Assessment
FERPA	Family Educational Rights and Privacy Act
GED	General Education Development (Credential)
GEE	General Education Environment
HEAP	Health Education Assessment Project
IAES	Interim Alternative Educational Setting
IDEA 2004	Individuals with Disabilities Education Improvement Act of 2004

IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IFSP	Individual Family Service Plan
LEA	Local Educational Agency
LRE	Least Restrictive Environment
LQ	Language Quotient
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind Act
NIMAS	National Instructional Materials Accessibility Standard
OSEP	Office of Special Education Programs (US)
PBS	Positive Behavior Support
PWN	Prior Written Notice
RESA	Regional Education Service Agency
RS-SWPBS	Responsible Students through School-Wide Positive Behavior Support Program
RTI	Response to Intervention
SAT	Student Assistance Team
SD	Standard Deviation
SEA	State Education Agency
SEE	Special Education Environment
SLD	Specific Learning Disability
SLP	Speech-Language Pathologist
SPP	State Performance Plan

WESTEST	West Virginia Educational Standards Test
WVDE	West Virginia Department of Education
WV DHHR	West Virginia Department of Health and Human Resources
WVEIS	West Virginia Education Information System
WVMAP	West Virginia Measures of Academic Progress

STATE APPROVED TEST LIST FOR THE IDENTIFICATION OF GIFTED STUDENTS IN WEST VIRGINIA

KEY: O = No X = Yes G = Group I = Individual P = Psychologist TEST NAME	GRADES	AGES	COMPOSITE	VERBAL	QUANTITATIVE	NON-VERBAL	GROUP/INDIVIDUAL	TRAINED PERSONNEL ADMINISTRATION	TRAINED PERSONNEL INTERPRETATION	TIME IN MINUTES	SPECIAL POPULATION
Bilingual Verbal Ability Tests, Normative Update (BVAT NU)	K - 16	5 to Adult	X	X	O	O	I	X	X	30	X
COMMENTS: Date of most recent edition: 1998 BVAT-NU provides 2000 norms for existing WJR test items Provides a measure of overall verbal ability for bilingual individuals. Assessment available in the following languages: Arabic, Chinese, French, German, Haitian-Creole, Hindi, Hmong, Italian, Japanese, Korean, Navajo, Polish, Portuguese, Russian, Spanish, Turkish and Vietnamese.											
Cognitive Abilities Test (Cog AT)	K - 12	5 - 18	X	X	X	X	G	O	X	90	X*
COMMENTS: Date of most recent edition: FORM 6, 2001 (Previous editions may be used, Form 5 currently available). May be used to complement the definition and eligibility for gifted as described in Policy 2419. Non-verbal edition available with Spanish instructions. Test may not be appropriate for students with limited educational experiences. In the non-verbal section, spatial reasoning and abstract reasoning are combined. Option of hand scoring or machine scoring. *Accommodations are identified for use with students with disabilities and language differences in Form 6.											
Cognitive Assessment System (CAS)	K - 12	5 - 17.10	X	O	O	X	I	X	P	60	X*
COMMENTS: Date of most recent edition: 1997 While appropriate for students who are culturally or economically disadvantaged, it may not be suitable for students who are highly verbal since it does not have verbally loaded test items. Norm sample included gifted students and students with disabilities. *Because fine motor skills are required, the CAS may be of limited use for children with fine motor impairment.											
Comprehensive Testing Program, Third Edition (CTP-III)	1 - 12		O	X	X	O	G/I	O	O	240+	X
COMMENTS: Date of most recent edition: Updated Annually Special accommodations are available for LEP populations. Machine scored by company. Very high ceiling.											

KEY: O = No X = Yes G = Group I = Individual P = Psychologist TEST NAME	GRADES	AGES	COMPOSITE	VERBAL	QUANTITATIVE	NON-VERBAL	GROUP/INDIVIDUAL	TRAINED PERSONNEL ADMINISTRATION	TRAINED PERSONNEL INTERPRETATION	TIME IN MINUTES	SPECIAL POPULATION
Differential Abilities Scale 2nd Ed (DAS-II)	Pre K-12	2.6-17.11	X	X	X	X	I	P	X	45-65	X
COMMENTS: Date of most recent edition: 2006. This new version also includes Spanish and signed directions.											
Differential Aptitude Test – Fifth Edition Forms S, T, V, W, C	7 - Adult		O	X	X	X	G	X	X	120	O
COMMENTS: Date of most recent edition: 1990, 5th Edition Separate scores available to distinguish spatial reasoning (space relationship subtest) from abstract reasoning (abstract reasoning subtest) for identification of non-verbal reasoning. Separate scores available to distinguish verbal reasoning (verbal reasoning subtest) and quantitative reasoning (numerical reasoning subtest). Perceptual speed and accuracy, mechanical reasoning, space relations, spelling and language usage subtests available to provide academic counseling. Career Interest Inventory available as an optional tool for use in guidance and counseling. Computer assisted version adapted from form V available.											
E. DISCOVER	Pre K - 12	3 - Adult	X	X	X	X	G	X	X	Un-timed	X
COMMENTS: Date of most recent edition: 2005 May be used to complement the definition and eligibility for gifted as described in Policy 2419. DISCOVER (**D**iscovering **I**ntellectual **S**trengths and **C**apabilities while **O**bserving **V**aried **E**thnic **R**esponses) is primarily designed to identify gifted children from diverse ethnic and linguistic backgrounds. For information contact DISCOVER Projects at the University of Arizona: www.discover.arizona.edu											
Kaufman Assess-ment Battery for Children (KABC-II)	Pre K-12	3-18	X	X	X	X	I	X	P	65-75	X
COMMENTS: Date of most recent edition: 2004. The KABC-II provides two composite scores, Fluid-Crystallized Index and Mental Processing Index. The Mental Processing Index measures general mental processing without measures of acquired knowledge. Only two of the Kaufman subtests are timed but these two subtests have special directions and norms for administration without time bonuses.											
Naglieri Nonverbal Ability Test (NNAT)	K - 12	5 - 18	O	O	O	X	G	O	O	45	X
COMMENTS: Date of most recent edition: 1997 May be used as a screening tool.											

KEY: O = No X = Yes G = Group I = Individual P = Psychologist TEST NAME	GRADES	AGES	COMPOSITE	VERBAL	QUANTITATIVE	NON-VERBAL	GROUP/INDIVIDUAL	TRAINED PERSONNEL ADMINISTRATION	TRAINED PERSONNEL INTERPRETATION	TIME IN MINUTES	SPECIAL POPULATION
Naglieri Nonverbal Ability Test-Individual (NNAT-I)	K - 12	5 - 17	O	O	O	X	I	O	P	25-30	X
COMMENTS: Date of most recent edition: 2003. This is a nonverbal cognitive test that measures nonverbal general ability. This is a good test for language minority students because it can be administered non-verbally by an administrator who does not share the child's primary language. Also ideal for students with speech, language, motor and hearing impairments.											
Otis-Lennon School Ability Test Seventh Edition (OLSAT)	K-12	6 - 17	X	X	O	X	G	O	O	60 - 75	X
COMMENTS: Date of most recent edition: 2003, Eighth Edition (Previous editions may be used) Students who achieve a composite score of 97% percentile or above qualify for placement in a gifted program. The norming sample included minority populations matched to US census ratios. Various modality and timed portions can be selected for students with disabilities.											
Pictorial Test of Intelligence - II	PS-3	3-8	X	X	X	X	I	X	P	15-30	X
COMMENTS: 2nd Edition (2001 norms). Average White-African American IQ difference is 6.9 IQ points.											
RAVEN-Coloured Progressive Matrices	K-5	5 - 11	O	O	O	X	G/I	O	O	15 - 30	X
COMMENTS: Date of most recent edition: 1998 Edition											
RAVEN-Standard Progressive Matrices	2-10	8 - Adult	O	O	O	X	G/I	O	O	30 - 45	X
COMMENTS: Date of most recent edition: 2000 Edition											
RAVEN – Advanced Progressive Matrices	9 - 12	14 - Adult	O	O	O	X	G/I	O	O	30 - 40	X
COMMENTS: Date of most recent edition: 1998 Edition											

KEY: O = No X = Yes G = Group I = Individual P = Psychologist TEST NAME	GRADES	AGES	COMPOSITE	VERBAL	QUANTITATIVE	NON-VERBAL	GROUP/INDIVIDUAL	TRAINED PERSONNEL ADMINISTRATION	TRAINED PERSONNEL INTERPRETATION	TIME IN MINUTES	SPECIAL POPULATION
Stanford Binet Intelligence Scales, Fifth Edition	Pre K - 12	2.0 - Adult	X	X	X	X	I	P	P	45-90	X
COMMENTS: Date of most recent edition: 2003 Fifth Edition Students who achieve a composite score of 97% percentile or above qualify for placement in a gifted program. Specific subtests may be selected for students with disabilities.											
Universal Nonverbal Intelligence Test (Unit)	K-12	5-17.1	X	O	O	X	I	X	P	10-45	X*
COMMENTS: Date of most recent edition: 1998 Excellent for language minority students because it can be administered non-verbally by an administrator who does not share the child's primary language. Also ideal for students with speech, language and hearing impairments. *Because physical manipulation of test materials is required, the UNIT may be of limited use for children with fine motor impairment.											
Wechsler Intelligence Scale for Children-4th Ed (SPANISH)	1-12	6-16.11	X	X	O	X	I	P	P	60	X
COMMENTS: Date of most recent edition: 2004 Fourth Edition The WISC-IV Spanish normative sample of Hispanic-American children is stratified across multiple Hispanic origins including Mexico, Cuba, Dominican Republic, Puerto Rico, Central and South America. The WISC-IV Spanish is an adaptation of the WISC-IV.											
Wechsler Intelligence Scale for Children 4th Ed	1-12	6-16	X	X	O	X	I	P	P	60	X
COMMENTS: Date of most recent edition: 2004 Fourth Edition Integrated Verbal comprehension and perceptual reasoning scores are recommended for placing children in gifted education. The WISC-IV measures general cognitive ability and four specific cognitive abilities which are verbal comprehension, perceptual reasoning, working memory, and processing speed. It does not directly measure academic achievement, but is a good predictor of academic achievement.											
Baterla III Woodcock-Munoz Pruebas de Habilidades Cognitivas	Pre K-12	2-Adult	X	X	X	X	I	X	X	90	X
COMMENTS: Date of most recent edition: 2005											
Woodcock-Johnson III Test of Cognitive Abilities	Pre K-12	2-Adult	X	X	X	X	I	X	X	90-120	X
COMMENTS: Date of most recent edition: 2001											

DOCUMENTATION OF ADVERSE EFFECTS ON EDUCATIONAL PERFORMANCE FOR STUDENTS WITH SPEECH/LANGUAGE IMPAIRMENTS

IDEA requires that the EC in making the determination of a speech-language impairment consider how the disability affects the progress and involvement of the student in the general curriculum. The EC must consider each student individually to determine how the student's disability adversely affects educational performance.

Documentation of adverse effects on educational performance can be gathered from a thorough assessment of communication skills. The assessment must include student, parent, and teacher input.

Information must be recorded by the speech-language pathologist (SLP) on the *Eligibility Report* form.

An assessment of a student's ability to communicate, rather than isolated skill assessment, will provide information on how the impairment affects the student. The following examples may be considered when determining how the student's ability to communicate may adversely impact educational performance:

1. Sound errors, voice quality, or fluency disorders inhibit the student from reading orally in class, speaking in front of the class, or being understood by teachers, peers, or family members.

2. Sound errors, voice quality, or fluency disorders embarrass the student. Peer relationships suffer as a result, or peers may make fun of the student.

3. Sound errors cause the student to make phonetic errors in spelling or have difficulty in phonics.

4. Grammatical errors create problems with a student's orientation in time.

5. Morphological errors inhibit the student from using or making complete sentences.

6. Semantic problems slow the student's ability to follow directions, give directions, make wants and needs known, make oneself understood, relate information to others, or fully participate in daily living.

FLUENCY COMMUNICATION RATING SCALE

Student: _____

School: _____ Date: _____

	Nondisabling Condition	Mild	Moderate	Severe
Frequency	Frequency of dysfluent behavior is within normal limits for student's age, gender, and speaking situation and/or less than 1 stuttered word per minute.	Transitory dysfluencies are observed in specific speaking situation(s) and/or 1-2 stuttered words per minute.	Frequent dysfluent behaviors are observed in specific speaking situations(s) and/or 4-10 stuttered words per minute.	Habitual dysfluent behaviors are observed in a majority of speaking situations and/or more than 10 stuttered words per minute.
Descriptive Assessment	Speech flow and time patterning are within normal limits. Developmental dysfluencies may be present.	Rate of speech interferes with intelligibility. Sound, syllable, and/or word repetitions or prolongations are present with no other secondary symptoms. Fluent speech periods predominate.	Rate of speech interferes with intelligibility. Sound, syllable, and/or prolongations are present. Secondary symptoms including blocking, avoidance, and physical concomitants may be observed.	Rate of speech interferes with intelligibility, sound, syllable, and/or word repetitions and/or prolongations are present. Secondary symptoms predominate. Avoidance and frustration behaviors are observed.
Comments:				

VOICE RATING SCALE

Student: _____ School: _____ Date: _____

	Nondisabling Condition	Mild Descriptive	Moderate Descriptive	Severe Wilson Voice Profile Scale
Pitch	Pitch is within normal limits.	There is a noticeable difference in pitch that may be intermittent.	There is a persistent, noticeable inappropriate raising or lowering of pitch for age and gender, or evidence of dysphonia.	+3 Pitch -3 Pitch -2 Pitch +2 Pitch
Intensity	Intensity is within normal limits.	There is a noticeable difference in intensity that may be intermittent.	There is a persistent, noticeable inappropriate increase or decrease in the intensity of speech, or the presence of aphonia.	-3 Intensity +2 Intensity -2 Intensity
Quality	Quality is within normal limits.	There is a noticeable difference in quality that may be intermittent.	There is a persistent, noticeable breathiness, glottal fry, harshness, hoarseness, tenseness, strident, or other abnormal vocal quality.	-2 Laryngeal +3 Laryngeal +2 Laryngeal - 3 Laryngeal
Resonance	Nasality is within normal limits.	There is a noticeable difference in nasality that may be intermittent.	There is a persistent noticeable cul-de-sac, hyper- or hypo-nasality, or mixed nasality.	-2 Resonance +3 Resonance +4 Resonance
Description of Current Physical Condition	No consistent laryngeal pathology; physical factors influencing quality, resonance, or pitch, if present at all, are temporary and may include allergies, colds, or abnormal tonsils and adenoids.	Laryngeal pathology may be present. Physical factors indicated in moderate and/or severe levels may be present.	Probable presence of laryngeal pathology. Physical factors may include nodules, polyps, ulcers, edema, partial paralysis of vocal folds, palatal insufficiency, enlarged/insufficient tonsils and/or adenoids, neuromotor involvement, or hearing impairment.	Physical factors may include: - unilateral or bilateral paralysis of vocal folds - laryngectomy - psychosomatic disorders - neuromotor involvement of larynx muscles, i.e., cerebral palsy
Comments:				

6.1.5. Caseloads.

a. The following caseload are in effect July 16, 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 6.1.5.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 WVDE for approval of individual program).

FORM HD 201
(10-66)

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 2419:*Regulations for the Education of Students with Exceptionalities* FUND__IDEA Part B _____
State Aid_____

SOURCE OF REVENUE: ☐ GENERAL FUND ☐ SPECIAL ☐ OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: ☐ AN ORIGINAL ESTIMATE ☐ BUDGET BILL ☐ OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: ☐ AN ORIGINAL ESTIMATE ☐ BUDGET BILL ☐ OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL INCREASE	ANNUAL DECREASE	FISCAL YEAR CURRENT	FISCAL YEAR NEXT	FISCAL YEAR THEREAFTER
1. ESTIMATED TOTAL COST	See Below				
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	$	$	$	$	$
2. ESTIMATED TOTAL REVENUES	$	$	$	$	$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

These regulations reflect changes required for the federal statute Individuals with Disabilities Education Improvement Act of 2004 to ensure the State's eligibility for federal funding. The financial impact, including implications for staffing, will be variable and cannot be determined at this time. The projected impact will be dependent upon the following components:

- special education program designs that encourage services by need not area of disability
- the number of students identified as disabled
- effective use of staff as interventionists

Caseloads in the proposed Policy do not go into effect until July 1, 2009. In grades K-4, students with Level I needs will require a 1:6 teacher student ratio. This decrease in number of students per instructional period may warrant hiring additional teachers in some districts. This impact will undergo a review during the 2007-2008 school year.

DATE: 3-27-07

AGENCY: West Virginia Department of Education

AUTHORIZED REPRESENTATIVE

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Directions: The chart below summarizes the most frequently received comments as per the unabridged Policy 2419 Comment Log. Responses to these frequently received comments include: 1) subsequent revisions with the corresponding chapters and section headings of the Policy (Bill Analysis version) where the revisions are located, or 2) WVDE"s justification or rationale for maintaining the proposed policy language.

Section	Response to Comments
§126-16-1 General	
	• The new format for the policies and procedures manual has been well received.
§126-16-2 Purpose	
§126-16-3 Incorporation by Reference	
§126-16-4 Summary	
§126-16-5 Severability	
Chapter 1-Free Appropriate Public Education	
Using Private and Public Insurance Funds to Provide FAPE	• Additional language has been added to clarify the district's responsibilities in seeking to access public insurance funds for the provision of services specified on an eligible student's IEP. Districts are not required to obtain consent each time access to public insurance is sought, unless there are documented changes in the provision of services. Training will be provided to districts this fall, and the state IEP forms will be revised to incorporate these requirements thus reducing the need for any additional forms or procedures.
Chapter 2-Child Find	
Locating Students	• Language has been amended with regard to the district's responsibility to develop interagency agreements to ensure that the required transitions occur between Part B and Part C. Although not required, the development of such agreements will ensure IDEA requirements are met for serving preschool children with disabilities.
Student Assistance Team	• Language has been amended to ensure alignment with Policy 2510. • IDEA 2004 (and previous regulations) requires states to have in effect policies and procedures to ensure that children/students who are in need of special education are identified, located and evaluated. The SAT is one mechanism to accomplish a district's child find responsibilities and includes required procedures to ensure a timely referral and subsequent evaluation of students who are suspected of having a disability and are in need of special education.

Policy 2419: *Regulations for the Education of Students with Exceptionalities*
Frequently Received Comments by Section and Chapter

Section	Responses to Comments
Chapter 3-Evaluation/Reevaluation	
Initial Evaluation	• Language has been clarified for documenting the receipt of parent consent for an initial evaluation.
Additional Evaluations	• IDEA 2004 requires that evaluations are completed in a timely manner to address all of the student's special education needs and that an IEP is developed that meets the student's needs. Additional evaluations may be required to determine those needs and develop an appropriate IEP. Therefore, to ensure that student needs are identified and that FAPE is provided in a timely manner, timelines for the completion of additional evaluations are required. The proposed 45-day timeline has been revised to 60 days. The 60 days for additional evaluations is in addition to the 80-day initial evaluation timeline. Although the IDEA currently includes a 60-day timeline for initial evaluations, it permits states to retain previously adopted timelines. WV has chosen not to impose the more restrictive 60-day timeline for initial evaluations. • Language has been added to include an 80-day evaluation timeline for those students who require a comprehensive multidisciplinary evaluation to determine if he/she meets the criteria for a different exceptionality. • Districts will not be in violation of the 60-day timeline if an outside agency fails to complete a required evaluation.
Prior Written Notice (PWN)	• PWN has been further clarified in the glossary • IDEA requires the provision of written notice to parents prior to specific actions or refusals being implemented that change the identification, evaluation, placement or FAPE for a student. Training will be provided to districts this fall, and the state special education forms will be revised to ensure they contain the required components of PWN.
Chapter 4-Eligibility	
Eligibility Criteria	• Eligibility criteria for the following were revised: - Autism: added school psychologist to list of persons who may provide a diagnosis - Blindness and Low Vision: clarified language with regard to acuity and field of vision - Gifted: reinstated previous language with regard to standard error of measurement - Speech/Language Impairments: amended language in the definition and criteria for articulation/phonology disorder *(also refer to Executive Summary)*. Training specific to these revisions will be conducted. - Specific Learning Disabilities (SLD): (implementation of RTI timelines) *(refer to Executive Summary)* - Definition for traumatic brain injury (TBI) is maintained as it is consistent with the IDEA definition; students with internal causes of TBI may be eligible under another category (e.g., other health impairment).

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Section	Response to Comments
	- Definition for SLD is maintained as it is consistent with the IDEA definition
Chapter 4-Eligibility *continued*	
Response to Intervention (SLD Criteria)	• Refer to *Executive Summary* • Timelines for movement through all tiers of intervention are not appropriate. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement using benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy. Tier 3 is not restricted to the provision of special education services. For example, a student who has been excessively mobile during the early grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a specific learning disability.
Chapter 5-Individualized Education Programs	
IEP Team Membership (excusal provision)	• The district representative may use the excusal procedures. • Timelines for notifying personnel of an excusal from attending an IEP Team meeting are not required by IDEA 2004 and may place an unnecessary burden on administrators.
IEP Initiation-Invitation to Team Meetings	• Timelines for notification of meetings are revised to ensure consistency throughout the document.
Placement Options: Ages 6-21 and 3-5	• Placement options and language are revised to meet the federally approved new definitions for the collection of IDEA Part B 618 data • For 3-5 year olds, additional language has been added to clarify the determination of placements (e.g., time spent in school is added).
IEPs for Transfer Students	• IDEA 2004 requires the "timely and prompt "provision of FAPE in the case of students who are transferring within or from out-of-state. For these students, FAPE means providing *comparable services* to those specified on the student's current IEP rather than implementing the IEP exactly as written (e.g., all services, specific amounts of services, etc.). • Language was revised from "provide" to "initiate" FAPE.
IEPs for Children from WV Birth to Three Program	• Language has been amended with regard to the district's responsibility to develop interagency agreements to ensure that the required transitions occur between Part B and Part C. Although not required, the development of such agreements will ensure IDEA requirements are met for serving preschool children with disabilities.
Chapter 6-Administration of Services	
Initiation of Services	• Language is revised to clarify the initial provision of IEP services and implementation of IEPs at the beginning of the school year.

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Chapter 6-Administration of Services continued	
Section	**Response to Comments**
Provision of Staff	• Refer to *Executive Summary for Provision of Staff (caseloads)* • The use of assistive technology to access WVCSOs is added to the list of needs for Level I students. • Criteria for submission and approval of waivers will be through the WVDE and monitoring by the Office of Assessment and Accountability. • Caseloads based on student's needs that are identified by a district administrator or designee, provides a means for delivering services that is more student focused and allows for administrative flexibility. The primary criterion for determining a teacher's caseload is whether the students' IEPs can be implemented. Caseloads provide a maximum number in consideration of the aforementioned criterion. • Scheduling and planning time for co-teachers is within a building administrator's authority. • Caseloads for teachers of gifted students have not changed. Revising caseloads to be commensurate with those for students with disabilities and identifying students who are gifted as Level I or II would have financial implications with regard to personnel, transportation and/or facilities. Without additional legislative funding, these revisions would be financially impractical for districts. • Caseloads for speech/language impairments have not changed and are lower than the national average. • The provision of support personnel to meet the individual needs of a student is decided on a case-by-case basis by the student's IEP Team. Proposed policy provides for additional staff per classroom after the teacher: student ratio exceeds 1-6 for Level II.

Chapter 7-Discipline	
District Actions (Not a Change of Placement)	• Language was revised to reflect IDEA requirements (e.g., functional behavioral assessments and behavior intervention plans are not required when removals do not constitute a change of placement).

Chapter 8-Private School Students

Chapter 9- General Supervision and Accountability for Performance and Compliance

Chapter 10-Procedural Safeguards

Chapter 11-Dispute Resolution	
Mediation	• Language has been revised to state that discussions occurring during mediation may not be used as evidence in future legal actions
Section	**Responses to Comments**

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Chapter 11-Dispute Resolution continued	
Due Process Complaint	• Timeline is changed for the presentation of evidence in expedited hearings from two to five days in accordance with IDEA. • IDEA requires the enforcement of mediation and resolution process agreements through civil action; other options are at each state's discretion.

Glossary	
	• Terms and language were amended to be consistent with Policy 2419 content and other WVDE policies: - Prior Written Notice - Student Assistance Team - Student first language (e.g., student with an exceptionality) - Qualified speech-language pathologist Serious Misconduct was clarified to clearly communicate that students with disabilities may be removed from school for the listed infractions if no relationship is found between their disability and the misconduct during the manifestation determination meeting. • Mastery is defined comprehensively in Policy 2510, 2520.1-2520.17 and 2520.35 • The terms "duplicated" and unduplicated" are not referenced in the policy, and therefore, should not be included in the glossary.

Appendices	
	• Removed Appendix Emotional/Behavioral Disorders Definition and Determination (to be revised) • Added Appendix A-State Approved List for the Identification of Gifted Students in West Virginia • Added Appendix E-Caseloads (from Policy 2419 effective July 16, 2001 for use through June 30, 2009)

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Directions: The chart below summarizes the most frequently received comments as per the unabridged Policy 2419 Comment Log. Responses to these frequently received comments include: 1) subsequent revisions with the corresponding chapters and section headings of the Policy (Bill Analysis version) where the revisions are located, or 2) WVDE"s justification or rationale for maintaining the proposed policy language.

Section	Response to Comments
§126-16-1 General	
	• The new format for the policies and procedures manual has been well received.
§126-16-2 Purpose	
§126-16-3 Incorporation by Reference	
§126-16-4 Summary	
§126-16-5 Severability	
Chapter 1-Free Appropriate Public Education	
Using Private and Public Insurance Funds to Provide FAPE	• Additional language has been added to clarify the district's responsibilities in seeking to access public insurance funds for the provision of services specified on an eligible student's IEP. Districts are not required to obtain consent each time access to public insurance is sought, unless there are documented changes in the provision of services. Training will be provided to districts this fall, and the state IEP forms will be revised to incorporate these requirements thus reducing the need for any additional forms or procedures.
Chapter 2-Child Find	
Locating Students	• Language has been amended with regard to the district's responsibility to develop interagency agreements to ensure that the required transitions occur between Part B and Part C. Although not required, the development of such agreements will ensure IDEA requirements are met for serving preschool children with disabilities.
Student Assistance Team	• Language has been amended to ensure alignment with Policy 2510. • IDEA 2004 (and previous regulations) requires states to have in effect policies and procedures to ensure that children/students who are in need of special education are identified, located and evaluated. The SAT is one mechanism to accomplish a district's child find responsibilities and includes required procedures to ensure a timely referral and subsequent evaluation of students who are suspected of having a disability and are in need of special education.

Policy 2419: *Regulations for the Education of Students with Exceptionalities*
Frequently Received Comments by Section and Chapter

Section	Responses to Comments
Chapter 3-Evaluation/Reevaluation	
Initial Evaluation	• Language has been clarified for documenting the receipt of parent consent for an initial evaluation.
Additional Evaluations	• IDEA 2004 requires that evaluations are completed in a timely manner to address all of the student's special education needs and that an IEP is developed that meets the student's needs. Additional evaluations may be required to determine those needs and develop an appropriate IEP. Therefore, to ensure that student needs are identified and that FAPE is provided in a timely manner, timelines for the completion of additional evaluations are required. The proposed 45-day timeline has been revised to 60 days. The 60 days for additional evaluations is in addition to the 80-day initial evaluation timeline. Although the IDEA currently includes a 60-day timeline for initial evaluations, it permits states to retain previously adopted timelines. WV has chosen not to impose the more restrictive 60-day timeline for initial evaluations. • Language has been added to include an 80-day evaluation timeline for those students who require a comprehensive multidisciplinary evaluation to determine if he/she meets the criteria for a different exceptionality. • Districts will not be in violation of the 60-day timeline if an outside agency fails to complete a required evaluation.
Prior Written Notice (PWN)	• PWN has been further clarified in the glossary • IDEA requires the provision of written notice to parents prior to specific actions or refusals being implemented that change the identification, evaluation, placement or FAPE for a student. Training will be provided to districts this fall, and the state special education forms will be revised to ensure they contain the required components of PWN.
Chapter 4-Eligibility	
Eligibility Criteria	• Eligibility criteria for the following were revised: - Autism: added school psychologist to list of persons who may provide a diagnosis - Blindness and Low Vision: clarified language with regard to acuity and field of vision - Gifted: reinstated previous language with regard to standard error of measurement - Speech/Language Impairments: amended language in the definition and criteria for articulation/phonology disorder *(also refer to Executive Summary)*. Training specific to these revisions will be conducted. - Specific Learning Disabilities (SLD): (implementation of RTI timelines) *(refer to Executive Summary)* - Definition for traumatic brain injury (TBI) is maintained as it is consistent with the IDEA definition; students with internal causes of TBI may be eligible under another category (e.g., other health impairment).

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Section	Response to Comments
	- Definition for SLD is maintained as it is consistent with the IDEA definition
	Chapter 4-Eligibility *continued*
Response to Intervention (SLD Criteria)	• Refer to *Executive Summary* • Timelines for movement through all tiers of intervention are not appropriate. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement using benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy. Tier 3 is not restricted to the provision of special education services. For example, a student who has been excessively mobile during the early grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a specific learning disability.
	Chapter 5-Individualized Education Programs
IEP Team Membership (excusal provision)	• The district representative may use the excusal procedures. • Timelines for notifying personnel of an excusal from attending an IEP Team meeting are not required by IDEA 2004 and may place an unnecessary burden on administrators.
IEP Initiation-Invitation to Team Meetings	• Timelines for notification of meetings are revised to ensure consistency throughout the document.
Placement Options: Ages 6-21 and 3-5	• Placement options and language are revised to meet the federally approved new definitions for the collection of IDEA Part B 618 data • For 3-5 year olds, additional language has been added to clarify the determination of placements (e.g., time spent in school is added).
IEPs for Transfer Students	• IDEA 2004 requires the "timely and prompt "provision of FAPE in the case of students who are transferring within or from out-of-state. For these students, FAPE means providing *comparable services* to those specified on the student's current IEP rather than implementing the IEP exactly as written (e.g., all services, specific amounts of services, etc.). • Language was revised from "provide" to "initiate" FAPE.
IEPs for Children from WV Birth to Three Program	• Language has been amended with regard to the district's responsibility to develop interagency agreements to ensure that the required transitions occur between Part B and Part C. Although not required, the development of such agreements will ensure IDEA requirements are met for serving preschool children with disabilities.
	Chapter 6-Administration of Services
Initiation of Services	• Language is revised to clarify the initial provision of IEP services and implementation of IEPs at the beginning of the school year.

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Chapter 6-Administration of Services continued	
Section	**Response to Comments**
Provision of Staff	• Refer to *Executive Summary for Provision of Staff (caseloads)* • The use of assistive technology to access WVCSOs is added to the list of needs for Level I students. • Criteria for submission and approval of waivers will be through the WVDE and monitoring by the Office of Assessment and Accountability. • Caseloads based on student's needs that are identified by a district administrator or designee, provides a means for delivering services that is more student focused and allows for administrative flexibility. The primary criterion for determining a teacher's caseload is whether the students' IEPs can be implemented. Caseloads provide a maximum number in consideration of the aforementioned criterion. • Scheduling and planning time for co-teachers is within a building administrator's authority. • Caseloads for teachers of gifted students have not changed. Revising caseloads to be commensurate with those for students with disabilities and identifying students who are gifted as Level I or II would have financial implications with regard to personnel, transportation and/or facilities. Without additional legislative funding, these revisions would be financially impractical for districts. • Caseloads for speech/language impairments have not changed and are lower than the national average. • The provision of support personnel to meet the individual needs of a student is decided on a case-by-case basis by the student's IEP Team. Proposed policy provides for additional staff per classroom after the teacher: student ratio exceeds 1-6 for Level II.

Chapter 7-Discipline	
District Actions (Not a Change of Placement)	• Language was revised to reflect IDEA requirements (e.g., functional behavioral assessments and behavior intervention plans are not required when removals do not constitute a change of placement).

Chapter 8-Private School Students

Chapter 9- General Supervision and Accountability for Performance and Compliance

Chapter 10-Procedural Safeguards

Chapter 11-Dispute Resolution	
Mediation	• Language has been revised to state that discussions occurring during mediation may not be used as evidence in future legal actions
Section	**Responses to Comments**

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

Frequently Received Comments by Section and Chapter

Chapter 11-Dispute Resolution continued	
Due Process Complaint	• Timeline is changed for the presentation of evidence in expedited hearings from two to five days in accordance with IDEA. • IDEA requires the enforcement of mediation and resolution process agreements through civil action; other options are at each state's discretion.

Glossary	
	• Terms and language were amended to be consistent with Policy 2419 content and other WVDE policies: - Prior Written Notice - Student Assistance Team - Student first language (e.g., student with an exceptionality) - Qualified speech-language pathologist Serious Misconduct was clarified to clearly communicate that students with disabilities may be removed from school for the listed infractions if no relationship is found between their disability and the misconduct during the manifestation determination meeting. • Mastery is defined comprehensively in Policy 2510, 2520.1-2520.17 and 2520.35 • The terms "duplicated" and unduplicated" are not referenced in the policy, and therefore, should not be included in the glossary.

Appendices	
	• Removed Appendix Emotional/Behavioral Disorders Definition and Determination (to be revised) • Added Appendix A-State Approved List for the Identification of Gifted Students in West Virginia • Added Appendix E-Caseloads (from Policy 2419 effective July 16, 2001 for use through June 30, 2009)

Policy 2419: *Regulations for the Education of Students with Exceptionalities*

COMMENT LOG

November 27, 2006 to January 12, 2007

DATE	INDIVIDUAL	COMMENTS	ACTION	RATIONALE
		§126-16-1 General		
11-29	Mrs Meador science teacher	If you want changes implemented, the state ought to fund those changes so that small schools are not further handicapped by trying to comply to standards and burdening the already struggling individuals with even more responsibility with no compensation for the additional efforts! Yes, us teachers did not become members of this profession for the money, but there is a limit to the abuse that we are willing to endure! "Put your money where your mouth is!" If you want all these exceptional changes, then send the personnel and funds to cover your ideas!	NR	
11-30	Rick White eagle310@verizon.com POB 543 Point Pleasant WV 25550	Regular education teachers are becoming more involved in the entire process. They need to adhere to the Privacy policies of Confdentially of record and copies of the IEPs they are provided. They need lockable file cabinets for their copies. The SAT team also need to follow a set of privacy guidlines.	NR	

12-05	Jim Nash 911 3rd St. W Huntington WV 25701	this is a comment about the proposed changes in the cso's. It seems to me that it is reducing the time that young children will have access to physical education. This is a time that we need MORE PE and it needs to be taught by a certified PE teacher. We need to address lifetime sports and make sure that by the end of 5th grade, our children have an appreciation of physical activity. I think the intentions were good, but need to be rethought, and make sure you're doing what's best for the children	NR	
12-09	Sherill Morris MI Educator - McKinley Middle School slmorris@kcs.kana.k12.wv.us Kanawha County Schools teacher (McKinley) 3000 Kanawha Terrace St. Albans WV 25177	This area is fine.	NR	
12-13	Kay Bowling Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	This policy is not clear in many areas - there is no way to compare what we're doing with what you're expecting, so how do know what it means. Please explain in clearer and more specific terms before you implement something no one understands.	NR	
12-15	Sarah E. Goines Coy Bacon Christian Outreach 2506 Lenore Street Parkersburg WV 26101	Mandate testing for all students for the educational counties to receive state and federal funding for "No Child Left Behind" Blacks and Low-income are not tested at present. I wonder why??	NR	
12-19	Clinton Riffe. Special Education Teacher rcriffe@access.k12.wv.us Cabell County Schools	It seems to me that public policy is moving increasingly close to abandoning the needs of disabled children. The idea of more fully integreating special education children into	NR	

	845 Fourth Avenue Apt. 502 Huntington WV 25701	regular education settings is a good one; but indiscriminate, blanket inclusion is inappropriate and destructive to the needs of children in both regular education and special education. I believe most COMPETENT teachers in this state know this; and, frankly, I believe most competent administrators know it too. The only ones who favor reckless, indiscriminate inclusion are bureaucrats whose only concern is making their debits and credits equal. My biggest complaint with Policy 2419 is that it fails to reign in an inclusion initiative that is too broad, too unrestrained, and too dangerous to the education of children. It seems that some of the administrative "higher ups" have concluded that the effort to educate disabled children is futile and too expensive. This policy of surrender and abandonment is a DISGRACE that should have never been implemented to begin with.		
12-22	Patricia Cox Teacher pcox@access.k12.wv.us Summersville Elementary School 108 McKees Creek Road Summersville WV 26651	It is very hard to give the special education students the attention they should have in a regular classroom setting. In a special education room, the numbers are fewer. They are able to give more attention to each child. We have so many special education students in a classroom now, that it is hard to teach the regular students in the manner they need and deserve. They should be able to get a good education too, without their education disrupted all day long with special students screaming, yelling, hitting, and bitting. They are the victims more often than not. They are	NR	

		being hit, bitten, slapped, and punched by out of control special education students in the regular classes. I have seen teachers here socked with a fist in the face by special education students. I have seen teachers with bruises all over them, and students with bruises all over them, from our special students. I have had my fan destroyed by a special student kicking it. My computer was destroyed with a student pounding on the key board. Several headsets have been destroyed by them chewing on them, pulling on them, and throwing them. Not all special students are out of hand. Some are loving and kind, but they still take lots of attention and time to care for. They don't understand. It is just so sad for them to be thrown into a regular setting when they can not read, write, or funcion on their own. But we are trying as hard as we can, to endure laws and regulations and educate students to the best of their ability. God help us all. It is hard.		
12-25	denise lough denise_9572@yahoo.com parent 290 pleasant ridge rd webster springs wv 26288	I think are school should have to go policy and not do what they want.	NR	
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	To be consistent: in the introduction Exceptional Students should be changed to students with exceptionalities.	A	Accept with amended language

12-27	Eileen Poling County-wide teacher of gifted epoling@access.k12.wv.us Tucker County Schools 215 Homewood St. Parsons WV 26287	The way the policy is displace on the website is misleading. If one clicks to read Policy 2419, what is given is the procedures manual. The actual proposed policy is embedded within the executive summary. The actual policy should be identified to the public. After the correction is made, the comment period should be extended so people may comment without confusion. Under "impact" the new format is described as more use friendly and bettwer organized. If this is true, it doesn't inform the public that once the policy is separated from the procedures manual that any future changes to the manual will not be put up for public comment. Only the two page policy will be subject to public comment. The procedures manual needs to remain a part of the actual policy!	NA	Revisions to the Procedures Manual will be posted for public comment.
12-31	Joseph O Smith joeosmith@yahoo.com 1305 Liberty Street Parkesrburg WV 26101	B. Applicability to Detained Youth- Will the state fund or reimberse the counties where detainees might be sent to schools or ALC? E. Nonacademic Services The district must ensure that students with exceptionalities are afforded an equal opportunity to participate in nonacademic and extracurricular services and activities by providing the supplementary aids and services determined appropriate and necessary by the student's IEP Team.	NR	

		In addition, physical education services, specially designed if necessary, must be made available to every student receiving FAPE in accordance with West Virginia Board of Education policies. WHO IS GOING TO PAY FOR THESE AIDS AND COMMUNITY SERVICE INTERACTIONS?		
1-03	Mary S. Glass Teacher of Gifted and Exceptional Gifted mglass@access.k12.wv.us 133 Fayette Street Buckhannon WV 26201	It is unclear after reading the Executive Summary as to whether the Procedures Manual is to remain an actual part of Policy 2419. If it does not, then revisions could be made without public comment. This would be unacceptable. I request that the Procedures Manual remain as part of the actual Policy 2419.	NA	Revisions to the Procedures Manual will be posted for public comment
1-05	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Rd. Morgantown WV 26505	*The policy is definitely easier to understand. Language in the document was simplified and contains fewer ambiguities. The table of contents and glossary have created a more accessible and organized document. * Aligning policy language and forms with federal law and regulations should lead to fewer misinterpretions by both parents and school personnel. *Other changes will have little if any impact on the delivery of services, but may make a difference in perception for some. For instance, language was revised for identifying children - "preschool special needs" is now "developmental delays" and "exceptional students" is now "students with	NR	

		exceptionalities." *Students are also identified by level of need rather than area of exceptionality.		
1-07	L. Gage Parent of gifted student Email: laurel@citynet.net Capon Bridge, WV 26711 Role: Parent-Family	My son has had an outstanding teacher of the gifted since Kindergarten. He is in seventh grade now. Each year his teacher has to struggle just to maintain what she has within the school system. We have benefited greatly from her determination and her attention to details. I have read her comments on Policy 2419 carefully and agree with them. I have included them in my comment boxes below. I would sincerely appreciate them being counted as my comments on Policy 2419 as well. Thank You. (See chapter 3)	NR	
1-08	Denise Lough denise_9572@yahoo.com parent 290 pleasant ridge rd webster springs wv 26288	I think under Due Process hearing's I think it would be fair if the county knows there law they should repersent ther self because it isn't fair for the parent and if the school knows there policy they should't have a promble I went to webster county school so don't look at the spelling.	NA	Consistent with federal language
1-08	Mary Jean Thompson parent po box 301 cowen wv 26206	Are school needs to shape up and learn the law and why should they have a lawyer to repersent tham in a Due Process Hearing when the parent has none that is't right or fair if they know ther law they should't have no trouble and why should the parent pay the school if they loose sence the school is why the parent done what they did anyway.make are school go by Federal law and parents would not have	NA	Consistent with federal language

		to do this.		
1-08	Kathy Blevins Logan County	There is too much paper work involved with special education.	NR	
1-09	Ruth Fertig n/a RFertig63@comcast.net Parent 216 D Street Keyser WV 26726	I am trying to find the policies and proedures for changing and showering for PE, could you please point me in the right direction? Thank You	NR	
1-09	David McChesney Braxton County Schools Director of Special Education 411 North Hill Rd Sutton WV 26601	**§126-16-1. General.** "The year in which the student is twenty-one years of age prior to September 1 or the student has met graduation requirements for a standard high school diploma." - Good clarification	NR	
1-11	Ron Brown Berkeley Co. Schools Director of Sp. Ed 515 W Martin St Martinsburg, WV 25401	Thanks for finally giving us a good workable format. Generall a great job. Thanks	NR	
1-11	Barbara Allen Principal btallen@access.k12.wv.us Flatwoods Elementary School P.O. Box 130 50 Main Street Flatwoods WV 26621	This policy revision seems to be very appropriate and needed for children. The main problem is once again it is an unfunded mandate. The school system can not provide the money needed to employ staff to fill all of the necessary positions to implement the program.	NR	
1-11	Patricia L. Miller Gifted Specialist pl_miller@hotmail.com Jackson County Schools	The way the Policy is displayed on the website is misleading. When one clicks to read Policy 2419 what is given is the Procedures Manual. The actual proposed Policy 2419 is embedded	NA	Revisions to the Procedures Manual will

	Ripley Elementary 404 Second Ave. Ripley WV 25271	within the Executive Summary (sandwiched between the Executive Summary and the Comment Form). I request that the actual Policy be identified as such to the public. Once this correction is made the comment period should be extended to allow for the public to notice the correction and comment accordingly. In the Executive Summary under 'Impact' the proposed new format is described as "more user friendly and better organized". While this may be true nowhere does it inform the public that once the Policy is separated from the Procedures Manual any future changes to the Manual will not be put up for Public Comment, only the 2 page Policy will be subject to public comment. If I am mistaken in my understanding of this I would appreciate it if the OSE would notify me. The "meat" of this policy is in the Procedures Manual, to move that out of the hands of the public is unconscionable. I request that the Procedures Manual remain part of the actual Policy 2419.		be posted for public comment.
1-11	Suzanne Wine Special Education Teacher sgwine@access.k12.wv.us Braxton County Board of Education PO Box 130 50 Main Street Flatwoods WVq 26621	I think that this policy will ensure that students are receiving their well needed instruction and services. I do think that to enact this policy we will need additional funding from the State and Federal Departments. We will need additional staff members as well as additional space to provide the necessary improvements. This policy cannot effectively be implemented without additional funding.	NR	

1-12	Janet Gould Teacher of gifted students jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	The way the Policy is displayed on the website is misleading. When one clicks to read Policy 2419 what is given is the Procedures Manual. The actual proposed Policy 2419 is embedded within the Executive Summary (sandwiched between the Executive Summary and the Comment Form). I request that the actual Policy be identified as such to the public. Once this correction is made the comment period should be extended to allow for the public to notice the correction and comment accordingly. In the Executive Summary under 'Impact' the proposed new format is described as "more user friendly and better organized". I sincerely hope that by separating the Policy into 2 parts that there are no future plans to eventually remove the Procedures Manual from public comment. I request that the Procedures Manual remain part of the actual Policy 2419.	NA	Revisions to the Procedures Manual will be posted for public comment.
1-12	Anonymous	Much clearer than in past. Better readability	NR	
1-12	Denver Drake, Gail Balcourt, Tim Via Braxton County Schools Principal 7 Assistant Principals	§126-16-1. General. "The year in which the student is twenty-one years of age prior to September 1 or the student has met graduation requirements for a standard high school diploma." - Good clarification	NR	

1-12	Beverly McCoy 736-6186	Thank you for the opportunity to comment on the proposed changes to Policy 2419. The organizational format certainly makes it easier to access, and additional detail is helpful in many cases. I do have several specific areas of concern, as identified below:	NR	
1-12	Lynn C. Adams Special Educator jmhannah@hardynet.com Capon Bridge Elementary HC 63 Box 2250 Romney WV 26757	The procedures manual should remain an actual part of Policy 2419.	NA	Revisions to the Procedures Manual will be posted for public comment.
1-12	Sondra Shaw Special Education Teacher sonniesha@yahoo.com Rt 5 Box 61 Buckhannon Wv 26201	I strongly oppose this policy. This would place even strictor eligibility criteria for identification for placement into special education services.There is a definite increase in need for services rather than a decrease. This policy is wordy, lengthy, confusing and quite inappropriate. As educators, we should be here to help students, embrace learning, and care for the students; not create policies to eliminate services and ignor students.	NR	
1-12	Francine DeR? TA Lowry Elementary School Sp. Ed Teacer 103 Shenandoah Jct Rd. Shenandoah Jct. Wv 25443	The prediction that fewer individuals witll be identified for special education services in the near future does not appear to be the trend in the Eastern Panhandle of the State. We continue to have an influx of students weekly it seems (demographic evidence). Parents seem to want identifying labels to remail so	NR	

		they feel the label assists in getting appropriate services and this assists the delivery the services to the children in developing student IEPs		
1-12	RONALD BRUNT 187-A Rutledge Road Charleston, WV 25311 Community member Sarah Kendall Kanawha County Schools School Psychologist Beth Fouty Young Kanawha County Schools School Psychologist Marianne Forbes Educational Specialist c/o Capital Community Education Kanawha County Board of Education c/o Capital Community Education 200 Elizabeth Street Charleston, WV 25311 Professional Support Staff Mary Jane Kendall 10 Maple Lane Elkview, WV 25071	Community member General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic	NA	IDEA specifies requirements for evaluations

		§126-16-2 Purpose		
11-29	Mrs Meador science teacher	Send funds to implement changes!!! Send funds to implement changes!!! Don't leave small districts dangling!!!	NR	
12-13	Kay Bowling Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	We need more education on what you're trying to do. No one can understand what you're adding or changing.	NR	
		§126-16-4 Summary		
11-29	Mrs Meador science teacher	Fund these changes if you value them! Do NOT further handicap small schools because ultimately it is the students who will suffer!!!	NR	
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	4.1 is really 5.1	A	
		[redacted]		
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	4.1 is really 5.1	A	

Chapter 1: FAPE				
12-15	Sarah E. Goines Coy Bacon Christian Outreach 2506 Lenore Street Parkersburg WV 26101	Outreach Educational program for Blacks and Low-income whites What the state of WV plans are???Why they have not received the attention to keeping self-esteem and the reason they have gone from Principal Honor Roll to drop outs?	NR	
1-02	Karen Hall Special Education Director kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Public Insurance Funds-change the consent regulation to annually rather than each time we bill. I know the federal regulations reference this, however, there is an interpretation that says we can do this annually. To obtain consent more often will be an impossible burden on the school system and cause undue problems for parents.	A	Accept with amended language
1-04	Vickie Mohnacky Coordinator vmohnack@access.k12.wv.us WVDE Building 6, Rm. 304 1900 Kanawha Blvd. E. Charleston WV 25305	The section on Public Insurance needs to be rewritten to be more in line with the language in IDEA 2004. I will send the language	A	Accept with amended language
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	No comment. The proposed 2419 is more reader friendly	NR	
1-05	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu	The term, assistive technology devices and services, is more pervasive and is prominently listed under major topics.For instance, on page	NR	

	WV Assistive Technology System 959 Hartman Run Rd. Morgantown WV 26505	2, Chapter 1, "Free and Appropriate Public Education," "assistive technology devices and services" is listed in the lead paragraph.		
1-05	Submitted by Scott Martin, RESA 6 , Special Education Administrator and Departments of Special Education from Hancock, Brooke, Ohio , Marshall and Wetzel	**Chapter 1: FAPE** No comments We believe the proposed 2419 is much more reader friendly.	NR	
1-07	Name: Greg Furrow Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: 1403 Honaker Avenue Address2: City/State/Zip: Princeton, WV 24740 Role: School System Staff	Section 2, Part C: Please do not change the Medicaide billing policy. Permission to bill Medicade should be needed only once, at the beginning of the School year.	A	Accept with amended language
1-08	Name: Sarah VanMeter Organization: Email: Title: Occupational Therapist Address1: Address2: City/State/Zip: Springfield, WV 26763 Role: Professional Support	I think that preschool should only be for special needs students. There should not be a classroom with regular pre-schoolers and special ed. pre-schoolers where the ratio is 50-50 since it will never be like that in later years it should be a more diverse group. Also the number of staff to students should be looked at carefully with this group of children.	NA	State requirement for universal pre-k and federally required as a component of least restrictive environment
1-08	Name: Leeta Rozzel Organization: Mercer County Schools Email: Title: Special Education Specialist	section 2, part C. No changes are needed to the medicaid billing policy. This should remain as a one time access to obtain parental consent.	A	Accept with amended language

	Address1: Mercer County Schools Address2: 1403 Honaker Ave. City/State/Zip: Princeton, WV 24740 Role: School System Staff			
1-09	Dave McChesney Sp. Ed Director Braxton County Schools	C. Using Private and Public Insurance Funds to Provide FAPE – Good Clarification Section 3. Exceptions to FAPE – "Students who have graduated high school with a standard high school diploma, *but* this is a change in placement and requires Prior Written Notice (PWN)" – is this a typo? NR	NR NA	Connects to introductory sentence
1-10	Pat Hanks Special Education Specialist phanks@access.k12.wv.us Mercer County Schools	Section 1, Part C: Why change Medicaid billing to more than once a year? Permission obtained at the beginning of a school year is practical and that is what is being used at this time.	A	Accept with amended language
1-11	Ron Brown Berkeley Co. Schools Director of Sp. Ed 515 W Martin St Martinsburg, WV 25401	Ch 1 Sec 3 p. 14 B Drop PWN requirements on graduation with standard diploma. Also Ch 1 Sec 3	NA	PWN is a federal requirement-conditions prescribed by federal language
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road Morgantown WV 26505	To the polisy's credit, assistive technology devices and services are prominent among the major topics. In particular, it is included on Page 2, Chapter 1 under 'Free and Appropropriate Public Education'. This is to be commended.	NR	

1-12	Denver Drake, Tim Via, Gail Balcourt Braxton County Schools Princiapl and Assistant principals	Chapter 1: Free Appropriate Public Education. C. Using Private and Public Insurance Funds to Provide FAPE – Good Clarification Section 3. Exceptions to FAPE – "Students who have graduated high school with a standard high school diploma, but this is a change in placement and requires Prior Written Notice (PWN)" – is this a typo?	NR NA	Connects to introductory sentence
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road Morgantown WV 26505	To the polisy's credit, assistive technology devices and services are prominent among the major topics. In particular, it is included on Page 2, Chapter 1 under 'Free and Appropropriate Public Education'. This is to be commended	NR	

Chapter 2: Child Find				
12-13	Kay Bowling Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	This puts unfair restrictions and MORE PAPERWORK on overloaded school teams	NR	
12-22	Karen Brunicardi Director Of Elementary Schools kbrunica@access.12.wv.us Wood Co. Schools 1210 13th Street Parkersburg WV 26101	Section 3 Referral Services Part B. Student Assistance Teams Timelines are too restrictive-most teams meet before and/or after school on set days of a week. To expect them to be able to conduct all meetings within 10 days of a referral is unrealistic. Many schools use the SAT to assist hundreds of students/year. Getting all the involved personnel together can also be challenging, so meeting to review the effectiveness not beyond 45 school days is diffiuclt too. The revision to provide written documentation to the parents of the results would be costly. To be effective and responsible, it would need to be mailed. How long do you have to wait for feedback before proceeding?	NA NR NR	Timelines ensure timely intervention and FAPE for identified students.
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	2.2.2. Add, Additionally, IDEA 2004 mandates child find activities for students residing in other states, but attaending private schools in West Virginia.	A	
12-31	Joseph O Smith joeosmith@yahoo.com 1305 Liberty Street Parkesrburg WV 26101	The district is responsible for establishing and implementing an ongoing Child Find system to locate, identify, and evaluate students with disabilities residing in the district, between the	A	

		ages of three and twenty-one, inclusive, regardless of the severity of the disability, gifted students from first through eighth grades and exceptional gifted students in grades nine through twelve who may need special education. The Child Find system must include all students suspected of needing special education and related services within the district's geographic boundaries who are: 1. Enrolled in public school; 2. Home schooled; 3. Enrolled in private schools, including religious schools, located in the district; 4. Not enrolled in school, including children ages birth through five; 5. Highly mobile children including migrant children; 6. Homeless children; 7. Wards of the state; or 8. Suspected of having a disability as defined in Chapter 4 even though the student has not failed or been retained in a course or grade and is advancing from grade to grade. WHO SETS THE PARAMETERTS OF THOSE REQUESTING TESTING FOR SERVICES? A PRIVATE SCHOOL OR HOME BOUND PARENT/GUARDIAN COULD REQUEST TESTING FOR GIFTED PROGRAMS OR OTHER EXCEPTIONALITIES. THUS CREATING	NR	

		AN OVERLOAD OF STUDENTS TO BE EVALUATED. WHAT IF AN ENTIRE SCHOOL REQUESTS A TESTING EVALUATIONS, AND THEY ARE A PRIVATE SCHOOL? THE MIGRANT STUDENTS OF THE EASTERN PANHANDLE MIGHT HAVE A SBAT TO MDET STARTED, BUT WILL THEY EVER BE THERE LONG ENOUGH TO COMPLETE THE PROCESS?		
1-02	Karen Hall Special Education Director kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Take SAT out of 2419. This is a general education function. Special Education policy should not go above 2510 which meets the federal requirement that we have a system in place for child find. Also, there are NO timelines in federal regulations for this process. We should not go above federal regulations and place undue burden on the system. Some of these timelines would make it very hard for RTI.	A	Child find is a district responsibility as per IDEA: SAT process is one mechanism for child find;language has been amemded to be in alignment with 2510
1-02	Robyn Fitzsimmons Assistant Superintendent rlfitzsi@access.k12.wv.us Wetzel County Schools 333 Foundry Street New Martinsville WV 26155	The SAT language is a concern since we have stressed the fact that SAT is a regular education process and not driven by special education.	NR	

1-02	Joyce Tedder Instructional Supervisor jtedder@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Timelines are not feasible for larger schools where staff is already stretched, especially guidance who usually heads up the SAT process. Why is the SAT process part of policy 2419, since this is not a special education process?	NR	
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	The SAT process has always been a regular education process-not a special education process. Concerns over the SAT language being included now as part of 2419.	NR	
1-05	Submitted by Scott Martin, RESA 6 , Special Education Administrator and Departments of Special Education from Hancock, Brooke, Ohio , Marshall and Wetzel	We are concerned about the SAT language being included as part of 2419. We have worked to create an understanding that the SAT process is a general education process and not a special education process	NR	
1-05	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	***Section B, Page 9****; SAT is a regular education initiative (Policy 2510) therefore eliminate this section from the Policy*	A	Child find is a district responsibility as per IDEA: SAT process is one mechanism for child find; language has been amemded to be in alignment with 2510

1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street Kanawha County Board of Education Charleston WV 25302	Chapter 2 Section 3-B: 1. Add definition for Alternative education environment to the glossary 2. Define SAT membership . More guidelines on what satisfies the requirement to invite parental feedback to the SAT about recommendations. State develop a form to use?	NA A NR NR	No reference Accept with amended language; language has been amemded to be in alignment with 2510 Training will be provided in March
1-07	Name: Greg Furrow Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: 1403 Honaker Avenue Address2: City/State/Zip: Princeton, WV 24740 Role: School System Staff	Section 3, Part B: Timelines for Special Education are not required in the Federal Regulations, from the beginning of the S.A.T. process. Timelines should only begin on the date of permission and staffing of evaluations. Otherwise, evaluators are held responsible for completion of evaluations, without the benefit of knowing that they have been requested.	NA	Timelines ensure FAPE;Child find is a district responsibility as per IDEA: SAT process is one mechanism

		Since the S.A.T. process is covered by policy 2510, it would seem that this additional coverage in policy 2419 might be considered, "overkill".	A	for child find; replaces local policies and procedures Language has been amemded to be in alignment with 2510
1-08	Name: Leeta Rozzel Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: Mercer County Schools Address2: 1403 Honaker Ave. City/State/Zip: Princeton, WV 24740 Role: School System Staff	section 3, part B. Policy 2510 outlines the S.A.T. process, to assist in the identification/referral of students whose educational performance is not commensurate with their peers. Covering it again in Policy 2419 would be redundant. The timeline mandates are not practical for case management purposes.	A	Child find is a district responsibility as per IDEA: SAT process is one mechanism for child find; language has been amemded to be in alignment with 2510
1-09	Yvonne Santin Director of Special Education ysantin@access.k12.wv.us Wood County Schools 1210 Thirteenth Street Parkersburg WV 26101	Section 3., B. Shouldn't this entire section be in Policy 2510? Much of this responsibility is in the "general education environment", yet now this is detailed in Policy 2419. Does this mean it is now a special education responsibility to train general education teachers and administrators? Who will provide	NR	Child find is a district responsibility as per IDEA: SAT process is one mechanism

		the training (as this concept would be very difficult to implement just by reading this section of a special ed. policy? The WVDE needs to take responsibility for training on this issue/ The RtI initiative (which should have had general education leadership involved) is a good start, but training needs to occur on a state level, especially in an effort to improve general education instruction and to decrease unnecessary referrals. In addition, the SAT timelines seem to be unrealistic "5 days of receipt". Section 3., D. The statement: "A SAT meeting must . . . for initial evaluation must be obtained within ten school days of receipt of referral." What does this statement mean? It is confusing	 NR	for child find; language has been amemded to be in alignment with 2510
1-09	Dave McChesney Sp. Ed Director Braxton County Schools	Requirements for district to develop local interagency agreements is an expansion of requirements of law. B. Student Assistant Team - Strike "should" language ("SAT should consider whole-school approaches, scientifically-based programs and positive behavior supports, including accommodations and instructional interventions conducted in the general education environment.") - Language will act as an expansion of requirements	A A NR	Accept with amended language. Accept with amended language; language has been amemded to be in alignment

		"The SAT must provide written documentation to the parents of the results of interventions and the recommendations made by the SAT in regard to the student's program and invite parental feedback to the team about those recommendations." – Explain the requirements of 2510 §9		with 2510
1-10	Name : Stephanie Oberly Organization: Harrison County Schools Title: (Lead) School Psychologist Street Address: 408 E.B. Saunders Way Clarksburg, WV 26301	*PWN:* Please provide some clarification regarding PWN if parent is present when requesting consent for evaluation. This might be included in a definition of PWN in the glossary. *Informed consent* for evaluation is often obtained at SAT referral meetings, but parent is indicating informed consent with signature. Although form might be explained and/or read to them, they have not had an opportunity to read procedural safeguards or evaluation descriptions. *SAT Timelines:* There is and has been confusion regarding 5 school days of receipt of written request for SAT referral, 10 days to establish SAT, and 5 days to make referral. Make everything 10 days, it is too much to	NR NR NA	Accept with amended language;addressed in glossary Consistent with current policies and procedures

		remember 5 for this and 10 for that. (p.10)		
		SAT Process for private schools: Please clarify whether private/religious schools will make referrals through SAT or some other method to special education director or designee.	NR	Addressed in policy
		It's a good idea to specify that SAT reviews on a student must occur in 45 days. Rather than 5 days for this, 10 days for that, etc., specifications that SAT's should meet at least on a monthly basis would be most helpful. Most effective SAT's meet on a regular basis, such as every Thursday or the second or third Tuesday of each month. When SAT's are driven by sporadic referrals, they meet less often and are less effective. When teachers know there is a specific date, they tend to get their referrals ready to make that date. Principals also schedule and plan for these times when they are scheduled on a regular basis and not driven by random referral.	NA	Decision making for scheduling meetings is a school responsibility
		You may want to drop this entire section as SAT is a regular education process.	A	Accept with amended language; language has been amemded to be in alignment

				with 2510
1-10	Pat Hanks Special Education Specialist phanks@access.k12.wv.us Mercer County Schools	Section 2, Part B: The SAT process is covered by Policy 2510 - why add more responsibility to special education - regular education needs to continues to responsible for students. The SAT process should remain a regular ed process and on top of shifting the responsibility to sp ed additional timeline have been added re: evaluations that go above the fed regs.	A	Timelines ensure FAPE: Child find is a district responsibility as per IDEA: SAT process is one mechanism for child find; language has been amemded to be in alignment with 2510
1-10	Debbie West Sp.Ed.Teacher dlwest@access.k12.wv.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	SAT responsibilities are those of general education. If it is referenced here, it should be referenced in general education policy and procedures	NR	Child find is a district responsibility as per IDEA: SAT process is one mechanism for child find
1-11	Lisa Martin Director of Special Education ldmartin@access.k12.wv.us Jackson County Schools P.O. Box 770	Page 10: Section 3.B: "When the SAT determines a referral...prior written notice must be provided..." PWN must be provided when an action is proposed [and the parent did not participate in the decision making process]	A	Professional development issue; Accept with amended language;incl

	Ripley WV 25271	or refused. This language indicates that PWN is always provided whether or not the parent attended/participated. Page 10: Section 3.D, Editorial Note: first sentence: "...any other interested person or agencies" should be agency to be consistent with singular usage of 'parent,' 'student,' 'any person,' or 'any agency.' Page 10: Section 3.D: "...written parental consent for initial evaluation must be obtained within ten school days of receipt of referral." Dependent upon the number of referrals received within a given timeframe from multiple schools in a district, it is not practicable or possible to send/obtain consent for evaluation within 10 days of receipt of referral and maintain the 80 day evaluation timeline. Consent for evaluations are sought/requested in the order in which referrals are received and can be evaluated. It is not feasible to assume that every request/referral can be processed within 10 days of receipt.	A A	uded in the glossary Accept with amended language Accept with amended language
1-11	RESA VII Special Education Directors Elaine Benson Barbour County Vic Fisher Harrison County Carol Williams	The inclusion of SAT in 2419, while informative, may serve to revert the responsibility to special education instead of general education. A reference to Policy 2510 may be sufficient. If included the SAT process should be described as a general education process rather than a special education protocol. A similar concern is applied to the	A	SAT process is one mechanism for child find; replaces local policies and procedures; language has

	Lewis County Gia Deasy Marion County Patty Benedum Mon County Debbie Calhoun Tucker County Scott Lampien Upshur County	inclusion of *The Screening Process* section in 2419. We support the suggestion within *Parents and Other Interested Persons or Agencies* that outside referrals are forwarded to the SAT for consideration.	NR	been amemded to be in alignment with 2510
1-12		p9 Sect.B.paragraph 2 SAT- 5 days turnaround for SAT referralis not defined as to what type of day. Calendar days or school days should be specified. it is good to have time specified for notification and meeting time (10 days) but these times/days should be clarified. it is good to ask SAT to specify intervention timeline. last paragraph- PWN should be provided to parent when the parent does not attend. This is not specified and should be.	NA NR NA	By federal definition days means calendar days;also defined in the glosssary Prior written notice must always be provided regardless of parent attendance Current

		Part D.- Referrals for testing for PK, Home school and private school students should be processed by special ed dir. this should read PK students not enrolled in district PK programs. PK kids enrolled in school based programs should go through the School SAT committee like all other students.	NA	policy provides for best practice across schools and districts
1-12	Melinda Walton Special Education Director mwalton@access.k12.wv.us Tyler County Schools P.O. Box 25 Middlebourne WV 26149	1.Sectiona 3.B: "When the SAT determines a referral....prior written notice must be provided..." The language indicates that PWN is always provided whether or not the parent attended/participated. 2. Section 2.D: "....written parental consent for initial evaluation must be obtained within ten school days of receipt of referral." Due to the number of referral received in a given timeframe from mutiple schools in a district, it is not possible to process the paperwork within 10 days of receipt of referral and maintain the 80 day evaluation timeline.	A NA	Accept with amended language; added to glossary Current timelines are consistent with past policy; ensures FAPE for students

1-12	Bev Nichols Director of Special Education bnichols@access.k12.wv.us Clay County Schools 242 Church Street Clay WV 25043	(p.9 Section 3B) List minimum required team members for SAT.	NA	Addressed in Policy 2510
1-12	Name: Denver Drake, Gail Balcourt, Tim Via Braxton County Schools Title: Principal and Assistant Principals Street Address: 100 Carter Braxton Drive Sutton, WV	Chapter 2: Child Find. Requirements for district to develop local interagency agreements is an expansion of requirements of law. B. Student Assistant Team - Strike "should" language ("SAT should consider whole-school approaches, scientifically-based programs and positive behavior supports, including accommodations and instructional interventions conducted in the general education environment.") - Language will act as an expansion of Requirements "The SAT must provide written documentation to the parents of the results of interventions and the recommendations made by the SAT in regard to the student's program and invite parental feedback to the team about those recommendations." – Explain the requirements of 2510 §9	A A NA	Accept with amended language Accept with amended language; language has been amemded to be in alignment with 2510 Refer to 2510

1-12	Lois Ingles Wood County Schools LD/Multicategorical Specialist 1210 13th Street Parkersburg, WV 26101	Chapter 2: Child Find. Page 9B. First paragraph – people need a better understanding of "pre-referral". Is SAT now the responsibility of special education or is it a general education process? State needs to give training to counties about proper use of SAT – is it seen as only the way to special education. Page 9 – bottom of the page – SAT determines need for testing must send PWN – If parent has been involved in SAT why is there a need for PWN? Will guidance be given to SAT as to what and how a PWN is written? Remember SAT is a general education process. Is this also in Policy 2510?	NR NR	

		Chapter 3: Evaluation		
12-20	Brenda Isaac Lead School Nurse bcisaac@kcs.kana.k12.wv.us Kanawha County Schools 200 Elizabeth St. Charleston WV 25311	I am concerned that the increased emphasis on cognitive performance as the primary indicator of need for services will force some severely physically health impaired students out of the system and cause them to lose essential services. Physical health conditions that have a significant impact on a student's ability to learn need to be given serious consideration in the evaluation process.	NR	
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	Section B, reevaluation...Rewrite last sentence to state "While reevaluation procedures must be provided ata no cost to the parent or adult student, reevaluations may not occur more than once a year without district and parent agreement.	A	
12-27	Eileen Poling, County-wide teacher of gifted epoling@access.k12.wv.us Tucker County Schools 215 Homewood St. Parsons WV 26287	Instead of "disabilities," it should read exceptionalities since it includes gifted and it is not a disablity.	NA	Consistent with WV Code 18-20
1-02	Robyn Fitzsimmons, Assistant Superintendent rlfitzsi@access.k12.wv.us Wetzel County Schools 333 Foundry Street New Martinsville WV 26155	Why does prior written notice need to be sent if the parent/student attends the exit meeting? There needs to be more training in this area!	NR	

1-02	Joyce Tedder Instructional Supervisor jtedder@access.k12.wv.us Mercer County Schools 1403 Honaker Ave., Princeton, WV	Why did you change the Additional Evaluation timelines to 45 days when it use to be 60?	NR/A	Accept with amended language
1-02	Karen Hall Special Education Director kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	C. Additional Evaluations- why is there a 45 day timeline for additional evaluations? Why shorten this from the previous 60 days? Counties will have difficulty complying with 45 days.	NR/A	Accept with amended language
1-03	Mary S. Glass Teacher of Gifted and Exceptional Gifted mglass@access.k12.wv.us 133 Fayette Street Buckhannon WV 26201	Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.	A	Accept with amended language
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Additional training is needed in this area. It is unclear as to why PWN needs to be sent if the student and/or parent attends the exit meeting.	NR	Accept with amended language;addressed glosssary
1-05	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Rd., Morgantown	*Do students have access to their assistive technology devices as accommodations during regular and state testing or during reevaluation (see pages 3, 17, 60-61)?	NR	
1-05	Submitted by Scott Martin, RESA 6 , Special	Why does PWN need to be sent if	NR	Defined in

	Education Administrator and Departments of Special Education from Hancock, Brooke, Ohio , Marshall and Wetze	student/parent attends the exit meeting? We believe attends the exit meeting? We believe additional training needs to occur on this topic.		glossary
1-05	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	***Section B, Page 14; Clarify the reevaluation process for Gifted students…. For students with giftedness, a reevaluation must be conducted during the eighth grade year to determine eligibility for exceptional gifted. Only considering the reevaluation process for individual not having a disability***	NR	Professional development issues
1-07	Name: L. Gage Organization: parent of gifted student Email: laurel@citynet.net City/State/Zip: Capon Bridge, WV 26711 Role: Parent-Family	Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.	A	Accept with amended language
1-07	Name: Greg Furrow Organization: Mercer County Schools Title: Special Education Specialist Address1: 1403 Honaker Avenue City/State/Zip: Princeton, WV 24740 Role: School System Staff	Section 2, Part B: A Prior Written Notice should not be required if the parent is in attendance, and if there is no dis-agreement. Section 2, Part C: 45 Calendar days do not seem to be enough time to complete additional evaluations, especially	NA A	Prior written notice is required in accordance with IDEA Accept with amended

		when the evaluations may require that reports be obtained from contracted providers of related services, or when ongoing observations are required to establish behavior patterns.		language
1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street Kanawha County Board of Education Charleston WV 25302	3B and 3D: States "when district receives request" then have specified number of days to process, etc.- change so time begins when entered into WVEIS. Chapter 3 .	A	Accept with Amended language
		Clarify procedures for notifying State in order for the district not to be considered out of compliance on timelines.	NR	
		Section 2B: Page 14: Add "IEP" before the word "team" in first sentence "This team may conduct..."	NA	Not necessary
		Section 2C: Page 14: Change forty-five calendar days to forty-five school days for receipt of parental consent…	A	Accept with amended language
1-07	Sandra Boggs, Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools	Section 3A: Page 15: Again change "The date of receipt by the school/district…" to "date entered into	NA	Tracking data is the district's

	200 ELizabeth Street Charleston WV 25302	WVEIS		responsibility
		Section 1: Page 12: More details on how the evaluation team can conduct its business without a meeting and how is this documented? Also how are parents notified that evaluation decisions were made without a meeting and is parental consent required? More information on documentation and timelines.	NR	
		Section 2A: page 12: Clarify "receipt of written parental consent"-receipt by whom?	NA	Accept with amended language
		Write so the 80 days begin when entered into WVEIS.	NA	Not consistent with IDEA
		Page 12: Define "full" evaluation.	NA	Language is consistent with IDEA; defined in the glossary
		Page 13: Clarify what documentation is required to address agreement between district and parents as to specific time evaluations are to be completed for student that moved to district with incomplete evaluations	NR	

1-08	Name: Sarah VanMeter Title: Occupational Therapist Springfield, WV 26763 Professional Support	Why do we start the process of reevaluation a full year before it is due? This is a waste of time and money. We need to reevaluate children when it is due and we can bill for the full amount.	NR	
1-08	Leeta Rozzel Organization: Mercer County Schools Title: Special Education Specialist 1403 Honaker Ave. Princeton, WV 24740 School System Staff	section 2, part B. A Prior Written Notice should not be required if the parent/adult student is present at the meeting, and there is no disagreement. section 2, part, C. 45 calendar days is not enough time for the completion of an EC or IEP team meeting and the request for additional evaluation by the IEP team. section D. We need a better understanding/match concerning the language in procedural safeguards/FERPA Regulations.	NA A	PWN must be provided in accordance with IDEA Accept with amended language
1-09	Dave McChesney Sp. Ed Director Braxton County Shools	**Chapter 3: Evaluation/Reevaluation.** "The eighty day timeline will not apply to a district if:" – Good clarification "Consent for Evaluation" – Good clarification	NR	
1-10	Debbie West Sp.Ed.Teacher dlwest@access.k12.wv.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Additional training is needed on PWN. It has become added paperwork to already burdened special educators.	NR	Defined in glossary
1-10	Name : Stephanie Oberly	*Planning, Conducting and Timeline for*		Consistent

	Organization: Harrison County Schools Title: (Lead) School Psychologist Street Address: 408 E.B. Saunders Way Clarksburg, WV 26301	*Multidisciplinary Evaluation* statement, . . .does not include basic tests administered to or procedures used with all students in a school, grade, or class. It is suggested that you may also want to include "program" along with school, grade, or class as some programs are being implemented for a specific subset of children that require frequent evaluation.	NA	with IDEA language
		Reevaluation – Additional clarification to PWN may be helpful. Does PWN need to be sent if parent/adult student attends the exit meeting? The PWN requirements in this section are not mentioned on page 114.	NR	All are professional development issues below
		Section 3. Prior Written Notice. The inconsistency noted above and the placement of PWN requirements in two different sections may be confusing.	NR	
		*The district must also reevaluate a student with a disability before determining that the student is no longer eligible. . .*Please clarify if this is a formalized assessment or could just be a reevaluation plan. *Perhaps "reevaluation" may need to be operationally defined in the glossary.*	NR	
		If parent or adult student requests an additional assessment for reasons other than the determination of educational needs or eligibility . . .Please clarify why evaluations that might be used for post graduate plans	NR	

		would not be part of transition planning for special education students. In addition, evaluations may be done to obtain diagnosis and treatment for students that do not lead to an eligibility decision, but may have significant benefit to the student's education? *If the parent or adult student fails to respond after the district has taken reasonable measures to obtain consent for assessment and after the passage of thirty days.* This time frame may be too lengthy in some cases, making it difficult to complete reevaluations within time frames. *Timelines:* It would be helpful if all evaluation timelines were the same 80 days. *Timelines and Annual Review:* There is no mention that Reeval Plans will be done for SWD students with annual reviews the year preceding their triennial. Please clarify whether this is an additional change.		
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road Morgantown WV 26505	It is unclear whether students will have access to their assistive technology devices as accommodations during regular and state testing or during re-evaluation (pages 3, 17, 60-61). Please clarify this	A	Accept with amended language p.18 B-6 This includes the provision of accomodations such as AT,

				braillie and interpreters
1-11	Patricia L. Miller Gifted Specialist pl_miller@hotmail.com Jackson County Schools Ripley Elementary 404 Second Ave. Ripley WV 25271	Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.	A	Accept with amended language
1-11	Lisa Martin Director of Special Education ldmartin@access.k12.wv.us Jackson County Schools P.O. Box 770 Ripley WV 25271	Page 13, paragraph 1 and page 14, paragraph 2 refer to Consent requirements located in Section 2. Consent Requirements are found in Section 3.B.2. References to prior or subsequent sections of policy need to be clear for easy reference. Page 14, paragraph 5 addresses Summary of Performance and PWN at graduation. This is not an issue of evaluation/reevaluation and should be addressed in Chapter 5, Section 2.F: Transition Services to ensure that the requirement is addressed by the IEP team. Again, PWN is required only when the parent does not attend/participate. If the parent and adult student are in attendance at the exit IEP meeting at which graduation is discussed, PWN would not be required as indicated here. Page 15: Section 3.A. "Within 10 days..."	A A	Accept with amended language PWN must also be provided; consistent with federal language

		addressed in comments for Chapter 2 above.	NA	Changes were made to the previous section to make it consistent with this section
1-11	Susan Given Program Director WV Advocates	West Virginia Advocates would like to submit the following comments regarding Policy 2419. WVA would like for the WV Department of Education to consider adopting the 60 day time line for initial evaluations, in accordance with the federal law instead of maintaining the state's 80 day time line as is now proposed. Sixty days is more than enough time to schedule and conduct the necessary evaluations. Also, the policy does not clarify if the time line is calendar days or school days. Adding that clarification would leave nothing open to interpretation. Susan Given, Program Director	NA NA	By federal definition days means calendar days;also defined in the glosssary
1-11	RESA VII Special Education Directors Elaine Benson Barbour County Vic Fisher Harrison County	*Reevaluation* – Additional clarification to PWN may be helpful. Does PWN need to be sent if parent/adult student attends the exit meeting? The PWN requirements in this section are not mentioned on page 114. *Section 3. Prior Written Notice*. The inconsistency noted above and the placement	NR	

	Carol Williams Lewis County Gia Deasy Marion County Patty Benedum Mon County Debbie Calhoun Tucker County Scott Lampien Upshur County	of PWN requirements in two different sections may be confusing. *When Written Notice and Consent Are Not Required* – Has the requirement for a surrogate parent been deleted?		
1-11	Stacy Miller, Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road Morgantown WV 26505	It is unclear whether students will have access to their assistive technology devices as accommodations during regular and state testing or during re-evaluation	NR	
1-12	Ron Brown Berkeley Co. Schools Director of Sp. Ed 515 W Martin St, Martinsburg	p. 14 B Drop PWN requirement for PWN on graduation wit standard diploma. Also Chapter 1, Section 3	NA	Consistent with federal requirements
1-12	Anonymous	p12, sect 1 paragraph 1-This is an addition of yet another team in the process separate from the SAT or IEP but containing same members. There does not need to be another team specified. If so, this team should not be able to conduct business with or without a meeting	NA	Consistent with federal requirements

		especially if the parent is a member. This paragraph makes no sense in real life application.		
		p13 sect. B parag. 1-The components listed that the IEP must review in re evaluation predetermines the re-evaluation plan. There is no use to do a separate meeting and complete a plan when the items that must be re evaluated are predetermined by policy.Again this policy states that 'the team may conduct a review with or without a meeting' but the establishment of a TEAM indicates that a meeting is in order.	NR	
		p14 para 4- PWN given to parent/student exiting even to graduation is redundant and not needed.	A	Accept with amended language
		p14 sect C Additional evauations requested by IEP/EC team within 45 days is too short a time. Type of days should be specified. In small counties with few related service workers, 45 days is too short a time	A	Accept with amended language
		p17 part C #4 Initial eval can be conducted if parent is ward of state indicates that surrogate parents are no longer required.This should be clarified.	NR	Parent is defined in glossary
		p17 Part D. in state and out of state sharing of records with or without a consent should be	NA	Consistent with federal language

		specified OR this section should be eliminated and covered only in policy 4350. A restatement of policy 4350 is not necessary in 2419. This blends policy and creates confusion.		
1-12	Janet Gould Teacher of gifted students jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.	A	Accept with amended language
1-12	Roxanne Staubs Special Education aide Roxannnestaubs@frontiernet.net Jefferson County Schools 126 West 6th Avenue Ranson Wv 25438 Joyce Fisher obxdreamn@citlink.net 1009 Wildrose Lane Harpers Ferry WV 25425	Individuals conducting evaluations shall be: 1. Appropriately certified, licensed or otherwise qualified to administer the evaluations for which they are responsible; 2. Trained in the use of the specific evaluation instruments or techniques for which they are responsible; 3. Knowledgeable (DEFINE HOW MUCH KNOWLEDGE IS A COMPREHENSIVE UNDERSTANDING OF THE DISABILITY) in the area of concern; and	NA	Consistent with federal language
1-12	Michael Hughes Teacher mhughes@access.k12.wv.us Hampshire High School HC 71 Box 103-C	2nd sentence should say: "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.	A	Accept with amended language

	Capon Bridge WV 26711			
1-12	Name: Denver Drake, Gail Balcourt, Tim Via Organization: Braxton County Schools Title: Principal and Assistant Principals Street Address: 100 Carter Braxton Drive City: Sutton	**Chapter 3: Evaluation/Reevaluation.** "The eighty day timeline will not apply to a district if:" – Good clarification "Consent for Evaluation" – Good clarification	NR	
1-12	Lois Ingles Wood County Schools LD/Multicategorical Specialist 1210 13th Street Parkersburg, WV 26101	Chapter 3: Evaluation/Reevaluation. 80 calendar days for evaluation – needs to state that. That includes all holidays during the time frame (when students are not in attendance). Are reevaluations continuing at 60 days?	NA	Days defined in the glossary
Chapter Four: Eligibility				
11-30	Rick White eagle310@verizon.com POB 543 Point Pleasant WV 25550	The new method of eligbility determination for SLD allows for those who are determined to identify a child as SLD to place undue pressure on others in the IEP team to vote in agreement with them for placement. We currently have a lot of pressure to identify students as SLD when using tests results. Secondly the Eligibility process seems to include a lot more paper work from the regular teacher. These regular teachers look over the time line and can see that more than half the year can be taken collecting data and administrating testing with no placement options. These teachers begin weighting the	NR	

		optenins of doing extra things in their classrooms and not spending the time filling out forms and keeing data and just let the students problems be passed on to the next teacher.		
	Brenda Koontz Special Education Teacher bkoonta@kcs.kana.k12.wv.us 173 Legg Star Rt Sissonville WV 25320 No Name Carla Campbell Sherill Morris MI Educator - McKinley Middle School slmorris@kcs.kana.k12.wv.us Kanawha County Schools teacher (McKinley) 3000 Kanawha Terrace St. Albans WV 25177 Jacqueline Long President jslong@access.k12.wv.us West Virginia School Service Personnel Associaton 1610 Washington Street, E. Charleston WV 25311 RJHS FAX: 304-846-2639 Tel: 304-846-2638 Initials: • SAC	p. 34 1) Under the RTI model there needs to be timelines added to each tier. 2) Additional staff needed to fully implement the RTI model. p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.	1. NA 2.NR 3. A	1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy. 3. Accept

	• TR • DH • JR • JB RMS Susan Withee PK Special Needs Teacher-Itenerant swithee@access.k12.wv.us Nicholas County Schools 3 Starbuck Road Summersville WV 26651 Janelle Cornell Special Education Teacher daisy_5882@hotmail.com Summersville Elementary 301 Jackson Ave. Summersville WV 26651 Louise Molnar lmolnar@access.k12.wv.us 386 McKees Creek Road Summersville WV 26651 Brandon Tinney Teacher brandon_tinney2003@yahoo.com Nicholas County Schools PO Box 131 Leviasy WV 26676 sherry bostic			with amended language; Tier 3 is not restricted to the provision of special education services. For example, a student who has been excessively mobile during the early grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a SLD.

	special ed aide Nicholas co bd of ed 175 sherry ln summersville wv 26651 Cynthia Phillips Sp. Educator Teri Merritt Aide Charisse Morris Sup. Aide Berthelia McCormi? Resource Room teacher, Special Education Matherine McClure Reg. ed. inclusion teacher Willis Roy Classroom-Aide Capital High School Rebecca Cochran teacher rebeccacochran@teacher.com Melrose Elementary 464 Courthouse Road Princeton WV 24740 Anonymous			

12-06	Rob Mancuso SLP rmanc@comcast.net Hancock Co Schools & West Liberty State College 104 Lisa Court Weirton WV 26062	(Hi to Robin Bolling!) The proposed criteria for speech articulation disorders is too restrictive and will exclude students who need such special ed. services! Criteria used for voice disorders should be similar for articulation: i.e., calls attention to itself, is inappropriate to age and gender, causes speaker and/or listener concern. Why so specific with artic but not voice? Is this to cut caseloads around the state? To address the SLP shortage? What is the motive here? This will not IMPROVE our services...only make them of lower quality! Research is replete with studies that show that even a mild artic problem will cause a negative impact on a speaker. The consequences are delayed in the person's later life and are not always present at a younger age! I have a former student in my	NR	

		college course who came into the field of Speech-Lang Path because the schools failed to address her (what they called) "mild" articulation disorder...a mild lisp. It impacted her so much that she chose the field to major in so she could correct her own speech as well as help others. She broke down into tears when I confronted her about her speech saying, "Why didn't my parents make me take speech therapy???" Also, severity is a dynamic label...it changes over time...a certain artic disorder can become more severe simply because the person gets older and is further from the developmental norms! The term "adversely affects educational performance" does not mean it must impact the student's grades or even their social life presently. According to ASHA, simply having an articulation disorder alone constitutes "adversely affects educational performance" because speech skills are a "basic skill" and are thus a part of "educational performance." This is backed up by the Federal Dept. of Education (see ASHA's packet on "adversely affects educational performance". Call them and they will send it in an email attachment like they did for me! Students should not only be enrolled in articulation therapy if they are being ridiculed or are reluctant to speak in class or if it affects their reading/spelling (see Appendix B in the proposed revision of Policy 2419). These conditions are too restrictive. The federal law's intent was NOT to be too		

		restrictive of any special education services needed...and this includes those with articulation disorders. Why are you stating "moderate" and "severe?" This is not a measurement that can be put in stone! Take this wording out of the proposed criteria, please! Kathy Knighton should know better than that, so run this by her. I have been in the schools for over 30 years and also adjunct teach at a college undergrad SLP program. I teach courses in Phonetics and in Artic/Phonological Disorders. Trust me...there is something off with the proposed criteria! It needs to be re-worked and get the input of other SLPs so that our students around the state are not unfairly and unethically denied the necessary services they have a right to!		
12-07	Melissa Zink Speech/Language Pathologist mzink@access.k12.wv.us Brook County Schools 1098 Jefferson Street Follansbee WV 26037	The Criteria For Articulation/Phonology Disorder, Line 3 that states the following: Speech intelligibility id determined to be moderately or severely impaired. I do not agree with this statement. Without the ability to service students with all articulation disorders would be unethical. Also children that have a mild fluency disorder would not allowed to be serviced, I also disagree with this statement.	NR	
12-08	Sonja Phillips special educator skphillips@kcs.kana.k12.wv.us Kanawha County Schools 275 Elk River Rd.	p.34 1) Specific timelines need to be included for moving between the tiers. The timelines also need to be written such that student attendance is part of the requirement: "30 school days in which the student is in	NA	1. Using RTI requires a systematic application of

	Clendenin wv 25045	attendance and has received instruction in his current Tier" as an example. 2) Additional staff will be required in order to implement this program fully. p.35 3) Under Tier 3, add the word "shall" to the statement "necessitate a comprehensive evaluation to determine the needs for special education and related services". 4) Provisions need to be made for the RTI program implementation at upper level grades for late referrals for whatever reason (transfer, late appearance of discrepancy in achievement, etc). p. 39 5) The comment "does not necessarily constitute additional paperwork requirements" is inane. Of course the RTI will increase paperwork requirements for the teachers. Educators must be given additional time and resources in order to manage the paperwork - especially at the elementary levels where the bulk of the RTI documentation responsibilities will fall.	 NR A NR	professional judgment. Decisions for movement between tiers must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommende d timelines for Tier 2 are stated in this policy 3 Accept with amended language. Tier 3 is not restricted to the provision of special education services. For example, a student who has been

				excessively mobile during the early grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a SLD. 4. Implementation for 9-12 will not be until 2010. 5. NR Nothing

				precludes the use of RTI across all grade levels.
12-09	Anonymous	Timelines need to be added at each tier to ensure procedures are kept and met in a timely manner. Additional staff is going to be needed to fully implement the RTI model	NA NR	1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy

		Under Tier 3, add the word "shall" necessitate a comprehensive evaluation to determine the needs . . .	A	Accept with amended language
12-12	Mary Tinney Speech therapist marywvu@yahoo.com Nicholas County Schools PO Box 131 Leivasy WV 26676	PLEASE EXPLAIN TO ME HOW THE NEW PROPOSED REVISIONS OF POLICY 2419 IN THE AREA OF ELIGIBILITY CRITERIA FOR SPEECH PROBLEMS (ARTICULATION, VOICE, AND FLUENCY) IMPROVES OR AT LEAST MAINTAINS THE QUALITY OF SERVICES WE HAVE BEEN OFFERING UP TO THIS POINT FOR STUDENTS WHO NEED SUCH SERVICES! CONVINCE ME THAT THE PROPOSED CHANGES ARE IN THE BEST INTEREST OF ALL STUDENTS WHO NEED SPEECH (NOT LANGUAGE) THERAPY.	NR	
12-13		p.34 1) Under the RTI model there needs to be timelines added at each tier.	NA	1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be

		2) Additional staff is needed to fully implement the RTI model.	NR	based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy
12-13	Kay Bowling Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	Psychologists should NOT be determining eligibility of autism. This should remain in the realm of doctors/psychiatrists. P26,30 Why are deaf and hard of hearing separated? P27 Three year olds should not given a life name tag.	NA NR NR	
12-13	Mary Frances Starsick Speech Therapist francie@starsick.com Marion County Schools Rural Route 3 Box 146 Fairmont WV 26554	I have great concern about the new Eligibility Critera to qualify to receive Speech Therapy Services under the Articulation Disorders category. It is too restrictive. Some children have noticable articulation errors that do not necessarily impact educational performance.	NR	

		However, consideration must be given to the long-term repercussions associated with poor speech. This could ultimately influence their social status, emotional well- being, preceived intelligence, as well as limiting employment opportunities. Several years ago, while doing some research, I found this quote that suports my statements. I would assume that it did come from a lawsuit. It reads: "It should be noted that a student with a speech or language impairment does not necessarily have to be manifesting academic problems in order to be considered eligible to receive related services under the IDEA. Effective oral communication is regarded as a skill basic to academic performance" (Applestin, 1987). Please allow us as Speech Pathologists to help these children who exhibit articulation errors that are not considered developmentally appropriate and may never develop without intervention, even though these errors are not impacting education. What would your first impression be of a new interviewee who said: "It's weawy gweat to finawy meet you"? Would you want him/her to represent your company? What good is his academic performance now?		
12-13	Karen Edgell Marion County Schools 200 Gaston Avenue Fairmont WV 26554	Chapter 4-Eligibility Under Definitions and Eligibility Criteria pages 23 and 25 concerning Autism; #2: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist,	A	Accept with amended language

		physician or licensed psychologist." In West Virginia, school psychologists are employed by school systems as support staff in the education of children. These professionals must be certified by the WV Department of Education and this certification process includes documentation of competencies. All school psychologists receive training in developmental disabilities including the diagnosis and treatment of autism. The proposed statement appears to exclude school psychologists from the eligibility determination process when these individuals are highly qualified in the diagnosis of many childhood disorders including autism. I suggest that the phrase "or school psychologist" be added to Statement 32 under Category Autism subsection A.		
12-14	Stephanie Ferrell Teacher Jefferson Primary Brooke County 1098 Jefferson Street Follansbee WV 26037	Eligibility needs to stay the same. Children need to speak sounds at age appropriate times. It is easier to correct an articulation error at a younger age. Adults have the bad habits so ingrained in their brain that it is almost impossible to correct inappropriate sounds as an adult. The students in West Virginia do not need to stick out even more because they don't talk right.	NA	Revised eligibility criteria provide greater clarification to EC
12-14	jennifer hoffman speech therapist jen-hoffman@comcast.net ohio county schools 137 glen hollin dr	I feel strongly that just like modern medicine is, speech therapy should be preventative, not reactive. If we are unable to enroll students with mild-mod speech intelligibility deficits, we are missing the boat. These deficits left	NR	

	wheeling wv 26003	untreated are like cancer and chances are will only get worse. NO CHILD LEFT BEHIND.....well with more stringent criteria, we are leaving so many children behind.		
12-14	Sheryl Long SLP slong@access.k12.wv.us Ohio County Schools 3700 Wood St. Wheeling WV 26003	Please remove #3 Speech intelligibility is determined to be moderately or severely impaired. It doesn't take into account the students who fall into the normal to mild range according to a normed test. Students with frontal or lateral lisps whose employment opportunities would be hindered or judged "poor" by an employer or people they may come into contact with.	A	Accept with amended language
12-14	Ellen Schuetz, MS CCC/SLP Speech/Language Pathologist eschuetz@access.k12.wv.us Ohio County Schools Madison Elementary School 90 Zane St. Wheeling WV 26003	I am concerned with the proposed new regulations requiring students to have a moderate to severe disability only, to qualify for Articulation Therapy. While I work with the preschool population now, I have many students who score in the normal range at the single word level on articulation tests. However, their carryover of correct production of these sounds into connected speech is extremely poor, and they are completely unintelligible in connected speech. To look at the score on an articulation test, one would wonder why they were even enrolled in therapy, but 1 minute of conversation would answer your question. Also, when working with some older children, who may only have one sound in error, especially if that sound is the /r/ or vowel-r phoneme - the distortion can be of the magnitude that it colors the overall	NR	

		intelligiblity of the child's speech, often making it very difficult to understand him. This can be extremely detrimental to an older child, and self-esteem suffers greatly. These children would probably not be eligible for services under the new guidelines. Often children in the regular education population are the ones who suffer the most, yet have the most oppurtunity for professional careers. To hear a person with an articulation disorder this day in age is not acceptable, and is a very poor relection on our profession and the schools in general.		
12-14	Kenda Williams MS CCC/SLP Concerns on Policy 2419 regarding SLP services klwill40@yahoo.com Hancock County Schools 4876 Veterans BLVD Apt 11 New Cumberland WV 26047	1. Comparing the present Policy 2419 eligibility criteria for articulation disorders with the proposed Policy, the present policy lists more restrictive criteria that would deny some students articulation therapy that they would need and have a right to. 2. The proposed Policy specifies severity requirements for articulation disorders, stating only "moderate" or "severe" articulation/phonologic disorders would qualify students. Research strongly shows that students with even mild articulation disorders are judged more negatively by peers and other listeners. In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and	NR NR NR	

		Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "Teacher's perceive students with speech and language disorders as poorer performers in the classroom than their normal peers" (p. 5). They further state that "Even mild articulatory disorders result in negative attitudes from peers toward persons with one or more misarticulations" (p. 7)		
		3. Assigning a severity rating to an articulation disorder involves a matrix of variables and is not a simple process of using some standard score conversion from an administered test! Variables such as the number of sounds in error, the types of errors (substitutions, omissions, distortions, additions), the consistency of errors, the underlying cause (organic/physical versus developmental/faulty learning), which sounds are in error (vowels affect intelligibility more than do consonants and certain consonants occur more frequently than others in speech), the social/emotional concern or effects it has on the speaker himself or his listeners (peers, teachers, parents), the impact it has on the student's functioning both in and outside of the school (how handicapping it is) should all be considered. Further, severity labels are not stagnant for a child because as time passes, the perception of the problem can cause it to be judged more negatively or severely as the	NR	

		child moves further and further away from the limits of the developmental norms (i.e., a lisp on the /s/ sound may be judged as "mild" for a particular child but, if left untreated, that same lisp in the same child during adolescence or adulthood might later be judged more severely due to poor listener tolerance for such defects in the speech of older speakers. They will have less job opportunities as they could make a negative impression during the job interview process. Research clearly supports this.		
		In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state:	NR	
		The presence of a speech disorder can significantly reduce the number of job possibilities. Even if the actual job has a low communication demand, the potential employee with the deficient articulation may not be able to speak well enough during the interview to avoid rejection. Many people, including employers, associate disordered or different speech with ignorance, incompetence, and even lack of intelligence. In this highly verbal society, persons may be judged, or misjudged, more by their type of speech than by any other factor or	NR	

		combination of factors (p.5). 4. Most young students will not experience negative social penalty for their articulation disorders in the present moment. But if left untreated, such penalties will occur in their future, affecting even occupational opportunities and social interactions as well as emotional aspects like self-esteem. In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that " The effects of an articulatory disorder may not be readily apparent to the listener, but they could have far- reaching repercussions on the person's social-emotional well-being, occupation and of course, interpersonal relations." (p. 3). The authors further state: "If social-emotional problems develop because of deficient articulation, then speech-language pathologists have a great responsibility for alleviating such disorders early in a child's life" [emphasis added] (p. 4). 5. Delaying services until such penalties can be documented can be disastrous because: (a) not all episodes of ridicule or penalties are	NR NR NR	

		identifiable, as some or all may occur when the speaker is not present; (b) delaying therapy until later causes the incorrect speech patterns to become more resistant to change as the faulty speech patterns have been used over a longer period; and (c) older students often are more reluctant to be singled out by attending speech therapy services and so either refuse services or are unmotivated to work on their speech.		
		6. Assigning severity ratings is not a strongly reliable process. Clinicians (SLPs) show variation in their subjective judgments of severity ratings. It is suggested that the severity requirements in the proposed criteria be removed, as severity ratings cannot be reliably agreed upon. Speech severity ratings for students should be formulated on a case-by-case basis rather than utilizing some mathematical formula or using some "blanket" definition of severity to be applied to all students who have speech disorders.	NR	
		7. The phrase "adversely affects educational performance" does not equal "adversely affects academic achievement," yet some professionals equate the two. The U.S. Dept. of Education, Office of Special Education, has clarified this about speech disorders: students should not be denied speech-language pathology services if they do not demonstrate	NA	Consistent with IDEA This is not a revision.

		a concomitant academic problem. The intent of the IDEA is not to be so restrictive as to deny students with speech disorders the right to special education services based on their achievement in school. The existence of a speech disorder in and of itself, regardless of academic achievement, can determine that such disorder does indeed adversely affect educational performance. Good speaking skills, in and of themselves, are considered to be a basic educational skill.		
		8. Further, the term "adversely affects educational performance" needs to be clarified in that if a speech disorder has been diagnosed, the presence of this condition, in and of itself, satisfies the required "adversely affects educational performance" criterion. (Refer to ASHA's document "Adversely Affects Educational Performance" Policy 1980-2002; Nothing Has Changed," by Stan Dublinske, which addresses this very issue.) (Go to this link to read this document: http://www.asha.org/about/membership-certification/divs/adverselyaffects.htm)	NR	This is referenced in the Glossary and Appendix B. Consistent with IDEA
		In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "in a	NR	

		preschool classroom, children with articulation impairments initiated interactions with peers less frequently than did their normal speech and language peers" (p. 6).		
		9. Appendix B in the proposed Policy uses restrictive language in defining "adversely affects educational performance." If such conditions would be necessary to be present to qualify a student for speech therapy services, then many students in need of such services would be denied services they have a right to receive. I suggest to either delete the Appendix B, or to include a condition such as "Others can notice the student's speech errors and can identify them as being atypical for that student's age or developmental level." Furthermore, Appendix B, if not deleted, should also state that any but not all of these conditions must be present.	A	Accept with amended language
		10. The proposed standard score requirement in the criteria causes problems as well. There are a variety of standardized articulation tests and many vary in the number of speech sounds tested and the types of scores obtained and the speech context in which the child is tested. For example, most tests assess a child's speech during the production of isolated words. Some students perform more accurately at this level as opposed to the complex task of continuous connected speech such as conversation. Some students' speech	A	Accept with amended language

		accuracy and intelligibility breaks down significantly at higher levels of communication, resulting in a test score that underestimates the student's level of severity or involvement. Some students already receiving services are working beyond the isolated-word level, where they are now accurate, but continue to use their incorrect speech patterns during spontaneous connected speech. Furthermore, for such students already enrolled in services, during the re-evaluation process, a typical single-word test would not accurately reflect a child's present problem. Therefore, a derived standard score on such a test would be misleading or inaccurate. 11. Articulation tests differ on the number of speech sounds that they test. Some popular tests fail to assess vowels and other tests omit certain consonants or they test sounds in only certain words whereas a student may make errors on words that were not tested. The possible problem with this, again, would be the a standard score could be misleading as compared to what the student is really unable to do during everyday speaking situations. 12. It is respectfully suggested that the proposed criteria be rewritten as follows: (page 43) Definition of Articulation/Phonology	NR	

		Disorder: An articulation/phonology disorder exists when the incorrect production of speech sounds or when the current sound patterns and the rules governing their combinations: 1. interfere with communication; 2. draw unfavorable attention to the speaker; 3. adversely affect the speaker or listener; or 4. are inappropriate to the age and gender of the speaker. Eligibility Criteria for Articulation/Phonology Disorder An eligibility team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met: 1. At least two procedures are used to assess the student, one of which involves standardized measures. 2. Application of developmental norms verifies that speech sounds may not develop without intervention. 3. The student's disability adversely affects educational performance. 4. The student needs special education. (Speech/language therapy can be special	A	Accept with amended language

		education or a related service.) Note: (The proposed criterion of severity level should be deleted.) 13. The writing of such more restrictive policy which would cause some students who have speech problems to be denied treatment is in direct conflict with the Code of Ethics which all ASHA-certified SLPs are obliged to follow. Thus, it would place SLPs in a very challenging position of (1) break the policy and follow ethical guidelines or (2) follow the policy and practice unethically. This, certainly, would be considered to be a "no win" position for all conscientious SLPs in the state. *As referenced above, you can see theses concerns are based on the most current research available.*	NR	
12-14	Stephanie Ferrell Teacher Jefferson Primary Brooke County 1098 Jefferson Street Follansbee WV 26037	As a parent and educator of a child who had a lateral and frontal lisp, I find it negligent o the part of the state of WVA to even consider dropping articulation therapy from the duty of the speech language therapist. My daughter received excellent therapy from a school speech/language therapist. Within one year her artic problem was corrected. Now lets go further – within five years, all students are to strive 100% on the WesTest but it isn't important for these same students to pronounce their sounds correctly which is vital	NR	

		for oral communication. Explain that to a parent!		
12-14	Rob Mancuso Speech Language Pathologist Hancock County Schools	**The following is a list of my concerns for Proposed Policy 2419 and SLP Services** 1. Comparing the present Policy 2419 eligibility criteria for articulation disorders with the proposed Policy, the present policy lists more restrictive criteria that would deny some students articulation therapy that they would need and have a right to. 2. The proposed Policy specifies severity requirements for articulation disorders, stating only "moderate" or "severe" articulation/phonologic disorders would qualify students. Research strongly shows that students with even <u>mild</u> articulation disorders are judged more negatively by peers and other listeners. In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss **(Copyright 2007 Lippincott Williams and Wilkins)** in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "Teachers perceive students with speech and language disorders as poorer performers in the classroom than their normal peers" (p. 5).	NR NR	

		They further state that "Even mild articulatory disorders result in negative attitudes from peers toward persons with one or more misarticulations" (p. 7) 3. Assigning a severity rating to an articulation disorder involves a matrix of variables and is not a simple process of using some standard score conversion from an administered test! Variables such as the number of sounds in error, the types of errors (substitutions, omissions, distortions, additions), the consistency of errors, the underlying cause (organic/physical versus developmental/faulty learning), which sounds are in error (vowels affect intelligibility more than do consonants and certain consonants occur more frequently than others in speech), the social/emotional concern or effects it has on the speaker himself or his listeners (peers, teachers, parents), the impact it has on the student's functioning both in and outside of the school (how handicapping it is) should <u>all</u> be considered. Further, severity labels are not stagnant for a child because, as time passes, the perception of the problem can cause it to be judged more negatively or severely as the child moves further and further away from the limits of the developmental norms (i.e., a lisp on the	NR	

/s/ sound may be judged as "mild" for a particular child but, if left untreated, that same lisp in the same child during adolescence or adulthood might later be judged more severely due to poor listener tolerance for such defects in the speech of older speakers. They will have less job opportunities as they could make a negative impression during the job interview process. Research clearly supports this.

In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss **(Copyright 2007 Lippincott Williams and Wilkins)** in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state:

> The presence of a speech disorder can significantly reduce the number of job possibilities. Even if the actual job has a low communication demand, the potential employee with the deficient articulation may not be able to speak well enough during the interview to avoid rejection. Many people, including employers, associate disordered or different speech with ignorance, incompetence, and even lack of intelligence. In this highly verbal society, persons may be judged, or misjudged, more by their type of speech

		than by any other factor or combination of factors (p.5). 4. Most young students will not experience negative social penalty for their articulation disorders in the present moment. But if left untreated, such penalties will occur in their future, affecting even occupational opportunities and social interactions as well as emotional aspects like self-esteem. In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss (**Copyright 2007 Lippincott Williams and Wilkins**) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that " The effects of an articulatory disorder may not be readily apparent to the listener, but they could have far- reaching repercussions on the person's social-emotional well-being, occupation and of course, interpersonal relations." (p. 3). The authors further state: "If social-emotional problems develop because of deficient articulation, then speech-language pathologists have a great responsibility for alleviating such disorders *early in a child's life"* [emphasis added] (p. 4). 5. Delaying services until such penalties can be documented can be disastrous because:	NR	

		(a) not all episodes of ridicule or penalties are identifiable, as some or all may occur when the speaker is not present; (b) delaying therapy until later causes the incorrect speech patterns to become more resistant to change as the faulty speech patterns have been used over a longer period; and (c) older students often are more reluctant to be singled out by attending speech therapy services and so either refuse services or are unmotivated to work on their speech.	NR	
		6. Assigning severity ratings is not a strongly reliable process. Clinicians (SLPs) show variation in their subjective judgments of severity ratings. It is suggested that the severity requirements in the proposed criteria be removed, as severity ratings cannot be reliably agreed upon. Speech severity ratings for students should be formulated on a case-by-case basis rather than utilizing some mathematical formula or using some "blanket" definition of severity to be applied to all students who have speech disorders.	NR	
		7. The phrase "adversely affects educational performance" does not equal "adversely		

		affects academic achievement," yet some professionals equate the two. The U.S. Dept. of Education, Office of Special Education, has clarified this about speech disorders: students should *not* be denied speech-language pathology services if they do not demonstrate a concomitant academic problem. The intent of the IDEA is not to be so restrictive as to deny students with speech disorders the right to special education services based on their achievement in school. The existence of a speech disorder in and of itself, regardless of academic achievement, can determine that such disorder does indeed adversely affect educational performance. Good speaking skills, in and of themselves, are considered to be a basic educational skill.	NR	
		8. Further, the term "adversely affects educational performance" needs to be clarified in that if a speech disorder has been diagnosed, the presence of this condition, in and of itself, satisfies the required "adversely affects educational performance" criterion. (Refer to ASHA's document "Adversely Affects Educational Performance" Policy 1980-2002; Nothing Has Changed," by Stan Dublinske, which addresses this very issue.) (Go to this link to read this document:	NR	

		http://www.asha.org/about/membership-certification/divs/adverselyaffects.htm) In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss (**Copyright 2007 Lippincott Williams and Wilkins**) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "in a preschool classroom, children with articulation impairments initiated interactions with peers less frequently than did their normal speech and language peers" (p. 6). **9.** Appendix B in the proposed Policy uses restrictive language in defining "adversely affects educational performance." If such conditions would be necessary to be present to qualify a student for speech therapy services, then many students in need of such services would be denied services they have a right to receive. I suggest to either delete the Appendix B, or to include a condition such as "Others can notice the student's speech errors and can identify them as being atypical for that student's age or developmental level." Furthermore, Appendix B, if not deleted, should also state that <u>any</u> but not <u>all</u> of these	NR	

		conditions must be present.		
		10. The proposed standard score requirement in the criteria causes problems as well. There are a variety of standardized articulation tests and many vary in the number of speech sounds tested and the types of scores obtained and the speech context in which the child is tested. For example, most tests assess a child's speech during the production of isolated words. Some students perform more accurately at this level as opposed to the complex task of continuous connected speech such as conversation. Some students' speech accuracy and intelligibility breaks down significantly at higher levels of communication, resulting in a test score that underestimates the student's level of severity or involvement. Some students already receiving services are working beyond the isolated-word level, where they are now accurate, but continue to use their incorrect speech patterns during spontaneous connected speech. Furthermore, for such students already enrolled in services, during the re-evaluation process, a typical single-word test would not accurately reflect a child's present problem. Therefore, a derived standard score on such a test would be misleading or inaccurate.	NR NR	

		11. Articulation tests differ on the number of speech sounds that they test. Some popular tests fail to assess vowels and other tests omit certain consonants or they test sounds in only certain words whereas a student may make errors on words that were not tested. The possible problem with this, again, would be the a standard score could be misleading as compared to what the student is really unable to do during everyday speaking situations.	NR	
		12. It is respectfully suggested that the proposed criteria be rewritten as follows: (page 43) **Definition of Articulation/Phonology Disorder:** **An articulation/phonology disorder exists when the incorrect production of speech sounds or when the current sound patterns and the rules governing their combinations:** **1. interfere with communication;** **2. draw unfavorable attention to the speaker;**	A	Accept with amended language

		3. adversely affect the speaker or listener; or **4. are inappropriate to the age and gender of the speaker.** **Eligibility Criteria for Articulation/Phonology Disorder** **An eligibility team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:** **1. At least two procedures are used to assess the student, <u>one of which involves standardized measures</u>.** **2. Application of developmental norms verifies that speech sounds may not develop without intervention.** **3. The student's disability adversely affects educational performance.** **4. The student needs special education. (Speech/language therapy can be special education or a related service.)** Note: (The proposed criterion of severity level should be deleted.) 13. The writing of such more restrictive policy which would cause some		

		students who have speech problems to be denied treatment is in direct conflict with the *Code of Ethics* which all ASHA-certified SLPs are obliged to follow. Thus, it would place SLPs in a very challenging position of (1) break the policy and follow ethical guidelines or (2) follow the policy and practice unethically. This, certainly, would be considered to be a "no win" position for all conscientious SLPs in the state. **As referenced above, you can see these concerns are based on the most current research available.**		
12-15	Celeste Marshall Speech Pathologist cmarshal@access.k12.wv.us Ohio County Schools West Liberty Elementary Wheeling WV 26003	Re: eligibility for speech therapy services- Even students with mild or mild to moderate articulation disorders are impacted in the areas of socialization,participation in extracurricular activities, and future career opportunities. We cannot exclude these students from receiving services. Also, a score on a single word level articulation test is not reflective of intelligibility in running conversational speech.	NR	
12-15	Mary Ann Kurz Speech/Language Pathologist mkurz@access.k12.wv.us Ohio County Schools 16 Pinewood Drive Wheeling WV 26003	Remove Item#3, "Speech intelligibility is determined to be moderately to severely impaired,"on page 43 under Eligibility Criteria for Articulation/Phonology Disorder.	A	Accept with amended language
12-15	Cindy Weppler SLP	I feel you need to look at the eligibility for articulation and leave as is-it would be a	NA	Revisions reflect current

	bethwep@cs.com BCS WPS-15th and Main Wellsburg WV 26070	detriment to not let us be discretionary in our eligibility...this would only help to impact the middle school caseloads in the long run		practice
12-15	Linda Reber Speech Language Pathologist lreber@access.k12.wv.us Putnam County Schools 203 Highlands Rd Hurricane WV 25526	I am concerned about the tenor of the language in the revision concerning eligibility for the Speech Language Impaired program and believe revisions need to be made to correct the following: "Speech intelligibility is determined to be moderately or severely impaired" degree of severity considerations for eligibility for Speech Language Impaired Programs should not be the determining factor. According to IDEA degree of need does not exclude a student from receiving services. Research has documented that students with mild articulation disorders are affected adversely, and these students are entitled to speech services under IDEA. Denying them appropriate Speech Language services violates their rights to FAPE. According to Page 43 of the proposed revisions of "Articulation/Phonology Disorder" - "incorrect productions of speech sounds .... MAY interfere with intelligibility" implying hat intelligibility does not have to be a factor when making a student eligible for speech servies ("Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with	A	Accept with amended language

		intelligibility.") I am also concerned about waivers for speech caseloads. How will this impact shortages of SLPs? What kind of documentation will be required to prove "adversely affects educational performance"? What will be the SLP's role in RTI?	NR	
12-18	Patricia Ratliff Speech Pathologist PRATLIFF@kcs.kana.k12.wv.us Kanawha County Schools 900 Helene Street St. Albans WV 25177	It appears that revisions will adversely affect those students who have one or two articulation errors. In my 30 years of experience as a speech pathologist, I can attest that it will be a lifelong detriment to those children who exhibit incorrect articulation of "any" speech sound. For example,children who incorrectly produce /s/, /r/, /l/, or /th/ sounds exhibit reduced intelligibility, are	NR	

		subject to peer ridicule, and create, albeit false, an impression of not being as "bright" as children without articulation errors. If a child cannot say, for example,a correct /r/ sound (which by the way has a minimum of 8 different nuances of production), and is one of the most frequent sounds in our speech production, and one of the most difficult sounds to remediate even with speech therapy, this child will sound like this: "The wed woostul wan down the woad"; Pahk the caw in the guhage; The fahmul has a dawee fahm". Please do not prevent any child from having access to speech therapy. You will be limiting their future possibilities economically, socially, and emotionally.		
12-18	Kylea Strope Speech Language Pathologist kstrope@access.k12.wv.us Ohio Co. Schools Viking Drive Warwood WV 26003	I work as a Speech Language Pathologist in the Ohio Co. School system. We have 13 SLP's in the county and we all agree that changing the eligibility criteria based on "severity" of an articulation/phonology disorder is not in the best interest of the state. There are many students who do well on testing because most test at the single word level and when speaking in conversation, can be very unintelligible. This cannot necessarily be documented on a standardized test. Plus unless you yourself have had a communication disorder, even mildly, you don't know what it is like to function in the elementary school level. Kids can be cruel. We are adults now and maybe we don't rememberwhat it was like to be that young, but it's all where out self-	NR	

		esteem starts developing and having a communication disorder can be detrimental to self-esteem developing fully and healthy. And even though we might not be able to remember what it was like back then, just think of the impression and judgements you make when you first meet an adult with a speech disorder. You judge their intelligence and educational level. You judge their social economic status. Most speech disorders are best resolved at an early age and articulation and phonology is the simplest disorder that exists in speech and lanugage therapy. Why not work on things early and make the students sound intelligent so they won't be ridiculed later.		
12-18	Kylea Strope Speech Language Pathologist kstrope@access.k12.wv.us Ohio Co. Schools Viking Drive Warwood WV 26003	Who determines severability? The actual professional in communication disorders (SLP) or a Board of people who have never worked in the field? Whose to say that an simple frontal or lateral /s/ is not severe when the student is being picked on every day and pushed down so much that they begin to develop a poor self esteem and when asking for help are told that it's not that important? How do yo tell them that they speak fine when they can hear that they sounds totally different and can see how people look at them different. How do you tell that student they don't qualify for services and speech therapy when they later become involved in drugs or commit suicide due to always being judged and never	NR	

		being good enough?		
12-18	Clinton Riffe. Special Education Teacher rcriffe@access.k12.wv.us Cabell County Schools 845 Fourth Avenue Apt. 502 Huntington WV 25701	A person or child who has an articulation/phonological disorder should be elligible for services in the middle of 1 st grade for all sounds for possible early dismissal in grade school.	NR	
12-19	Carol Sabatino Speech/Language Therapist csabatin@access.k12.wv.us Ohio County Schools Madison School 91Zane Street Wheeling WV 26003	As a Speech/language therapist for the past thirty-five years, I have seen many changes in special education, Some good some not so good. I do not agree with the proposed guideline that qualifies a student for articulation therapy. The rating of Moderate will not address the students that have an obvious speech impairment. When meeting a person for the first time we notice two things: How they look and how they speak. If we are preparing WV students to be our future leaders I would hope that their articulation skills would be appropriate for the task. I am totally against the Moderate rating for eligibility. It should be removed from the eligibility guidelines.	NR	
12-19	Kathy Wall Low Incidence Specialist kwall@access.k12.wv.us Raleigh County Schools 901 Maxwell Hill Rd. Beckley WV 25801	The number 2 applies to who can diagnosis disorders. It is crucial that a licensed SCHOOL psychologist be the one who evaluates and diagnoses a disability that applies to EDUCATIONAL PERFORMANCE! They are the EXPERTS in	A	School psychologist has been added specific to autism

		education! Many times doctors and psychiatrists will ask US educators for our opinion plus doctors often do not use formal appropriate educational evaluations		
12-19	Jo Eichberger Speech/Language Pathologist jeichber@access.k12.wv.us Putnam County Schools 101 McClure Drive Scott Depot WV 25560	I have serious concerns regarding the proposed changes to Policy 2419. Many students who now receive services will not qualify according to the new guidelinew. More consideration is also needed in reference to IDEA regarding dgree of severity when determining eligibility for exceptionality. Even students with mild articulation errors are adversely affected within the classroom setting in terms of their phonic skills, oral classroom activities, and social interaction among their peers. These students are entitled services under IDEA. I hope that this is not how the speech/language therapists shortage is being handled by reducing the number of students being served on each caseload. Thank you, Jo Eichberger (Putnam County)	NR	
12-19	BRIAN WALL PARENT BWALL2@CHARTER.NET 901 MAXWELL BECKLEY WV 25801	SCHOOL PSYCHOLOGISTS SHOULD BE ABLE TO DIAGNOSE	A	Accept with amended language
12-19	JAMES SHREWSBERY PARENT JESINS@CHARTER.NET PO BOX 125	DOCTORS SHOULD NOT BE THE SOLE PERSON TO DIAGNOSE DISABILITIES SCHOOL PSYCHOLIGISTS SHOULD BE INCLUDED IN THE DIAGNOSES	A	Accept with amended language

	GHENT WV 25843	PROCESS		
12-19	GINA MCGHEE RTMCGHEE@CHARTER.NET 110 KAREN WAY DANIELS WV 25832	A SCHOOL PSYCHOLOGIST SHIULD BE INCLUDED IN THE DIAGNOSES PROCESS OF CHILDREN WITH DISABILITIES	A	Accept with amended language
12-20	Christine Acord Sp. Ed. Teacher cacord@access.k12.wv.us Woodrow Wilson High School 400 Stanaford Rd. Beckley WV 25801	Chapter 4, page 25, #2 Needs to say the school psychologist can diagnose	A	Accept with amended language
12-20	Wendy Conley Speech-Language Pathologist wconley@access.k12.wv.us Hancock County Schools 444 N. 20th St. Weirton WV 26062	The new policy states stricter guidelines that really do a disservice to students that exhibit a mild articulation disorder. These guidelines need to be reworded to state that not ALL of the following criteria must be met. The word ALL is very restrictive and does not allow for students that have mildly disordered articulation to receive services. These students deserve to have the chance to speak without errors. These guidelines will force children to wait until their mild disorder becomes a moderate to severe to receive therapy. This section of the policy as it currently is stated is the better alternative for students. As a parent and a professional I think if the new policy that is recommended is put in place, the state of West Virginia will be doing a great disservice to those students that exhibit a mild disorder of articulation. If they receive remediation when their disorder is mild this will likely mean a greater success rate, less	A	Accept with amended language

		social ridicule, and improve self-esteem. We can not leave those children behind they deserve the right to an appropriate education.		
12-20	Denise Jones Speech-Language Pathologist drjones@access.k12.wv.us Harrison County Schools Lumberport Middle School Rt 1 Box 2 Lumberport wv 26386	As a public school speech-language pathologist, it saddens me to think only those children with moderate to severe speech delays will be eligible to recieve services. I believe it is in the best interest of all involved to leave our eligibility criteria alone. It is sickening to think of these kids going through life unable to pronounce certain sounds because they were denied the right to speech therapy services. This would, in my opinion, keep many from taking full advantage of their "free and appropriate" education.	A	Accepted with amended language
12-20	Brenda Isaac Lead School Nurse bcisaac@kcs.kana.k12.wv.us Kanawha County Schools 200 Elizabeth St. Charleston WV 25311	I think there needs to be a mandated list of, at least, a minimum of catagories of people who must be at the Eligibility meeting. In addition to school personnel and parents this should include any school related service provider, such as the certified school nurse, who may be providing services or making recommendations.	NA	Consistent with IDEA
12-21	Donna P. Ellison Teacher dpelliso@access.k12.wv.us Raleigh Co. B.O.E. 106 Bishop St. Beckley WV 25801	We need school psychologists to diagnois our students.	A	Accepted specific to autism
12-21	David Turner Teacher dturner@access.k12.wv.us	We need school psychologists to diagnois our students.	A	Accepted specific to autism

	Raliegh Co BOE 103 westview lane Beckley WV 25801			
12-22	Denise Schwab Speech-Language Pathologist dschwab@access.k12.wv.us Hancock Counnty Schools 3527 Bright Way Weirton WV 26062	I am concerned about the proposed changes in policy that would not allow us to qualify children with mild articulation errors for speech therapy services. As outlined in our concerns, even mild articulation errors can have a negative impact on a child socially and limit their career opportunities. I respectfully ask you to consider these factors when implementing policy changes. Thank you for your time in this matter.	NR	
12-22	Constance Breza SLP cbreza@earthlink.net Ohio County Schools 1963 Decatur Ave. Wheelilng W.Va. 26003	COMMENTS CONCERNING POLICY 2419 Recommendation: Remove Item #3,¡± Speech intelligibility is determined to be moderately to severely impaired,¡± on page 43 under Eligibility Criteria for Articulation/Phonology Disorder 1. This wording must be eliminated because it would exclude some students with articulation disorders from being eligible for services. Students whose articulation disorder is an s-z frontal lisp or lateral distortion, who may be embarrassed by his or her speech, who refuse to read orally in class or are teased by peers could not receive services using a measuring stick of a rating of moderate to severe impairment. Students with a w/l substitution that interferes with their acquisition of spelling	A A	Accept with amended language Accept with amended language

		skills would not qualify, nor would ch and sh lateral lisps. 2. The definition of ¡°Articulation/Phonology Disorder¡± provided in the proposed regulations state that, ¡°Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with intelligibility.¡± This very definition recognizes the fact that not all articulation disorders interfere with intelligibility. 3. According to Susan Karr, current Director of State Education Practices for the American Speech, Language and Hearing Association (ASHA), and ASHA¡¯s Schools Services Team, ¡°Severity is NOT (emphasis added) a criterion to determine eligibility in the federal IDEA regulations. The proposed criteria include (WV Policy 2419 Item 4, p. 43) ¡®The student¡¯s disability adversely affects education performance.¡¯ That is required in IDEA and should cover the question of severity.¡± (Email Tues., Dec.5, 2006 from S. Karr to C. Breza, West Virginia State Education Advocacy Leader (SEAL). Subject line, Redefining Eligibility Requirements for Articulation Therapy). 4. Federal Law states eligibility decisions must be based on individual needs. The Eligibility Committee (EC) needs to make	NR NR NR	

		their placement decisions ¡°individually determined on the basis of each child¡¯s abilities and needs and each child¡¯s IEP, and not solely on factors such as category of disability, severity of disability, (emphasis added), availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience.¡± (P. 46586 of the August 14, 2006 Federal Register on the IDEA 2004 Final Regulations.) ¡°In all instances, availability of services¡ªincluding communication services and supports---must be determined based on the individual¡¯s needs, and may not be denied solely on the basis of the nature or extent of the individual¡¯s disability.¡±. ¡ ¡°Categorical denial of communication services and supports without consideration of a person¡¯s unique communication needs may violate federal statute¡± Access to Communication Services and Supports: concerns Regarding the Application of Restrictive Eligibility Policies, National Joint Committee for the Communication Needs of Individuals with Severe Disabilities, Communications Disorders Quarterly,23,(3), 145-153. 5. Even though the above quotes from the National Joint Committee are made in reference to the policy of excluding severely		

		cognitively impaired students from receiving services, the principle remains the same: decisions need to be based on individual needs; including the criteria of a rating of moderate to severe intelligibility to qualify for eligibility would limit the EC¡¯s ability to do that. A student with a mild speech intelligibility rating may find their speech disorder as handicapping to them as a student whose disorder has a severe intelligibility rating. It¡¯s unique for each person involved. I work at a high school. Several years ago I worked with a 9th grade student for correction of a ¡°mild frontal lisp.¡± Her lisp had not been judged severe enough by the SLP in her elementary school to warrant services, but this student came and requested services herself. ¡°I want to be a doctor,¡± she explained; she felt her current speech pattern would be detrimental to her future career. 6. Severity Ratings vary from test to test. They also vary over time. A ¡°mild¡± problem at age 6 becomes a ¡°moderate¡± rating at age 9 if not addressed. Articulation tests usually evaluate at the single word level, and this may mot be an accurate reflection of the child¡¯s speech in conversation; the Eligibility Committee needs to allow for professional judgment in cases like this. 7. ASHA has received clarification in the past		

that the Federal Law is to be interpreted as broadly as possible. In a letter written to Stan Dublinske, ASHA¡¯s former Director of School Services Programs, from Edwin Martin, the former Acting Assistant Secretary for Special Education and Rehabilitative Services, Mr. Martin said, ¡°It was not the intent of the Act (P.L 94-142) to reduce services to handicapped children..¡± (http://www.asha.org/members/slp/schools/prof-consult/ed_performance.htm).
Susan Karr reports that Alexa Posny, Director of the Office of Special Education Programs at the US Dept. of Education, verbally upheld this interpretation at the ASHA Schools Convention Forum held this July 2006. (Email Tues., Dec.5, 2006 from S. Karr to C. Breza, West Virginia State Education Advocacy Leader (SEAL). Subject line, Redefining Eligibility Requirements for Articulation Therapy). Catherine Clarke, ASHA¡¯s Director of Education and Regulatory Advocacy and Kathleen Whitmire, Director of School Services have requested written confirmation of Posny¡¯s verbal statements.

8. The State of West Virginia¡¯s own Content Standards recognize effective communication skills as being an integral part of the educational process
Standard 3: Listening, Speaking and Viewing (RLA.S.3)
Students will apply their use of spoken,

written and/or visual language to communicate
¡ñ with a variety of audiences and
¡ñ for different purposes.
Speech language pathologists know if a child does not say a sound, they cannot hear it when other people say it, and they don¡¯t recognize it when it is written. Articulation skill development, regardless of any rating of severity, may adversely impact student¡¯s mastery of certain Content Standards such as the following:

Reading Objectives
Students will:

RLA.K.1.2 identify the sounds in a one-syllable word (play = p/l/a).
RLA.K.1.3 recognize and manipulate onset and rime (word families).
RLA.K.1.4 use basic elements of phonetic analysis (e.g., common letter/sound relationships; beginning/ending consonant sounds; short/long vowel sounds; word patterns).
RLA.K.1.5 recognize and name all lower/upper case letters in random order.

Reading Objectives
Students will:
RLA.1.1.1 blend or segment the phonemes of most one-syllable words.
RLA.1.1.4 use basic elements of phonetic

		analysis to decode unknown words (e.g., sound relationships; beginning/ending consonants; vowel sounds; blends). RLA.1.1.5 use basic elements of structural analysis to decode unknown words (e.g., basic prefixes/suffixes; compound words; root words; spelling patterns; contractions). Reading Objectives Students will: RLA.2.1.1 use basic elements of phonetic analysis (e.g., syllabication; diphthongs; digraphs; variant vowel sounds such as r-controlled).		
12-22	Karen Brunicardi Director Of Elementary Schools kbrunica@access.12.wv.us Wood Co. Schools 1210 13th Street Parkersburg WV 26101	Including the referring teacher in the EC is a nice idea, but this requires providing sub coverage for the teacher. Many times an initial EC is scheduled and without warning, the parent doesn't attend. Then the EC has to be rescheduled. This would be a waste of valuable instructional time.	NR	Required by State code.
		Tracking Dev.Delayed students' birthdates and convening EC committee prior to 6th birthday will be tough.	NR	
		Part L- SLD Using Response to Intervention as the process for eligibility determination will involve lots of staff development. Wood Co. is fortunate to have had 2 pilot programs.	NR	

12-22	Margaret Miller 3rd grade teacher mrgmille@access.k12.wv.us Williamstown Elementary 418 Williams Avenue Williamstown WV 26187	I am very concerned about the changes regarding speech services. Please reconsider and realize that there are children whose self esteem is so fragile that removing services for some of the difficulties you consider minor, can have life changing effects on these wee ones.	NR	
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	Deafness (D.) cross out hard of hearing #2 add as having a hearing loss Hard of Hearing (H) #2 cross out hard of hearing and add having a hearing loss	A	Accept with amended language
		P. 25 "Eligibility Criteria …" "…student with blindness and low vision…" **Add underlined text.**	A	Accept with amended language
		P. 25 B.1 "…field restriction of twenty degrees or less in the better eye, or a deteriorating…" **Add underlined text.**	A	Accept with amended language
12-27	Joan M. Wilson, Itinerant Teacher Program for Students with Blindness and Partial Sight Kanawha County Schools 200 Elizabeth Street Charleston WV 25311	"…a disturbance of the posterior visual pathway and/or cortex, …" **Would this include Amblyopia?**	NR	
		Recommended format change: 1. The student has documentation of a visual impairment, not primarily perceptual in nature, with one or more of the following as determined by a medical professional including, but not limited to an optometrist, ophthalmologist, neurologist:	A	Accept with amended language
		a) Measured visual acuity of 20/70 or	A	Accept with amended

	poor in the better eye with correction at distance or near		language
	b) Visual field of 20 degrees or less in the better eye	A	Accept with amended language
	c) A deteriorating eye condition which will result in a loss of visual efficiency (e.g.: glaucoma, retinitis pigmentosa, macular degeneration)	A	Same as in policy
	d) A visual loss caused by a disturbance of the posterior visual pathway or cortex		
	Add underlined text as well as change format.		
	P. 28 Last word on the page change to and	A	Accept with amended language
	1.1.		
	P. 31		
	1. a. "...mild to moderate...test, or b. "...severe mental impairment..."	A	
	2. "the student exhibits concurrent deficits..."		
	3. "The age of onset..."		
	4. "The student's condition..."		
	5. "The student needs..."		
	Change numbering, add underlined text		
	P.36 "Eligibility Standards" "Using the RTI process the EC shall determine SLD..."	A	

		Change to underlined word P.37. "Standard 3 – Exclusion Factors" **Add** "7. Poor Attendance" P. 38 "Evaluation Components" Paragraph 2 "A comprehensive evaluation will be needed…" **Change to underlined word**	NA A	This is addressed in Standard – 3, Validating Underachievement. Accept with amended language
12-27	Darlene McClure Scott High School Health teacher 304-369-6564	p. 34 1. Under the RTI model there needs to be timelines at each tier. 2. Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve. 3. Who conducts the screenings?	1. NA 2. NA	1. 1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers

		p. 35 4. Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services. 5. Professional development in progress monitoring needs to be provided. p. 38 6. The comment "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.	must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy. 2) NR 3) NR 4) Accept with amended language Tier 3 is not restricted to the provision of special education services. For example, a student who has been excessively mobile during the early

				grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a SLD. 5-6 NR
12-27	TBI Teachers Kanawha County Schools	The term "acquired" should and must include injuries caused by internal occurrences as well as external physical forces. The proposed definition, by omission, excludes a large population of students currently eligible to receive services, i.e. encephalitis, meningitis, stroke, tumors, toxic substances, etc. ***Please see the attachments which include excerpts from recognized experts in the field	NA	Inconsistent with federal TBI definition.

		of Traumatic Brain Injury, as well as other noted professional sources.		
12-28	STEVEN ROBERTS Speech Language Pathologist styx972@yahoo.com WVSHA ROUTE 1 BOX 226 C BLUEFIELD WV 24701	The wording for eligibility criteria for articulation disorders needs to be changed. The requirement that a student exhibit a "moderate to severe" articulation delay is wrong. A child can have a "mild" delay that still adversely effects educational performance. A gifted student CAN also have a mild articulation delay. If we deny services to that student we are not fulfilling our obligation as therapists. I worked with an 8th grade student 3 years ago who could not produce R correctly. He was also a "straight A" student as well. He was one of 2 that our school sent to take the Golden Horseshoe test. His brother was finishing his engineering degree that year. This student had similar ambitions. It would be WRONG to deny that student speech therapy. Several studies have been done that prove the negative opinion listeners have of speakers with only "mild" artic delays. Are we now going to throw out what we were trained to do as therapists and rely on legislators' opinions of who we should serve? A delay is a delay. We know who should qualify. The second area of major concern deals with caseloads. Unlike all surrounding states, WV pays SLPS the SAME as classroom teachers. The excuse has always been that we have lower caseloads (50) than most states. The	A	Accept with amended language

proposed changes allow for "waivers" to maximum caseloads. Basically there will be NO maximum caseload guidelines any more. Almost every county has a shortage of SLPs. According to the proposed "waiver" system, the county can just apply for a waiver and the SLPs caseloads will be increased / unlimited.

The WV school system has speech pathologists listed a as a "critical shortage area". Counties pay out tons of money to contract with private agencies to cover speech therapy. Nationally the number of speech-language referrals is increasing. Through the waiver system, the state will try to force the SLPs you have managed to retain to serve even MORE students. The result will be MORE therapists LEAVING the school system as my wife did after 12 years of service.

Classroom teachers receive extra pay when their enrollment exceeds a certain number. They receive extra pay for EVERY day they are over class size. Will SLPs receive extra pay as well. After all, we are considered "teachers" on the pay scale.

Certified Speech pathologists generate millions of dollars for the school system through medicaid reimbursement. This year I will personally generate @ 45,000.00 for the county through medicaid billing at 2 schools.

		Whenever a certified SLP is not available, the county can now hire speech assistants. However, services provided by speech assistants cannot be billed to medicaid. As more certified SLPs leave the system, the state will lose tons of money in lost medicaid billing. My 2 concerns seem at odds with each other. They are not. I feel SLPS should continue to serve ALL the students who need our services (even the gifted). I also feel our caseloads should not increase due to a loophole called a waiver system. If more SLPS are needed, it is the state's responsibility to attract / retain them. The burden of shortages should not be passed on to us. SLPs have no problem finding other jobs.	
12-30	Karen Fragale Principal pfragale@access.k12.wv.us Putnam County Schools Lakeside Elementary 2550 US Rt. 60 Hurricane WV 25526	The RTI model for reading instruction works and is a great idea. We found the early identification of students needing intervention and then providing targeted intervention instruction promoted accelerated learning for our students. I think more students will receive better reading instruction using this model. However, I have concerns about the lack of timelines at each Tier. As a pilot school last year we struggled with implementation of the Tiers and knowing when to move a student from one Tier of instruction to the next. Also, it was difficult to determine where the students already identified as "special needs"	NR

		fit into the 3-Tier Model. RTI will necessitate a change in how IEP's are written for some current students. The section of the IEP that details the amount of time and type of services will need to be carefully written to include "special needs" students in the core instruction as appropriate. RTI needs to be fully funded. Additional staff (reading specialists) will be required in many schools to properly deliver the interventions at Tier 2 and 3 levels. Also, schools need some direction as to how to provide these interventions of additional time - what can students "miss" to receive the additional 30-60 minutes of reading instruction. Also, will RTI only be for K-3 students or will this be implementated at the intermediate level? Regular education and special education teachers need staff development in the RTI model, reading interventions, and collaborative teaching. Proper training will provide the understanding of process and lead to improved		
12-27	Eileen Poling County-wide teacher of gifted epoling@access.k12.wv.us Tucker County Schools 215 Homewood St. Parsons WV 26287	Again, on page 55, you have used "disabilities" again. This needs to be changed to "exceptionalities" throughout the policy.	A	Accept with amended language
12-27	Eileen Poling County-wide teacher of gifted epoling@access.k12.wv.us	Please include giftedness in the "Three-Prong Test of Eligibility!" Vickie	A	Accept with amended language

	Tucker County Schools 215 Homewood St. Parsons WV 26287	Under #3, it is not clear what is meant by acceleration of content at grade level. This needs to be made clearer.	NR
		In the "Response to Intervention," it is unclear who will be responsible. It looks like the regular classroom teacher would be the one since it takes so long for the child to be identified as gifted. This section is as clear as mud and needs to be clarified further.	NR
12-30	Karen Fragale Principal pfragale@access.k12.wv.us Putnam County Schools Lakeside Elementary 2550 US Rt. 60 Hurricane WV 25526	Special education teachers will need specific directions on writing IEP's to meet the new guidelines for students already identified. Will the students already identified be automatically placed in Tier 3? Will the students identified as specific learning disabled receive 90 minutes of instruction in the core reading class and an additional 30 or 60 minutes in special education? Schools need clear and concise directions for those students already identified. Also, schools need to have timelines to know at what point a student is referred for a comprehensive evaluation for special education services.	NR
1-02	Robyn Fitzsimmons Assistant Superintendent rlfitzsi@access.k12.wv.us Wetzel County Schools 333 Foundry Street New Martinsville WV 26155	The language with autism eligibility is a concern. "The student is diagnosed as having a disorder in autism spectrum by a psychiatrist, physician, or licensed psychologist." Currently, due to lack of area reasources and/or parental resources there are some students identified as Autistic without having	NR

		a medical diagnoses. Will the LEA be required to pay for the medical evaluationwhen the data clearly supports the determination?		
		Eligibility criteria for EBD is also a concern. Previous eligibility included that the student must meet the following: "exhibits behavio(s) that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criteria in with five additional criterions, only one of which must be met for eligibility purposes. I am concerned that this could eliminate the much needed discussion when the students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately in classrooms with students with EBD.	A	Accept with amended language;appendix has been deleted for revision
		Page 28 identifies EBD is when ALL of the following criteria are met but one of the criterion listed is exhibited behaviors that is not primarily the result of physical, sensory or intellectual deficits. However, when referncing Appendix A page 165 and 166, number two indicates that a student must exhibit only one of the six characteristics. I do not believe that the criteria and the determination (Appendix A) are consistent.	A	Accept with amended language;appendix has been deleted for revision
1-02	Joyce Tedder	EC Report needs to have space on the form to		Accept with

	Instructional Supervisor jtedder@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	write the how included in #4. Under Eligibility Criteria for Autism, could you include certified school psychologist under #2 along with licensed psychologist? Under Developmental Delay definition should this be gross motor or fine instead of and, or do we have to do both? Under Eligibility Criteria for Dev. Delay should this be special education and/or related services? Under eligibility options, what is the plan to train all teachers in RTI before 2009?	A NR	amended language
1-02	Kerri Hartleben Speech Pathologist khartleb@access.k12.wv.us Harrison County Schools 1406 Claylick Run Road Jane Lew WV 26378	I believe that excluding children with one speech sound error from receiving speech and language services is detrimental to the educational progress of many students. It has been my experience that some students with only one phoneme error struggle with phonological tasks such as blending sounds into words. As they get older, they are also many times ridiculed by peer groups.	NR	
1-02	Mary Hughes [mhughes26105@yahoo.com]	I am an SLP in Wood County Schools. I service an elementary school. I started the year out with 56 students, and was fortunate to have another SLP come in and take over my students from 4th, 5th, & 6th grades. This year alone I tested about 12 Kdg. students with significant speech and language problems. I also have several students, who as the 2419 plan would qualifiy as MILD articulation problems. Many of these students are in 3rd grade with /r/ problems. The	NR	

students were recommended to me by their teacher or their parents, because the sound errors were effecting their self-esteem or their academics (spelling &/or reading). Some of the other students MILD speech errors also effect their phonemic awareness- which is a very important part of academics especially in reading. The reading teachers and the classroom teachers are very concerned that if these MILD students were not provided speech therapy at an early age, they would have more difficulty with their academics and overall oral communication skills. I have seen how when students improve their speech sounds, their self esteems improve and they talk more to others.

I am very concerned that if MILD speech students don't receive speech services, they will be less likely to communicate with others, have behavior problems when they are made fun of in the older grades, and could be less likely to obtain good jobs because of their speech. I personally know of some people, who graduated before I did from high school (before I ever was an SLP), that were unable to say /r/ sounds. They were very hard to understand and I was less likely to buy something from them because of their speech.

I am asking as a mother, SLP, and part of a community, that students with MILD articulation errors still be seen at the earlier grades when they can still feel good about themselves. Please respond to this e-mail.

		mhughes26105@yahoo.com Thanks! Mary Hughes		
1-02	Karen Hall Special Education Director kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Autism Eligibility-#2 include a certified school psychologist in the list of who can diagnose "having a disorder in the autism spectrum"	A	Accept with amended language
		Developmental Delay- #2 take out "and related services" as a requirement for the eligibility criteria.	A	Accept with amended language
		Have concerns about going through age 6. Would be better if counties were given a choice between using 6th birthday or entering Kindergarten as cut-off for DD. Will be hard to implement DD services in Kindergarten, and then change whenever the child turns age 6. This is not a good practice for children.	NR	
		Orthopedic Impairment- #6 take out "and related services" as a requirment for eligibility. Have many questions concerns about RTI	A	Accept with amended language
1-03	Mary S. Glass Teacher of Gifted and Exceptional Gifted mglass@access.k12.wv.us 133 Fayette Street Buckhannon WV 26201	Under the "Three-Prong Test of Eligibility", even though a disclaimer is added to #2 regarding students with giftedness, that needs to be reflected in the summarizing statement as well. For example: "A student is not eligible for special education for disabilities unless all three of the above components are satisfied and documented."	A	Accept with amended language

		Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration entails content at above grade level. A clearer way of stating this might be: grade acceleration of content while student remains in chronologically appropriate.	A	Accept with amended language
1-03	Jennifer K. Burdette Speech-Language Pathologist jkburdet@access.k12.wv.us.edu Hancock County Schools 433 Effa Street Weirton WV 26062	The proposed eligibility criteria for speech disorders (fluency, voice, and especially articulation,) are so restrictive that services will be denied for a significant number of students who have communication disorders that require intervention from an SLP. This is in direct contrast to the content of IDEA. Present proposed criteria mentions severity ratings (i.e., mild/moderate/severe)which should be irrelevant, and are often difficult to assign reliabily to students. Furthermore, appendix B lists certain conditions which	A	Accept with amended language

		define the phrase "adversely affects educational performance". These conditions are too restrictive, indicating that students with speech problems would only qualify for therapy if their condition affected spelling and/or reading, or had some social penalty. One of the intents of IDEA is early intervention and prevention of disorders from escalating over the student's future years. According to appendix B, many preschoolers, for example, would not meet such criteria, as they are not involved in academic instruction at this age. Children at this age level typically do not ridicule each other for having a speech problem. I respectfully suggest that appendix B be eliminated from the document. Furthermore, the eligibility criteria for speech should not require severity ratings. Most articulation assessments require a single-word response that the child may be able to produce, but in connected speech the ability to articulate effectively is hampered.	
1-04	Bernadette Rush	Eligibility Criteria #3 – Articulation/Phonology Disorder 3 main points to be made 1. Excludes a whole class of student in which the disorder clearly adversely affects educational performance but intelligibility is only mildly impaired. • Many examples have been given depicting student with one or two sound errors. I would concur with my colleagues who have	NR

commented before me.

- I would like to stress an example of K or 1st Grade student with multiple misarticulating and mild intelligibility issues. Misproductions include "l,th,f,k,g,v,s,z,sh" and difficulty with production of consonantal blends.
- Under the new regulations this could does not qualify for services.
- A child presenting with this speech pattern would clearly have academic difficulties to some degree. More often than not, this child would struggle with decoding and sound blending and his speech delay would significantly impact acquiring reading readiness and early reading skills.
- SEVERAL students currently on my caseload come to mind.
- I KNOW as communication specialist, that speech production is the foundation upon which reading skills are built. In order to effectively acquire a printed code, the verbal code from which it is built must be well established. Everyone across the nation is saying this and there has been much evidence to support it!
- Denying these students access to speech services will without a doubt, impede the learning process and deprive them of a FAPE.

	• Inconceivable that the state dept of ed could suggest such a thing! • Degree of intelligibility should not be a criteria that must be met for eligibility. It most certainly needs to be a consideration, but not a criteria that must be met. This criteria needs to be stricken form the policy entirely.	A	Accept with amended language
	2. Criteria #3 dealing with degree of intelligibility would create caseloads of the public school SLP that were entirely composed of children with severe disabilities. • Our caseload limit remains at 50. It is currently very challenging to serve 50 students who have varying degrees of impairment. I would think that serving 50 students with severe impairments would be an impossible task. • It would require more tx time per student and more individual tx sessions……as opposed to group sessions. • The average tx group for most of us now is 3. In a 30 minute session student response time for each would be 10 minutes at BEST……5-7 minutes realistically. This would not be adequate for a student with a severe impairment…..even if seen 3-4 times a week.	NA	Caseloads remain the same;provide a maximum and are lower than the national average

1-04	Paula Kirkwood Speech-Language Pathologist paula.kirkwoo@access.k12.wv.us Harrison County Schools 319 Ash Ave. Clarksburg WV 26301	• It would not b e possible for SLPs to appropriately serve that many children with severe impairments. 3. Defining intelligibility into "mild, moderate and severe" categories is a very subjective thing. • Formal intelligibility ratings or not commonly known or used in the public schools. Informal measures could be used but the results would be inconsistent from county to county across the state. Under the eligibility section for articulation/phonology disorder, delete "Speech intelligibility is determined to be moderately or severely impaired." This criteria would adversely affect those individuals who are in need. These children are the future of West Virginia. A good speaker is more employable than an individual that has an articulation disorder. By age 7, all children should have mastered all their speech sounds. Those children who have not mastered their speech sounds by this age should be able to receive the services that they need in the public school system. They should not have to go to outside agencies to receive the speech therapy services that they are entitled to under IDEA. With the economy of the average West Virginian, they do not have the additional funds available to pay for their children to receive these needed services.	A	Accept with amended language

1-04	Leah J. Musgrave Speech/Language Pathologist leahjm_97@msn.com Rt. 2, Box 172-A Delbarton WV 25670-9760	Under the RTI model (three tiers) there needs to be a timeline added to each tier (pg 34.) What is the SLP's role in RTI?	NA	1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy.
		Correct the spelling of DISCREPANY to 'DISCREPANCY' (pg 40)	A	Accept with edit
		Remove Criteria #3 (Speech intelligibility is determined to be moderately or severely	A	Accept with amended

		impaired) from eligibility criteria for placement in Articulation/Phonology Disorders Programs. (pg 43) There us no reference in IDEA regarding consideration of "degree of severity" when determining eligibility for any exceptionality. A child becomes eligibile for a service when he/she has a need that cannot be met witin the regular classroom setting. Degree of need does not exclude a student from receiving services. There is either an identified need or there isn't.		language
1-04	Vickie Mohnacky Coordinator vmohnack@access.k12.wv.us WVDE Building 6, Rm. 304 1900 Kanawha Blvd. E. Charleston WV 25305	Include the List of Test Instruments in the Appendix. I have the list.	A	Accept with amended language
1-04	Nancy Laughlin	am Nancy Laughlin, a licensed and certified speech therapist working in the Marion County Schools. And I am here to speak on behalf of my 18 fellow speech therapists in Marion County regarding the proposed changes to the category of speech/language impairment regulations in 2419. Although there are several areas of concern, I will limit my comments to the very obvious area of Articulation/Phonology. The RED FLAGS were raised when we saw that there are now 5 criteria – ALL OF WHICH MUST BE MET – in order for a		

student to be eligible to receive services for an articulation/ phonological disorder. Previously there were two. No other disorder requires that extensive scrutiny – even language, which encompasses a much broader range of skills and abilities.

Therefore, we have particular concerns with criteria 1 and 3.

1. Regarding criterion #1, requiring two procedures is best practice. Requiring a standard score is, however, inappropriate for students above the age of 7. All speech sounds should be developed by age 7, and any student exhibiting speech sound errors beyond that age has exceeded developmental norms. Most widely used standardized articulation tests target the 4 to 7 year level and are inappropriate to administer to older students. Also, consider that most students who have had any therapy will pass a single-word articulation test; their speech breaks down in conversation. Most standardized articulation tests assess single words. Criterion #2 covers the situation for older students when application of developmental norms and severity ratings verify that speech sounds have not developed with or without intervention. Leave the determination of assessment procedures up to the professionals.
2. Regarding criterion #3, which imposes

a severity rating requirement: you know that the severity of an articulation disorder varies widely from student to student. For example, that typical w/r single sound error may be mild to 6 year-old Tyson Matthews, but not so mild to first grader Robert Ricer. Likewise, a residual single sound error for some MI students may be cause for celebration and dismissal. Again- leave that recommendation to the professionals.

I'm sure that you have heard in previous public comments that ASHA opposes eligibility criteria that eliminate mild articulation disorders. That's their job to protect our jobs and the welfare of our clients. However, their opposition is backed by solid evidenced-based research that documents the negative effects of single sound (hence MILD) articulation errors. The social, emotional and career implications of even a mild articulation error are long term and far reaching. Leave those decisions in the hands of the Eligibility and IEP teams.

You also know that US Dept of Education has already clarified that students should not be denied speech therapy services if they do not demonstrate a concomitant academic problem. The intent of IDEA is not to

deny students with speech disorders the right to special education services based on academic achievement. Good speaking is considered a stand-alone educational skill. The Documentation of Adverse Effects on educational performance for Students with Speech/Language Disorders or Appendix B is confusing and unnecessary. I quote from a USE Office of Education letter: ***The impact of the child's communicative status on academic performance is not deemed the sole or even the primary determinant of the child's need for special educational services. It is the communicative status – and professional judgments made in regard to assessments of communicative abilities – which as overriding significance.***

AND NOW I WANT YOU TO MEET SOME STUDENTS WHO HAVE RECEIVED SPEECH THERAPY SERVICES IN THE MARION COUNTY SCHOOLS

Ryann Moore and Dominica Hermosilla – were students whose parents requested evaluations when they entered 7th grade. They both exhibited inconsistent frontal lisps and did not necessarily show up on an articulation test, but were nevertheless evident in conversational speech. These girls were both

very bright. Ryann was in the gifted program. Analysis of conversational speech, not a standardized single-word articulation test – revealed correct [s,z] productions at 17-20% in conversation. Therapy progressed rapidly and by year-end Dominica was dismissed, Ryann was to be rechecked when 8th grade started. When school started that next year, Ryann came to me and said, "Boy, Mr0e0 Laughlin, do you have your work cut out for you. I got bra0e0." So we did some compensatory therapy. I monitored her and finally dismissed. Today these girls are both senior honor students. Dominica is on the prom court, works a local restaurant, runs cross county and is going to the Art Institute of Pittsburgh to major in graphic design. Ryann is captain of the state finalist soccer team and will attend WVU or WV Weslyan.

Next I want you to meet Trey Satterfield, or as he called himself in the first grade TWEY SATTEWFIELD. Trey received speech therapy for a mild articulation disorder – that pesky [r]. Today Trey is the Student Body President at Fairmont Senior High. He's an honor student and will attend WVU to major in business. When I called to ask permission to tell his story, his mom said yes, and added that, "Trey is the best speaker in our family. We all have that WV twang, but not trey, because he learned to pronounce his words correctly in speech therapy at an early age."

Do you think they would have ever run for office or been elected if he were running for the PWESIDENT of the Student Body at FAIWMONT SENIOW High?

Lastly, I want you to meet Alexander Janes, or as his friends know him – Lex. Lex received therapy for a persistent frontal lisp in second through sixth grades. Today Les is the outgoing president of the WV Association of Student Councils – an office that requires major campaigning among known and unknown peers. He is also a National Merit Finalist and is being pursued by colleges and universities all over the east, including face to face visits and interviews. When I called to ask permission to tell his story, his mother related that his speech problem absolutely impacted his educational performance, even though he was identified gifted. She said that unfortunately, even some teachers presume that students who are not articulate are also not very bright. As a result of speech therapy, Lex has always received compliments for his public speaking ability. We're proud to clam Lex and the others as successes.

Other states where these changes that are proposed in 2419 have already been implemented are very different from our mostly rural and consolidated school populations.

FIRST – Other areas have active private sector services to pick up what the school systems reject. In WV we are not blessed with a n abundance of private therapy services, nor are we blessed with families whose incomes can accommodate private therapy.

SECOND, those families who have medical insurance that covers paramedical treatment are finding that their insurance will not pay for services that are supposed to be provided through the school system. Sounds like litigation waiting to happen, if and when their children are denied services in the schools.

Therefore, regarding criteria to determine eligibility for Articulation/ Phonology Disorders:

1. We urge you to remove the requirement that eligibility be based upon a standardized articulation test
2. We urge you to remove any requirement based on severity
3. We urge you to remove or revise the Appendix B requirements documenting the negative effects on educational performance.

The students I just told you about are all students who exhibited MILD articulation disorders. Under the proposed regulations, they would not have been eligible for speech therapy. Are these the kind of students we

		want to leave behind? Or, in fact, should NO CHILD BE LEFT BEHIND		
		Autism: concerns over the new language - "The student is diagnosed as having a disorder in the sutism spectrum by a psychiatrist, physician or licensed psychologist." Currently, due to lack of area resources and/or parental resources there are some students identified as Autistic without having medical diagnoses. Willt his now require LEA's to pay for the medical evaluation when data clearly supports the determination? betsy	NR	
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	EBD: Concerns with the eligibility criteria for EBD. Previous eligibility included that the student MUST meet the following: "exhibit behavior(s) that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criterion in with five additional criterion, only one which must be met for eligibility purposes. We are concerned that this could eliminate the much needed discussion when students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately primarily in classrooms for students with EBD. Page 29 (mid page) identifies that EBD is when all of the following criteria ae met but one of the	A	Accept with amended language;revised appendix

		criterion listed is "exhibits behavior(s) that is not primarily the result of physical, sensory, or intellectual deficits". However, when referencing Appendix A pages 165 and 166, number two indicates that a student must exhibit only one of the six characteristics. We do not believe the criteria and the dtermination (Appendix A) are consistent.		
1-05	Sarah Burks Physical Therapistt srbrooks@access.k12.wv.us Raleigh County Board of Education 136 Sullivan Rd Beckley WV 25813	Eligibility Criteria for ARticulation Concern is noted with the language "all of the following" as this could significatly delay the treatment of an articulation issue that would be of concern at a later point in the student's life.	NR	
		Three prong Test of Eligiblity (Page 23-24). The first and second prongs are clear, however prong three is very unclear. Where prong 2 specifies academic and non acamedic areas prong 3 does not. "Specially designed instruction means the content, methodology, or delivery of instruction is adapted, as appropriate, to address the unique need of the student...." How does that relate to the non academic areas when the last sentence of this section states that, "a student who only needs a related service and not special education is not eligible." Educational performance includes daily life activities, mobility, pre-vocational and vocational skills, social adaptation, self-help skills by defition. So how are prong 2 and 3 linked?	NR	Consistent with federal language

		A defintion of Accomidation, Modification, and Adaptation would be helpful in distuishing the three.	NA	Addressed in assessment policy
1-05	Bonita Hadox SLP bhadox@access.k12.wv.us Marion County Schools 200 Gaston Ave. Fairmont WV 26554	Articulation/Phonology: Requiring a standard score is inappropriate for students above age 7. All speech sounds should be developed by age 7, and any studetn exhibiting speech sound errors beyond that age has exceeded developmental norms. Using this criteria will eliminate those students who may be able to pass or at least score above the standard deviation of 1, but break down in connected speech reducing intelligiblity. Criterion 3 needs eliminated as a criteria - The intent of IDEA is not to deny studetns with speech disorders the right to special education services based on academic achievement. Good speaking is considered a stand-alone educational skill. Overall, extending the criteria for meeting articulation therapy from 2 to 5 and stipulating that ALL must be met will leave MANY children without the opportunity to correct their articulation. I thought our purpose in education was No Child Left Behind.	A	Accept with amended language
1-05	Deanna Stone executive director deannastone@wvdhhr.org WV Comm for the Deaf and Hard of Hearing	Page 26,C. Deafblindness should be written as one word to reflect a single disability.	A	Accept with amended language

	Building 6 Room 863 Capitol Complex Charleston WV 25305	Page 26, D-1. Replace auditory communication with spoken communication.	A	Accept with amended language
		Page 30, H-1. Replace auditory communication with spoken communication.	A	Accept with amended language
1-05	David A. Snider School Psychologist dasnider@access.k12.wv.us Wood County Schools 1210 - 13th Street Parkersburg WV 26101	RE: Gifted Criteria: I believe that the new criteria for Gifted appears to have some positive changes, as well as some that are flawed. In Special Considerations, the allowance for placement, when there is a Clinically Significant difference between the verbal-performance scores appears to be a good move; because as we all know, typically Gifted students like all other students have areas of strengths as well as weaknesses. In contrast to the above, I feel that the move/change to requiring a FSIQ score at the 97th percentile is a move in the wrong direction, because many Gifted children in the past have been denied services due to the current criteria of a FSIQ of 130, with consideration of 1.0 standard error of measurement at the 68% confidence interval (which in the case of the SB-5 and WISC-4 permits a FSIQ of 127 to qualify). The current criteria is too stringent; and the proposed criteria is even more stringent; and would	NR NR	

		therefore create a situation with further (and more) disservice to students with highly developed ability, who are not placed as gifted because of the difficult criteria. My comment is based upon a sample study of students already placed in Gifted Programs, who had a mean FSIQ, on the SB-5 of 123.7 (See Stanford-Binet Intelligence Scales-5th Edition, Technical Manual, pages 96-97); and a study presented in the WISC-IV Technical Manual, pp. 77-78, wherein the mean FSIQ for students already placed in Gifted Programs was 123.5.		
		Given the above, I propose that the new 2419 criteria require a FSIQ of 128, with consideration of 1.0 standard error of measurement at the 68% confidence interval (which would equate to a cutoff score of 125 on either the SB-5 or WISC-4, which is still higher than the above sample studies means for gifted IQs of 123.7 & 123.5). Let's also not forget that, as a group, gifted students have the highest per capita dropout rate; and that we can do something about this.	NA	Consistent with practice
		Another concern that I have is in regard to the "State Approved Test List for the Identification of Gifted Students in West Virginia":	NR	
		First of all, I am troubled by the allowance of some instruments that do not require either		

trained personnel administration or trained personnel interpretation, with emphasis on the lack of required training for interpretation of test results on some instruments. This seems to me to be highly unethical; and not a move in the best interest of students, whom are being tested, regardless of whether they either qualify or do not qualify for services. Without proper prior training in psychometrics and statistics, the potential for misinterpretation of test results is greatly increased, thereby increasing the potential to do psychological or academic harm to students.

In addition to the above, the List of Approved Tests appears to me to be rather short and truncated. For example, the KABC-II was not on the list; and it is an excellent instrument for measuring Intellectual Ability.

I am concerned that having an approved list of test instruments for Gifted Eligibility will be a nuisance to keep updated, as, over time, test instruments are created, revised, etc. If we are to have an "approved list of test instruments" there must be a clause that allows updating of the list on a regular basis; or perhaps we should not even have a specific list, but rather a general description of the type(s) of IQ test instruments that are acceptable, similar to the existing 2419 Gifted Eligibility criteria.

Finally, I appreciate your consideration of the

1-05

David A. Snider
School Psychologist
dasnider@access.k12.wv.us
Wood County Schools
1210 - 13th Street
Parkersburg WV 26101

above, with hopes that some or all of my suggestions would be amended to the currently proposed changes to Policy 2419.

With Appreciation,

David A. Snider, Ed.S., School Psychologist,
Wood County Schools

RE: Specific Learning Disability Criteria: I believe that—generally—the new criteria for SLD appears to be positive. However, I do have some definite concerns, with the proposed phasing out of the discrepancy formula altogether.

Per hypothetical research there are presently at least three different models for identifying learning disabilities. The most familiar one, which we presently use is the discrepancy model, for identifying students with learning disabilities. The second model for identifying learning disabilities is the Response to Intervention (RTI) model, which is the one presently being considered for the current proposed Policy 2419 Draft. The third model is the neuro-psychological model, which is the least likely to be used in a school system.

The reason for having three models is quite apparent, given the heterogenous nature of Learning Disabilities—along a continuum of extremely mild to extremely severe.

Certainly things can be said for and/or against each of the models. The discrepancy model had some serious problems in that we

generally had to wait until 2nd, 3rd, or 4th grade or later for a child to fail, in order to obtain an IQ—Achievement discrepancy severe enough for him or her to qualify for special education services. I believe that one of the reasons that we have "fallen head-over heels in love with the RTI model" is because it has addressed the issue which the discrepancy model was unable to address—i.e. that of waiting for a child to fail. RTI has been wonderful, when implemented in a correct, efficient, timely manner, in that it "heads off at the pass" a lot of kids—who have problems with learning—before they become too severe to successfully remediate or compensate for. My concern is this: Again, given the heterogenous nature of Learning Disabilities—along a continuum, we very likely should have a variety of "tools in our tool box" for identifying learning disabilities, instead of limiting our ability to identify, by phasing out one of those tools (i.e. specifically by eventually doing away with the discrepancy model). I think that we should implement the RTI model as our main pursuit in identification of students with learning disabilities; yet I also feel that we should retain (and not phase out) the discrepancy model as an additional tool for identifying SLD students. I believe that instead of thinking that we have to make a dichotomous "either/or" decision regarding our Policy 2419	NA	The use of the discrepancy model is being phased out in accordance with IDEA (permits states to prohibit the SD

SLD criteria that we should make the best, informed decision possible. I vote for a combination of both the RTI and discrepancy models. As further support for my proposal, I am submitting a recent editorial written in a recent edition of the Commuique'—the Newspaper of the National Association of School Psychologists:

PAGE 6 — Newspaper of the National Association of School Psychologists Viewpoint

Can the Discrepancy Model Be Salvaged?

By Scott Crouse, NCSP

Ed. note. "Viewpoints" are editorial and reflect the opinions of the writer only, and not a policy or position of NASP or the Communiqué.

Now that IDEA has been revised to no longer require a formal measure of severe discrepancy (with regard to SLD eligibility decisions) but instead suggests the "option" of some sort of response-to-intervention (RTI) process, there has been considerable debate and discussion comparing and contrasting the two assessment/intervention models.

Most of the discussion has involved promoting one model over the other as if to imply that the two models are either incompatible or redundant. Although both models may provide a means of documenting different forms of underachievement (intra-student for the discrepancy model and inter-student for

model);districts must use a variety of assessment results;nothing precludes the use of information from cognitive and achievement results for eligibility decisions

RTI), the two models were never really designed
or intended to accomplish the same goal, and as such, we shouldn't feel compelled
to simply choose one over the other. RTI represents a formal and intensive problem-solving approach to "mainstream" interventions while the severe discrepancy model reflects
a statistically-based means of measuring the significance of a student's underachievement.

Proponents of RTI as an SLD identification model typically suggest discarding the discrepancy model entirely due to its tendency to be overly restrictive for certain groups of students. On the other hand, supporters of the discrepancy model fear that "switching" to RTI will eliminate any degree of objectivity from SLD eligibility decisions.
Clearly neither RTI nor the traditional discrepancy model represents a solid standalone solution for documenting the underachievement portion of SLD criteria. While it may be appropriate to use an RTI model as a means of screening potential special education
referrals, the process is far too subjective and situational to facilitate reliable or consistent identification of special education needs across districts or systems. On the other hand, while the discrepancy model is a far more objective means of identification,

the rigidity of the traditional severe discrepancy formula virtually disallows thoughtful professional judgment and tends to discriminate against certain populations of students.

But is it really necessary (or even practical) to do away with any type of objective discrepancy model or would it make more sense to simply improve the model in order to make it more equitable and effective?

The field of psychology in general, and school psychology in particular is largely based upon measurement of statistical significance of differences between and among individuals and populations. This statistical framework allows us to make thoughtful but objective decisions which can be applied consistently across systems and settings. The SLD discrepancy model was born out of that need for objectivity and consistency. But critics of the traditional discrepancy model certainly have legitimate concerns. As it is typically applied, the model clearly discriminates against younger learning disabled students who have not yet had time to become "severely discrepant." In addition, the somewhat arbitrarily-derived

discrepancy value is far too rigid and fails to adequately consider measurement error. After all, is there really much (if any) difference between the child whose achievement score falls slightly above the discrepancy value and the child whose score falls slightly below? Because of our understanding of and respect for measurement error school psychologists are trained to consider "ranges of scores" rather than a single numerical value. So why aren't we considering measurement error in the process of determining a severe discrepancy?

We know that the standard error of measurement (SEM) for a typical IQ score is roughly 2 to 3 points and the SEM of a broad achievement score is roughly 3 to 4 points. Based upon these statistics, it only makes sense to consider a band of plus or minus 1 SEM surrounding both the severe discrepancy value (derived directly from the IQ score) and the achievement score. For example, by using such "error bands", when the entire achievement band falls above the entire discrepancy band, we can be quite confident that there is not a significant discrepancy between ability and achievement. On the other hand, when the

achievement band falls below the discrepancy band we can be quite certain that there is a significant discrepancy between scores. And of course when the achievement and discrepancy
bands overlap, severe discrepancy cannot be clearly established nor ruled out.

This entire process can be simplified considerably by combining the SEMs of both the IQ and achievement scores to establish a band of 5 to 7 points on either side of a traditionally derived severe discrepancy value. This might be referred to as the "SLD consideration band". Achievement scores falling within this band would not automatically be considered
"severely discrepant" but rather make the student eligible for "further team consideration." For such students, their previous response to a pre-referral intervention process may be
one of several factors for consideration in determining the real significance of their apparent underachievement. Achievement scores falling below the band could be deemed

"severely discrepant" without the need for additional consideration whereas scores above

the band would not be identified as discrepant nor warrant additional consideration. Since the standard error of measurement tends to be

greater for younger students, a somewhat wider range may be needed for early grades (perhaps a band of plus/minus 7 points for grades K–2 and a band of plus/minus 5 points thereafter).

Using a discrepancy range rather than a rigid discrepancy value would allow psychologists and assessment teams to maintain a certain degree of objectivity and consistency while allowing greater opportunity for professional judgment and team decision-making. This somewhat more flexible discrepancy model, combined with a solid RTI-type pre-referral intervention process could maximize our ability to appropriately identify and serve the needs of all students. Finally, it should be reiterated that both the discrepancy model and RTI (in the context of SLD identification) are primarily means of determining and documenting a student's underachievement. According to the current terms of IDEA, underachievement, in and of itself, is not sufficient to determine SLD eligibility.
For additional information and practical suggestions related to specific learning disabilities,
please visit my website at
http://www.LDinfo.com

© 2006, National Association of School Psychologists. Scott Crouse, PhD, NCSP, is a

		school psychologist with the Hopkins (MN) Schools. See www.nasponline.org I appreciate your consideration of the above, with hopes that some or all of my suggestions would be amended to the currently proposed changes to Policy 2419. With Appreciation, David A. Snider, Ed.S., School Psychologist, Wood County Schools		
1-05	Carol Stephenson Speech Language Pathologist cstephen@access.k12.wv.us Marion County SLP 11 Diana Dr. Fairmont WV 26554	Articulation/Phonology: 1. Regarding criterion #1, requiring two procedures is best practice. Requiring a standard score is, however, inappropriate for students above the age of 7. All speech sounds should be developed by age 7, and any student exhibiting speech sound errors beyond that age has exceeded developmental norms. Most widely used standardized articulation tests target the 4 to 7 year level and are inappropriate to administer to older students. Also, consider that most students who have had any therapy will pass a single- word articulation test; their speech breaks down in conversation. Most standardized articulation tests assess single words. Criterion #2 covers the situation for older students when application of developmental norms and severity ratings	A	Accept with amended language

		verify that speech sounds have not developed with or without intervention. Leave the determination of assessment procedures up to the professionals. 2. Regarding criterion #3, which imposes a severity rating requirement: you know that the severity of an articulation disorder varies widely from each INDIVIDUAL student to INDIVIDUAL student.		
		Chapter 4: Eligibility. ***Section A, Page 24-25; Autism Utilizing the DSM-IV Criteria for Autism (1) and (2) the student is diagnosed as having a disorder in the autism spectrum as Eligibility criteria this is confusing and problematic.***	A	Accept with amended language
1-05	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	***Section A, Page 25 (2) diagnosed by a ....or a licensed psychologist Consider the addition of School Psychologist within this section. The Educational/training level of the School Psychologist is equivalent to the training of a Licensed Psychologist, or eliminate the Licensed Psychologist and leave it with the medical field.***	A	Accept with amended language
		Section K, Page 32; OHI Clarification regarding criteria for OHI (4) ... adversely affects educational performance – clarification regarding criteria for adversely affects education performance – this appears to be left to subjective interpretation — what constitutes adequate educational	NA	Conistemt with federal langauge

		performance (i.e. mastery of content standards and objectives, formal and or informal assessment). Reference to comprehensive evaluation is not noted within the criteria for eligibility within this category.		
		Section L, Specific Learning Disability – I would like to complement the department on the explanation of the Tiered Instruction/Intervention section and development of the RtI process and language.	NR	
		Page 38 Evaluation Components Paragraph 2 – eliminate the paragraph since the purpose of the comprehensive evaluation is stated in Chapter 3, Page 12 it is not necessary to repeat this information within this section.	A	Accept with deleted language
		Chapter 4: Eligibility		
1-05	Submitted by Scott Martin, RESA 6 , Special Education Administrator and Departments of Special Education from Hancock, Brooke, Ohio , Marshall and Wetzel	**Autism** We are concerned with the new language for eligibility: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician or licensed psychologist." Currently, due to lack of area resources and/or parental resources there are some students identified as Autistic without having medical diagnoses. Will this now require LEA's to pay for a medical evaluation when data clearly supports the determination?	A	Accept with amended language

EBD We are concerned by the eligibility criteria for EBD. Previous eligibility included that the student MUST meet the following: "exhibit behavior(s) that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criterion in with five additional criterions, only one of which must be met for eligibility purposes. We are concerned that this could eliminate the much needed discussion when students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately primarily in classrooms for students with EBD.	A	Accept with amended language;appendix will be deleted and revised
Page 28 (mid page) identifies that EBD is when ALL of the following criteria are met but one of the criterion listed is "exhibits behavior(s) that is not primarily the result of physical, sensory, or intellectual deficits". However, when referencing Appendix A pages 165 and 166, number two indicates that a student must exhibit only one of the six characteristics. We do not believe the criteria and the determination (Appendix A) are consistent.	A	Accept with amended language;appendix will be deleted and revised

		Eligibility Criteria for Articulation We are concerned with the language "all of the following" as this could significantly delay the treatment of an articulation issue that would be of concern at a later point in the student's life.	NR	
		Section 3, Part A: Please consider adding, "Certified School Psychologist" to number "2". Section A, Part C:	A	Accept with amended language
		Ther needs to be more consistency throughout the policy, concerning the statement, "ages 3-21". Do services continue through age 21? Section A, Part E:	NR	FAPE for 3-21 is addressed in the policy and Chapter 1
1-08	Name: Greg Furrow Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: 1403 Honaker Avenue Address2: City/State/Zip: Princeton, WV 24740 Role: School System Staff	There needs to be some type of pro-active overlap to cover students who are turning age 6 during the term of an I.E.P. by which they have received services as, "Pre-school Special Needs". It seems that in some cases these students' services are abruptly ended, or the placement option changed in the middle of a school year, strictly due to their turning 6 years old. Would it be possible to adjust policy to continue services through the end of the current school year during which the student turns 6 years old.	NA	NA Policy does not prohibit continuing to serve the student which is best practice
		Section A, Part E: The chnage from "Pre-school Special Needs", to "Developmental Delay", may cause some confusion, in that some states, to and from which our students	NA	Consistent with federal language

		transition, use this term to identify mental im! pairment, or cognitive delay. Section A, Part E: Under Eligibility Criteria, Number 2:		
		Please do not include, "and related services", as the need for Special Education and/or related services would not be determined until the eligibility committee meeting. This inclusive an implicit statement could create conflict, as related services do not necessarily accompany placement in Special Education.	A	Accept with amended language
1-05	BJ Gilbert LD teacher 324 Warrior Trail Summrsville WV 26651	Timelines are neccessary for adequate implementation.		
		Additional staff is required to provide adequate services for tiers.	NR	
1-07	Name: L. Gage Organization: parent of gifted student Email: laurel@citynet.net Title: Address1: Address2: City/State/Zip: Capon Bridge, WV 26711 Role: Parent-Family	Under the "Three-Prong Test of Eligibility", even though a disclaimer is added to #2 regarding students with giftedness, that needs to be reflected in the summarizing statement as well. For example: "A student is not eligible for special education for disabilities unless all three of the above components are satisfied and documented."	A	Accept with amended language
		Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration, by its nature, entails content at above grade level. I think a clearer way of	A	Accept with amended language

		stating this might be: acceleration of content while student remains in chronologically appropriate grade.		
		Regarding the proposed use of Response to Intervention: It is good to give the option to use the severe discrepancy model for eligibility until June 30, 2009 because before then it will become evident that RTI will be overwhelming, time-consuming, and impossible to accomplish with existing staff. In light of the fact that "Only after a student has been provided an opportunity to learn with the additional targeted supports provided within a tiered instructional model should referral and eligibility for special education and related services be considered" I recommend language be inserted that clarifies exactly who is responsible for the "ongoing progress monitoring of student performance", individualized interventions (implemented for a minimum of 8-12 weeks in Tier 2), and the small group instruction (provided "in addition to the core instruction") mandated in Tiers 1 & 2. Since the student is not yet special education eligible it would seem that it would fall on the regular educator. The current wording leaves this unclear.	A NA	Accept with amended language Within the jurisdiction of school decision making
1-07	Name: Dawna J Parker Organization: Email: dawna_p@hotmail.com	On page 27 and 38 strike "and related services" as it refers to eligiblity for services. It is not necessary to need related services to	A	Accept with amended language

	Title: Address1: 55 Beech Lane Address2: City/State/Zip: Madison, wv 25305 Role: Teacher	qualify for special education.		
-1-08iu	Name: Trina Britcher Organization: Harrison County Board of Education Email: trbritcher@aol.com Title: Itinerant Vision Teacher Address1: PO Box 1370 Address2: City/State/Zip: Clarksburg,, WV 26301 Role: Teacher	Page 26. Eligibility Criteria for Blind and Low Vision. Number one should include "visual field restriction of LESS THAN twenty degrees Page 27. Eligibility Criteria for Developmental Delay. Number six. I strongly support that children with a vision loss become eligible under that exceptionality. If a child is totally blind or extremely visually limited, tactile skills and pre-braille skills are vitally important to a pre-school student. If these skills are not refined before kindergarten, then our students can be extremely behind when pre-reading/reading skills are taught. These skills need to be taught by a trained teacher of the blind and partially sighted. Likewise, research has shown that children who are cortically visually impaired need to be taught very consistently using a specific hierarchy of skills that a teacher of the visually impaired should be able to teach. Low vision children need training in low vision aids as well as a focus on how to best meet the needs of the child through ongoing assessment. Pre-school teachers need the vision teacher in order to know how to	A A	Accept with amended language

		present materials ! to a child and how to best meet that student's individual needs. I truly do not feel that a blind or low vision child's needs can be met without input and services of a teacher of the blind and partially sighted. For this reason, I support that if the developmental delay is the result of a vision loss, eligibility shall be determinied as blind and low vision.	A	
1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street Kanawha County Board of Education Charleston WV 25302	Section 1: Page 21: Define cultural background in the glossar	NA	Not necessary
		Section 3A: Page 25: Take out number 2 under Autism. Children are evaluated using an educational model not a medical model. The number of autism will increase at a more rapid pace than it is now with the medical diagnosis used as eligibility criteria.	A	Accept with amended language
		Page 15 #2: Change licensed psychologist certified school psychologist	A	Added school pyschologist
		Section 3B: Page 25 #1: After "twenty degrees" add "or less in the better eye"	A	Accept with amended language
		Section E: Page 27: Define or give some range of time period for "a long period of time"	NA	Consistent with federal language

Page 27: "Marked degree" is too vague-needs clarification	NA	Consistent with federal language
Page 28: In the statement after #6 where it states "have emotional or behavioral disorder" take out the word "or: and use "/"	A	Accept with amended language/edit
Section G: Page 28 #1: Test list is not in the appendix. If one is provided how will it be updated for new tests that may be approved?	A	Accepted with amended language; list will be updated regularly
Page 28 #2: after "multidisciplinary evaluation" change "or" to "and"	A	Accepted with amended language
Page 29 #1: Take out the statement " the evaluator feels"	A	Accepted with amended language
Section I: Page 30-31: Cannot meet all the criteria. The student would need to meet #1 or #2 and all of the others. A child cannot meet the mild moderate criteria and the severe criteria.	A	Accept with amended languageo

	Section L. Page 32: Take out "minimal brain dysfunction". It is a medical term.	NA	Consistent with federal language/definition
	The definition should include processing problems. If a child is having learning problems it must be processing problems.	NA	Processing issues are not precluded-
	Need to include average ability in consideration for SLD. Many of the "gray area" students will qualify due to low ability. These students could still be identified for Tier 3 services but not as a special education student.	NA	Evaluation Components: The EC may consider a pattern of strengths or weaknesses, or both, relative to intellectual development if determined relevant.
	Page 33: Change RTI to RtI,. This occurs throughout the section	NA	Consistent with current federal language and research terminology

	Page 33 #2: After " examinations of the student" add " in addition to the school psychologist" then such as speech …… A student could be made eligible as SLD by a reading teacher, speech pathologist and a regular educator. Need to define to have required members then such as…	NA	Consistent with federal language
	Page 33: In definition processing is not mentioned. Such be included.	NA	Processing issues are not precluded
	Page 34: Minimum timelines for each round and how many rounds should be added to each Tier in this section.	A	Accept with amended language
	Page 35: Tier 3. Add definition for intensive interventions to the glossary.	NA	Professional development issue;described in RTI implementation guuide
	Page 36: Under Eligibility Standards change "may" to "shall" determine SLD…	A	Accept with amended language
	Change RTI to RtI	NA	Consistent

			with federal and best practice usage
	Section 4 Page 70 A,B,C: Timelines are unreasonable. Change to five school days.	A	Accept with amended language
	Page 38: Definition reads as Preschoolers can be identified as SLD is that the right assumption? It states " in case of a student less than school age..."	NR	Accepted with amended language
	Page 38 Evaluation Components: In second paragraph change "may" to "shall" so the statement will read "A comprehension evaluation shall be..."	A	
	In last paragraph of Evaluation section the "executive functioning skills are listed. Aren't these processing skills?	NR	Consistent with federal

		Section N: Page 45: In #1 after "external physical force" add "or internal occurrence"	NA	language/definition; students can be served under other exceptionlities if they meet criteria
1-08	Name: Julie Reneau Organization: Taylor County Middle School Email: Title: Special Educator Address1: Route 2, Box 148A Address2: City/State/Zip: Grafton, WV 26354 Role: Teacher	As a special educator I have concerns about the use of the Tier system and Response to Intervention to determine eligibility for learning disabilities. It is unclear in the proposed policy who would be responsible (special or regular educators) for providing instruction at Tier 2 and Tier 3. Also how would the school potentially provide additional instruction in math and reading and still continue to provide adequate instruction in other curriculum areas? I understand that some school systems are considering extending the day for students and placing some teachers on a staggered time schedule. If these changes are necessary then where will the funds come from to hire additional teachers to meet the needs of these students?	NR	
1-08	Name: Leeta Rozzel Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: Mercer County Schools	section 3, part A. A Certified School Psychologist needs to be added to number 2. section 3, part C.	A NR	Accept with amended language

	Address2: 1403 Honaker Ave. City/State/Zip: Princeton, WV 24740 Role: School System Staff	There needs to be a better interpretation concerning 3-21.		Addressed in the policy and Chapter 1
1-08	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	Eligibility makes references to eligibility for special education & related services. Children are eligible for sp. Ed. services. Related services are determined by the IEP team. Recommendation: remove references to "and related services" throughout Chapter 4. Eligibility.	A	Accept with amended language
		There is a mismatch in the RTI section of the policy. On p. 36, it is stated that "Tier 2 interventions are implemented for a period of eight to twelve weeks but could be longer depending on student progress toward benchmarks". On p. 38, documentation of "Rate of Learning" is noted as "Progress monitoring data collected before, during and after the provision of at least two rounds of Tier 2 supplemental instruction." Recommendation: Change the description of Tier 2 to match the documentation section (require at least two rounds of Tier 2)	A	Accept with amended language
1-09	Jacqueline Hersch Jacqueline1260@aol.com 870 Alta Road Charleston WV 25314	As a parent of a child with a traumatic brain injury I feel the need to comment on the proposed change to Policy 2419. My now high school age daughter was diagnosed with traumatic brain injury at the age of 5 as a result of encephalitis. Because of this injury	NA	Consistent with federal language/definition; students can be served

		she has impairments in memory, language, reasoning, abstract thinking, problem solving , motor abilities, psychosocial behavior, information processing, and speech. As soon as she went back to school, an IEP was in place and she has received services from Kananwha County Schools in order to make her successful. My feeling is she would not have accomplished what she has with out the support of her TBI teacher and other special education services. Just because the brain injury is not the result of an external physical force, the results are often the same. Denying a student services because of this would be a great injustice to the that student and the education system.		under other exceptionaliti es if they meet criteria
1-09	Bernice Carter Teacher of Gifted brcarter@access.k12.wv.us Route 2, Box 180A Delbarton WV 25670	Chapter 4; Section 3; page 28; item #1. This section speaks of an approved list of tests to be used when determining eligibility for gifted. However, when turning to the appendix, there is no list. List needs to be added.	A	Accept with amended language;will be included in the policy
1-09	M. Louise Grindo Principal mgrindo@access.k12.wv.us Davis Elementary 113 5th Street Gassaway WV 26624	RTI will require more resources and staff. Training would also be needed. Funding is not provided for any of these needs. In addition, available/appropriate space for the small group instruction in RTI would be an issue, even if there were adequate staff members to provide the services.	A	Accept with amended language
1-09	Karen Randolph	The wording in this section of the policy	A	Accept with

	Speech/Language Pathologist kdrandolph2@yahoo.com Hancock County School 97 Randolph Drive New Cumberland Wv 26047	regarding speech disorders, is of concern. As is, certian students with speech disorders particular articualtion disorders could be denied appropriate services. Requiring a moderate to sever disorder to be present in order to qualify for services is not in line with the intend of IDEA. I suggest that the serverity requirment be deleted.		amended language
		Another concern is how the phrase "adversely affects eductional performance" is interrputed. Appendix B appears to restrict this definition in regards to speech disorders. According to the US Department of Education, as clarified through ASHA, the very present of a speech disorder, with or without social and/or acedemic pentaly, constitute a disorder that adversely affects educational performance. Therefor I strongly suggest that Appedix B be deleted from the proposed policy as presently written.	A	Accept with amended language
1-09	Don E. Johnson Principal dejohnso@access.k12.wv.us Sutton Elementary 288 North Hill Road Sutton WV 26601	SLD (RTI) - This change will require a significant increase in resources, personnel, and training.	A	Accept with amended language
1-09	Claudia M. M Outreach and Technical Assistance Specialist cmals@access.k12.wv.us West Virginia School for the Deaf 301 East Main Street	* Deafness and Hard of Hearing should be included in one category (not listed separately) - HEARING LOSS	NA	Consistent with federal language (defined as two separate

Romney WV 26757			disabilities)
	* Re: Eligibility Criteria for linness 1.relies ... auditory communication - should be stated as AUDITORY INFORMATION	A	Accept with amended language
	* Re: Eligibility Criteria for Hard Of Hearing 1.relies primarily on hearing to access auditory communication - should be stated as RELIES ON HEARING AND/OR VISION TO ACCESS AUDITORY INFORMATION ADDED COMMENTS: Deafness and hard of hearing are general and traditional terms. Current technology has greatly effected the prognosis and educational strategies utilized with this population of special education students.	A	Accept with amended language

1-09	Yvonne Santin Director of Special Education ysantin@access.k12.wv.us Wood County Schools 1210 Thirteenth Street Parkersburg WV 26101	Section 1. For initial EC's, is the referring teacher required to be there? Is "such as" included in "shall consist of"? This is confusing. It is a good idea, but unrealistic and possibly costly to have this as a requirement.	NR	Required as per state code-18-20-1c
		For students suspected of having a SLD, having the general ed. teacher at the EC as a requirement is (again) unrealistic and could be costly. Section 3	NR	Consistent with IDEA federal language
		., L., page 33-42. If RtI is a general ed. initiative, why is the explanation in this policy and not in Policy 2510? The responsibility will remain with special education (no matter what you call your office) if this is the only place RtI is mentioned in state policy.	NR	Consistent with IDEA federal language
		Section 3., M., pg. 42-44. What is the intent behind change the long explanation of elibility criteria for language impairment? Is the intent to reduce the need for services because the state has a difficult time employing speech language pathologists and serving students with these needs? How will students with mild language problems be addressed?	NR	
1-09	jane alderman sp.ed aide	addition staff is needed to fully implement the rti model	NR	

	janealderman@verizon.net nicholas county board of education 310 nelson ave. summersville wv 26651-1241			
1-09	paula alderman 310 nelson ave summersville wv 26651-1241	addition staff is needed	NR	
1-09	carolyn chapman 906 kentucky rd. summersville wv 26651	add the word "shall"to determine the needs of special education and related services	NA	No reference provided
1-09	jim chapman 906 kentucky rd summersville wv 26651	we do not need changes to this policy	NA	Required to meet IDEA
1-09	Dave McChesney SP. Ed Director Braxton County Schools	**Chapter 4: Eligibility.** Section 1 Eligibility Determination, video conferences – how about a realistic suggestion §L Specific Learning Disabilities Eligibility Determination: RTI – to be effective the changes will require additional resources, intense and on-going training efforts and an additional 3 staff.	NR	
1-09	Charlotte Robinson Third grade teacher teachcr@aol.com PO Box 754 Lumberport WV 26386	I disagree with the new criteria to determine if a child is eligible for speech services. Articulation disorders are incorrect productions of sounds including ommissions, distortions, substitutions, and/or additions that may interfere with intelligibility. It is important that all children with mild impairments be eligible for speech services as well as those with moderate impairments. Their speech impairments affect	NR	

		them academically in the classroom in decoding and reading skills, as well as socially in and out of the classroom. Many students become embarrassed by their impairment and do not want to participate in class in fear of being ridiculed. Without speech services these children could be hindered dramatically in the learning.		
1-10	Name : Stephanie Oberly Organization: Harrison County Schools Title: (Lead) School Psychologist Street Address: 408 E.B. Saunders Way Clarksburg, WV 26301	*Section 1. Eligibility Determination* – We support the requirement of identifying the student's primary exceptionality and eligibility under other categories.	NR	
		Eligibility Criteria for Emotional/Behavioral Disorder – Appendix A is a useful document, but most students who end up in this category do evidence disruptive, anti-social, anti-authoritative, socially inappropriate, and behaviors that are in variance to the norm. It does not take much to connect these with "other personal/social dysfunctions." Depressed and others treated with meds may be better placed under OHI.	NR	
		An eligibility committee report is not required following gifted reevaluations may result in WVEIS tracking problems. It is unclear from statements regarding proposed changes as to whether gifted students will continue to be eligible until exit at grade 8th grade or whether they will continue to have triennial reviews that may not result in	A	Accept with amended language

	eligibility committee meeting until 8th grade--as gifted students are not identified as students with disabilities on p. 13.		
	Autism-Using the DSM-IV criteria for Autism has been problematic. It was hoped this category would be changed to Autism Spectrum Disorder or Pervasive Developmental Disorder. In this way PDD-NOS and Asperger cases could be included under this heading. For example, PDD-NOS diagnosis is made when the criteria set up under #1 is not met, but the child evidences some characteristics of autism. Yet, autism spectrum is alluded to in #2, but criteria in #1 cannot be met for PDD-NOS or Asperger Disorder. As a result, these students have been classified under OHI. If this category is to be strictly autism, then remove #2 that alludes to autism spectrum.	A	Accept with amended language
	Developmental Delay: Please clarify whether this has to be overall delay in motor functioning or delays in gross *or* fine motor skills.	A	Accept with amended language
	#6 under special considerations regarding vision/hearing loss. Please clarify whether these students will be eligible under Developmental Delay, Vision/Hearing Impairment, and/or the sensory loss area.	NR	

Gifted: Previous definition for IQ criterion was 2 standard deviations above the mean with consideration of the standard error of measurement. In most instances, this would be an IQ of 127 and 96th percentile ranking. The 97th percentile is 128 and does not represent a full SEM. Please clarify if this represents a change in policy or is an error. *VCI vs. PRI* split provides some helpful guidance, but what about *GAI.* Utilization of the GAI when there is base rate less than 10 percent and when achievement is more aligned with this number appears to be a better way to identify gifted students who are more like their nongifted peers on the PSI and WMI. Plus, it is more likely to capture students with learning disabilities, attention deficit disorders, Tourette's Syndrome, obsessive compulsive disorder, etc.	A	Accept with amended language
Mental Impairment: Threshold IQ has been 75 in old regs. Two standard deviations below the mean would be 70 plus an SEM of 3 or IQ of 73. Please clarify if this is an error or represents a change.	NR	Previous regulations indicated 70-75
Orthopedic and Other Health Impairments: Consideration might be given to combining these two categories. Some written documentation or checklist might need to be developed to make sure there is a direct link made between symptoms of medical		

conditions and existence of educational needs that are the result of these symptoms. As mentioned previously some medical conditions, such as anxiety and depression, might better be identified under this category. If someone is suicidal, depressed, or anxious, a BD placement may not be appropriate. Best practices would recommend a complete psychoeducational evaluation for these students—particularly in view of the high comorbidity rate of ADHD with learning disabilities.

Specific Learning Disability: Efforts to clarify RTI process are commendable. Indeed, it is evident that considerable effort and thought has gone in to developing SLD eligibility criteria. RTI practices have resulted in tremendous improvements in identifying reading skills deficits, providing prescriptive treatments, and improving overall reading instruction. In addition, it has enabled at-risk students to get immediate intervention. Relying on this method for special education identification by 2009, however, may not be feasible. Indeed, there are reservations about this model of identification as intellectual functioning alone would predict that approximately 23 percent of students will not meet benchmarks and approximately 13 percent may need intensive instruction. Although the process is based on scientifically based reading instruction, the model itself has

NR

not been scientifically investigated. It is of some concern that despite the best efforts of students and teachers and improved reading performance, students will still not meet benchmarks or be reading on grade level. As a result, there will be tremendous pressure from parents and teachers to qualify these students, despite whatever is deemed "reasonable or sufficient progress", for special education intervention. In addition, if RTI schools are going to use this model of identification, please clarify or delineate SLD identification procedures for SLD's other than those in reading or grade levels that are not currently being addressed by RTI. It is also of some concern that despite creative grouping and better utilization of existing personnel, particularly in non Title I schools, there will be insufficient personnel to implement Tier 2 and Tier 3 instruction.

The *operational definition* of a specific learning disability includes "a disorder in one or more of the basic psychological processes" and it mentions "spell", but these are not addressed in eligibility criteria. Students are not usually penalized for spelling when determining eligibility for SLD in written expression. There is also mention of dyslexia, minimal brain dysfunction, brain injury, and developmental aphasia in the definition. These terms are ambiguous and have created and do create numerous problems with the

NR

	general public. I am sure this probably mirrors federal language, but it can be highly problematic.		
	Finally it would seem best eligibility determination would be made based upon consideration of deficits in psychological processes (if they can be identified), discrepancy criteria, and/or a failure to respond to intervention. In other words, a confluence of information would support a diagnosis of a specific learning disability. Indeed, when making eligibility determination, it would seem that all factors would need to be considered. This, however, is implied in "may not rely on any single procedure" statement. Yet, discrepancy criterion or processing disorder are not recommended for RTI schools. In addition, it is proposed that the discrepancy model be eliminated by 2009. At the same time, written report requirements include *the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards or intellectual development. This seems to support consideration of discrepant performance.*	NA	Processing issues are not precluded
	Tier 2 is described nicely in that it recommends duration of interventions and instructional group size, but it states "for a period of 8-12 weeks but could be longer".		

1-10	Pat Hanks Special Education Specialist phanks@access.k12.wv.us Mercer County Schools	Section 3: Eligibility for Autism: The statement re:eligibility: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician, or a licensed psychologist." This should include a certified school psychologist.	A	Accept with amended language
		Section 3: Eligibility for Developmentally Delayed: re: state elgibility requirements, statement 2. This states "The student needs sp ed AND related services." NOt all students need related services. Should it not read "and/or"?	A	Accept with amended language
1-10	Jean Biggs Speech-Language Pathologist biggswv@hotmail.com 314 Tenth Ave. Huntington WV 25701	You must remove the Criteria #3 from eligibility criteria for placement in the Speech Language Impaired Program. There is no reference in IDEA regarding the degree of severity. They are entitled to speech services under IDEA when he/she has a need that cannot be met within the regular classroom. Other exceptionalities do not exclude an entire group of children based on severity (mild autism, mild mental impairement, mild hearing impairement, etc).	A	Accept with amended language

		Also the eligibility criteria #3 is a direct contradiction to the state's own definition of and articulation/phonology disorder.See page 43. Lastly, there are concerns about supplying documentation to prove "adversely affects educational performance". Articulation problems may not adversely affect educational performance at the time of eligibility, but literature documents that students with mild articulation disorders are affected adversely...socially, vocationally...when they apply for a job, people thinking they are mentally impaired, asking out a person for a date,events happening later on in life after their eligibility.	
1-10	Linda Sears Principal lsears@access.k12.wv.us Frametown Elementary School HC 61 Box 14 Frametown WV 26623	We are currently in our first year as a pilot school for the RtI Project. The data collected is an excellent tool for determining where a child is with regards to reading, however, it has been very difficult to purchase materials, manage small groups and provide interventions. There was no money provided for staffing which makes intensive interventions an impossibility. Using the RtI would be an asset for providing student services, however, funds for staffing and resources MUST be provided for correct and complete implemention.	NR
1-10	Billie Jo Brooks Special Educator billiejobrooks@yahoo.com	As a concerned parent and teacher, I disagree with the new criteria for speech services. Not only am I a mother of a little girl who demonstrates mild articulation delays, but I also demonstrated the	NR

	Parent/Teacher 232 Hood Ave. Shinnston WV 26431	same mild articulation delays when I was her age. Even as a child, I found it embarassing not being able to speak as well as my peers did. I can recall avoiding words because I did not want to be a social outcast. I do not want my child or any of my students to be neglected due to politics. How is a child who is aware of his/her speech delays (which most students with mild articulation delays and stuttering are) going to be confident enough to deliver a speech or speak in front of a group? I thought our country was raising the standards, not setting our children up for failure.		
1-10	Melanie Ashworth Audiologist mashwort@access.k12.wv.us WVSDB Child Study Center 301 E Main St Romney WV 26757	Deafness can only be determined by a child's thresholds on his/her audiogram. With the onset of newborn hearing screening, advances in digital technology and cochlear implantation, a deaf child is much more likely now than in the past to be an auditory/oral communicator. Many deaf children, however, will still rely on speech reading and/or on visual languages (e.g., sign language, cued speech) to learn and to communicate. A child's communication and learning mode simply cannot be deduced by the degree of their hearing loss. Many factors beyond their audiogram will influence their ability to communicate. Under "Eligibility Criteria for Deafness", #1, it states that a deaf student "relies primarily on vision to access auditory communication". First of all, I don't believe the word "auditory" should be used in this statement. Secondly, I think it is the IEP team's responsibility to evaluate each child with hearing loss, whether deaf or hard of hearing, to determine that child's learning/communication mode. Deafness should not be defined as relying	NR A	Accept with amended language

		on vision to communicate. Many hard of hearing children would then fall into the "deaf" category, if this is part of the determination.		
		Under Eligibility Criteria for Hard of Hearing, #1 states that the student "relies primarily on hearing to access auditory communication". Again, this may be true for many hard of hearing children, but definitely not for all. Again, many factors will influence the child's communication/learning style.	NR	
		Traditionally, in the field of audiology, profound hearing loss (deafness) is defined as a hearing loss greater than 90 dBHL. In children, slight, mild, moderate, moderately-severe and severe hearing loss (hard of hearing) is defined as a hearing loss falling in the range of 16-85 dBHL. I'm not sure why we need to distinguish between deaf and hard of hearing on an IEP. The fact that a child has a 16dB or greater hearing loss (as determined by an otologist, otolaryngologist and/or audiologist) that is or can adversely affect his/her educational performance should be the primary considerations for qualification for special education services, at least in my opinion. It is then up to the IEP team to determine how much and what type of special education services the child will need to succeed academically.	NR	
1-10	Debbie West Sp.Ed.Teacher	Much training will be needed to implement the RTI method of diagnosing Learning	A	Accept with amended

	dlwest@access.k12.wv.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Disabilities.		language
1-11	Lisa Moser teacher lmoser@access.k12.wv.us Williamstown Elementary School 418 Williams Ave. Williamstown WV 26187	I am opposed to the class size changes for special education students. I am very opposed to the "reclassification" of certain speech problems as not necessary for remediation. By the time students are in third grade, they should have services for any articulation problem.	NR	
1-11	Carol Taylor Speech Language Pathologist cctaylor814@hotmail.com Mineral Wells School 108 Windsor Drive Mineral Wells WV 26150	As a Speech/Language Pathologist currently serving my 30th year working in the public schools, I am very dismayed at the current recommendation to change the eligiblity criteria for placement in Speech Language Impaired Programs to "Speech intelligibility is determined to be moderately or severely impaired." The exclusion of students who may only plot out to be "mildly impaired" from access to services by a Speech Language Pathologist is a great injustice. I have dedicated my entire professional career to helping ANY child with an articulation/phonology disorder (that is no longer age/developmentally appropriate and is noticeable to the parent/teacher/myself) regardless of severity. IDEA makes no reference to "degree of severity" when determining eligiblity for any exceptionality. According to IDEA, a child becomes eligible for a service when he/she has a need that can	NR	

not be met within the regular classroom setting. Degree of need does not/should not exclude a student from receiving services. If a need is identified then the service should be provided. I am trained to work with students with articulation/phonology disorders. They are not going to receive remediation of these disorders in the regular classroom setting. There has been documentation in the literature that students with only mild articulation disorders can be adversely affected. Their speech impairment can cause them embarrassment/cause them to be teased by peers/cause them to viewed as "different" by others. Even students who are performing well academically and who may very likely go on to choose a profession (i.e. doctor, lawyer, teacher) where oral communication skills are an integral part, will sometimes only plot out as "mild" on a severity rating scale. I strongly feel that even these students are entitled to services from an SLP so that they can develop their communication skills to the best level possible. On page 43 of the proposed revisions, a definition of "Articulation/Phonology Disorders" is included. That definition states that an "articulation/phonology disorder is "incorrect productions of speech sounds including omissions, distortions, substitutions and/or additions that MAY interfere with intelligibility. This very definition implies that intelligibility does NOT have to be a factor

		when making a student eligible for speech services. PLEASE CONSIDER REMOVAL OF ELIGIBILITY CRITERIA #3 (on page 43). TO EXCLUDE STUDENTS WITH ONLY MILD ARTICULATION/PHONOLOGY DISORDERS FROM ACCESS TO SPEECH LANGUAGE SERVICES IS, IN FACT, A VIOLATION OF THEIR CONSTITUTIONAL RIGHT TO A FREE AND APPROPRIATE PUBLIC EDUCATION.		
1-11	Jana Spano Evaluator jspano@access.k12.wv.us Logan County Spec. Ed. Dept. 66 School St. - Monville Rd. Logan wv 25601	We have some concern over the wording "autism spectrum" in the eligibily criteria. Do we include students if they have been diagnosed as having Aspergers Syndrome and PDD nos? We were told at one point to include Aspergers students under the classification of Other Health Imparied. We do not feel that we should check Autism on the Eligibility Committe Report unless the student has a true Autism diagnosis. Could Autism Spectrum Disorder be added as another classification on the Eligibility Committe Report? Also, will new Eligibility forms be provided to change Preschool Special Needs to Developmental Delays.	NR	Students must meet all eligibility criteria as outlined in policy to be determined eligible; students diagnosed as having Aspergers or PDDNOS and who meet specific eligibility criteria can be served under other exceptionaliti es;new

				eligibility forms will be developed
1-12	June Kimberlin Speech language pathologist jkimberl@access.k12.wv.us Harrison County Schools P. O. Box 986 Dellslow WV 26531	Eligibility Criteria for Articulation/Phonology Disorder should have the requirement for a standard score deleted. Standardized articulation tests do not always determine a standard score so this would limit SLPS in what tests could be used. Mild articulation disorders should be added to the language because one speech sound error can greatly impact communication particularly if it occurs often in conversation such as R or S.	A	Accept with amended language
1-11	Suzanne Tucker Speech Therapist sstucker@access.k12.wv.us Green Bank Elem. PO Box 162 Slatyfork WV 26291	Thank you for the opportunity to provide feedback to 2419. Please find the following suggestions to the proposed policy 2419 as it related to eligibility criteria for Speech Therapy: I. Eligibility Criteria for Articulation/Phonology Disorders: 1. Possibly remove wording "standard score" from criteria #1. This wording Could be replaced with "one of which is a standardized test". 2. Possibly remove wording "and severity ratings" from criteria #2. Not all Standardized tests include a severity rating. This would limit which tests could be administered during an assessment. 3. Possibly remove criteria #3 altogether.	A	Accept with amended language

The Eligibility Criteria, as it is written could inhibit the remediation of articulation errors at an early age. Without intervention, the speech errors may become so ingrained in the child's speech patterns that the errors become life long habits. A child who demonstrates a lateral lisp on the / s / may be considered "mild" because the error is demonstrated on only one sound; however, if this is not addressed in Speech Therapy early, it could become permanent feature of his/her speech patterns. Severity ratings are often subjective determination dependent of multiple factors relating to the child's speech, phonological processes, background information, family history etc. Most articulation tests do not have objective severity ratings which would make severity rating part of the eligibility criteria difficult to substantiate.

Thank you very much for your time and consideration of these proposed changes to Policy 2419.

Sincerely,

Suzanne Tucker, MS/CFY/SLP

1-11	Melanie Nixon Speech/Language Pathologist nixworld@stratuswave.net Brooke County Board of Education	As presently written, the eligibility criteria (specifically for articulation/phonology) is too restrictive. The criteria for articulation should include similar criteria as voice disorder	A	Accept with amended language

	221 Vincent Lane Follansbee WV 26037	criteria in that articulation disorders that interfere with communication, draws unfavorable attention to speaker and adversely affects speaker qualify for therapy. I work in the middle/high school area and see how certain disorders affect students social/communication skills which in turn affects educational performance. They don't want to communicate with their peers or teachers instead they would rather not attend school. Please reconsider the eligibility criteria in Chapter 4 and not allow it to be too restrictive.		
	Patricia L. Miller Gifted Specialist pl_miller@hotmail.com	Under the "Three-Prong Test of Eligibility", even though a disclaimer is added to #2 regarding students with giftedness, that needs to be reflected in the summarizing statement as well. For example: "A student is not eligible for special education for disabilities unless all three of the above components are satisfied and documented."	A	Accept with amended language
1-11	Jackson County Schools Ripley Elementary 404 Second Ave. Ripley WV 25271	Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration, by its nature, entails content at above grade level. I think a clearer way of stating this might be: acceleration of content while student remains in ZXchronologically appropriate grade. Regarding the proposed use of Response to	A	Accept with amended language

		Intervention: It is good to give the option to use the severe discrepancy model for eligibility until June 30, 2009 because before then it will become evident that RTI will be overwhelming, time-consuming, and impossible to accomplish with existing staff. In light of the fact that "Only after a student has been provided an opportunity to learn with the additional targeted supports provided within a tiered instructional model should referral and eligibility for special education and related services be considered" I recommend language be inserted that clarifies exactly who is responsible for the "ongoing progress monitoring of student performance", individualized interventions (implemented for a minimum of 8-12 weeks in Tier 2), and the small group instruction (provided "in addition to the core instruction") mandated in Tiers 1 & 2. Since the student is not yet special education eligible it would seem that it would fall on the regular educator. The current wording leaves this unclear.	NA	Staff assignments and scheduling are distict/school response-bilities
1-11	Tricia Hays Lamantia Speech and Language Pathologist ctlamantia@comcast.net Brooke County Schools 1115 Courtland Rd Weirton WV 26062	Please do not change the eligibility of articulation students. If this changes, we will definitely feed into the West Virginia stereotype that we are not intelligent. Improper articulation gives the listener the wrong impression. Once you make an impression, you can never change it. We are working hard to help create future working professionals. Please do not have the door slam in their faces at the first job interview	NA	Revisions are consistent with current practice

		because of lack of articulation skills.		
1-11	Lisa Martin Director of Special Education ldmartin@access.k12.wv.us Jackson County Schools P.O. Box 770 Ripley WV 25271	Page 28, Section 3.F should reference Appendix A: Emotional/Behavioral Disorders Definition and Determination. Page 28, Section 3.G: Gifted indicates that there is an appendix of approved tests which is not currently found in the proposed revisions.	A A	Definition does reference the appendix Accept with amended language;appendix will be included in the policy
1-11	Sharon Neely Niday Gifted Resource Teacher sniday@access.k12.wv.us Jackson Junior High School 1604 34th Street Vienna WV 26105	To raise the score required for gifted eligibility is to eliminate some of the bright, down-to-earth kids who really profit a lot from that leg up. Being gifted does not mean assured success. Some bright students really have to struggle; they often have other issues, and, especially at the junior high and middle level, they have such identity issues that having strong peer relationships with like-minded peers is critical. If we truly want our young people to be successful, we need to provide more services for them--not less.	NR	No change in policy
1-11	Sharon Thurman Special Educator sthurman@access.k12.wv.us Raleigh Co. Bd. of Ed. Beckley WV 25801	Under Eligibility Criteria for Autism....pg. 25 states "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician or licensed psychologist." Does this include school psychologist?? If not, it needs to specify school psychologist since they are trained to administer tests to determine eligibility.	A	Accept with amended language

1-11	Rhonda Davis Speech Therapist rhondatdavis@msn.com Wyoming County Board of Education 1001 Circle Drive Mullens WV 25882	Under Criteria #1 for Speech Therapy, not all Articulation/Phonaolgy tests five a standard score. We just need to use a standardized test. Under Criteria #2, not all standardized tests give a severity rating. Severity is dependent upon age along with errors exhibited. Please remove Criteria #3 completely. Students who have a "mild" articulation disorder are also adversely affected and should be afforded the same services as moderate or severe students. Students who have mild speech disorders, may have a much greater chance of remediating their errors with direct intervention than more severe students who may have other disabilities, also. These children should not be denied the chance to correct their speech errors. I even have gifted students with articulation disorders. They are also adversely affected by their speech and should be afforded the same services as moderate or severe students. I am currently serving 71 students, but I would not even consider dismissing or not taking students who could benefit from speech therapy services. I have many students in my caseload who have only one or two phonemes in error who would be adversely affected for the rest of ther lives without intervention. Any student whould be eligible for speech therapy services if their phoneme production is not comparable to their chronological age	A A A	Accept with amended language Accept with amended language Accept with amended language

	Bernadette Rush, MS, CCC-SLP Paula Townsend, MS, CCC-SLP Co-Chairs Public School Affairs Committee West Virginia Speech-Language-Hearing Association	. Eligibility Criteria for Articulation/Phonology Disorders: 1. Remove wording "standard score" from criteria #1. This wording could be replaced with "one of which is a standardized test". 2. Remove wording "and severity ratings" from criteria #2. Not all standardized tests include a severity rating. This would limit which tests could be administered during an assessment. 3. Remove criteria #3 altogether. II. Caseload Waivers 1. We request exempting Speech Caseloads from waivers. 2. Since the state of WV is in real crisis regarding shortages of SLPs, using waivers could potentially be abused. We feel that there are some very good ways to look at recruitment and retention of SLPs in WV public schools. Providing waivers for	A A A NA	Accept with amended language Waivers are temporary and allow district flexibility when populations change

		some counties would be an "easy out".		during the school year-regardless, IEPS must be implemented. Waivers are approved and montitored by the WVDE.
		III. In the Glossary, regarding the definition of "Speech-Language Pathology": 1. We request adding the wording "Speech-Language services provided by a qualified speech-language pathologist". This would provide consistent wording with regard to the definitions for Occupational Therapy and Physical Therapy. We also believe that those students receiving Speech/Language Pathology services do indeed deserve a qualified professional to deliver such services.	A	Accept with amended language
		Thank you so much for the opportunity for us to provide input. Please let us know if we can be of further assistance. We are always glad to help. Bernadette Rush, MS, CCC-SLP		

		Paula Townsend, MS, CCC-SLP Co-Chairs Public School Affairs Committee West Virginia Speech-Language-Hearing Association		
1-11	RESA VII Directors Elaine Benson Barbour County Vic Fisher Harrison County Carol Williams Lewis County Gia Deasy Marion County Patty Benedum Mon County Debbie Calhoun Tucker County Scott Lampien Upshur County	**Chapter 4: Eligibility.** *Section 1. Eligibility Determination* – We support the requirement of identifying the student's primary exceptionality. *Eligibility Criteria for Emotional/Behavioral Disorder – Appendix A* is a useful document. *Final Determination* is redundant. *L. Specific Learning Disability.* We compliment the department on the development of the RtI process and language. *Eligibility Standards. (pg. 36) … Each standard must be discussed at the EC meeting and corresponding documentation must be on file for each student.* We assume this to mean that each of the three standards must be met not just discussed. Additional language may be necessary in this section to clarify this. *Written Report Requirements (pg. 39) 5.c. The student exhibits …* We do not see the source of	NR A NR A NA	Accept with amended language;appendix will be deleted and revised Accept with amended language Report requirements

		this requirement within the eligibility standards section. If its first appearance is in this written report requirement section it also needs to appear in the eligibility standards section with further explanation.		are consistent with federal language
1-11	Steve Knighton	Chapter 4: Eligibility Be consistent w/ language - eligibility "committee" or eligibility " team"?	A	Accept with amended language
1-12	Susan Collazo Teacher scollazo@kcs.kana.k12.wv.us Richmond Elementary 510 Montrose Drive South Charleston WV 25303	To only serve those with external brain injuries would unfairly eliminate those children whose brain injuries are as a result of high fevers, Rheye's Syndrome and many other such illnesses. Their needs are as revelant as externally brain injured children and should have services to help them rehabilitate. Please consider including these children in services offered.	NA	Consistent with federal language/definition
1-12		Strike the severity ratings of moderate to severe for articulation disorders	A	Accept with amended language
1-12	Kim Shomo Teacher kshomo@kcs.kana.k12.wv.us Richmond Elementary 4620 Spring Hill Avenue So.Chas WV 25309	In reference to the eligibility requirements for Traumatic Brain Injury: I do not feel that this should only pertain to those who have suffered an external physical force. What about those who are TBI as a result of and illness? This would be a great disservice to those students and to our school sytem. There are a number of students who currently receive special services due to illness related circumstances	NR	Consistent with federal language/definition

		that have resulted in a TBI. Without the help of our special educators, these students would not be able to be successful in the classroom and folow our guidelines of No Child Left Behind.		
1-12	Anonymous	p 21 Sect 1 Bullets-The list of people in the last bullet should be eliminated. This is district/school decision and should be left on that level not in policy.	NA	Consistent with IDEA
		p23 Sect 2 parag. 1 There is a typo here. it specifies IEP team and should read EC team x 2. Becomes confusing.	NA	No typo- EC Report must be provided to parent and IEP team members for meaningful participation
		p23 last paragraph of sect.2- 'EC report is not required following re eval for gifted' is totally inappropriate. If a report is not generated, there is no proof of required reevaluation and no date to enter into WVEIS. A single area of exceptionality should not be singled out as not needing something all other exceptionalities need as it becomes confusing to school personnel. Keep it standardized.	A	Accept with amended langauge
		pg23 3 prong section-does not tie with page 21. These two sections should meld well and eliminate confusion not create it.	A	Accept with amended language

		p24 EC for Autism- DSM diagnostice criteria is listed as required for AU eligibility. #2 says the physician must diagnose. He/she will use DSM criteria therefore it is redundant. Furthermore, if DSM criteria is listed in one category of Eligibility, it should be listed in all categories and that is not true in this proposed policy. DSM criteria for HI and Vi is not listed but requires physician written diagnosis. There should be no discrepancy in these category areas. p25 #5 'emotional disorder' covers all traits of autism pg 27. These two sections clash/conflict.	NA	Student characteristics have not changed since last policy.
		p27 Sect E (DD)under special considerations- #6- If DD is result of vision or hearing loss, EC shall be for those categories but not if it is result of MI. This proposed policy singles out VI and HI as special exceptions and should not. There is no point to have DD category if district can not use DD in certain circumstances. we understand the intent is to assure certified personnel but this is true of other areas as well.	NR	
		p27 Sect F, #1 E/BD should include 'traumatic issues' as a rule out along with sensory, intellectual and health factors This whole section should mirror federal regulations. #4 does not state DSM diagnosis of depression or need for physician statement which causes it	NA	Consistent with IDEA

		to be too vague.		
		p28 EC criteria for E/BD #2 specify what 'long period' is exactly or tame the time factor out of this criteria. Too vague and confusing to district personnel. p28 Criteria for GF- spell it out exactly. This is too vague. Give district personnel a black and white eligible/not eligible guideline.	NA	To be detrmined on a case-by case basis
		p30 top of page #2 very very unclear. clarify this section	NR	
		p30 sect H definition of Hard Hearing. Fluctuating hearing loss should not be listed here. Give a black/white criteria for districts to use in qualification for this area.	NA	Fluctuating is self-explanatory
		page 32 sect K OHI- check with pediatrics. They no longer recognized ADD, only ADHD.	NR	Consistent with IDEA
		p32 LD criteria Definition includes 'brain injury'. Eliminate this wording. If disabled due to brain injury check TBI criteria, not SLD.	NA	Consistent with federal language/definition
		p33 RTI This whole section on RTI should not be included in 2419 and particularly not attached to SLD criteria. This is a regular education function and should take place BEFORE any consideration is given to a disability. This RTI info has no place in THIS	NA	Consistent with IDEA federal language

		policy but absolutely must be a part of general education policy. IF it MUST be included in 2419, it should be more appropriately included in the SAT section. This is one of the more important interventions that should be required in each district but to tie it to exceptional children and children with disabilities through policy is wrong. These interventions should be available to all students experiencing academic difficulty PRIOR to referral to alternate programming. By definition, that is spelled out in the RTI tiered program here but to imbed it in 2419 policy for Students with disabilities is the wrong place.		
		p40 Elig determination models. WV Dept of Education should specify how Eligibliy should be determined for ALL students state wide. There should be no ability of districts to use different models of determination. This will simply delay students getting assistance when they move from one district to another throughout the state. One purpose of revision of 2419 into a Policy + PROCEDURE manual is to maximize statewide district to district procedure. Giving choice effectively cancels this level playing field for our state students. Pick a modelto be in place by a specified date and hold EVERY district to that model/date.	NA	Phase- in is temporary and will serve to assist districts in transitioning from the severe discrepancy model
		p42 S/L impaired criteria- this section effectively changes qualification for students	NR	

		that are SL impaired from past years. Students with mild impairments will be unserved by this criteria at critical times when speech development/articulation is crucial and ties directly into reading abilites via phonemic awareness. Listen to SLP's statewide for help in this section. They have a LOT of good ideas and can help clarifiy this section.		
		p 45 sect N- TBI is not only caused by external physical force. With WV leading the nation in encephalitis cases in the past few years, internal forces such as encephalitis have caused many many TBI students in our schoools. Stroke is also on the rise with much much younger children.....this too is internal TBI.	NA	Consistent with federal language/definition; students can be served under other exceptionalities if they meet criteria

1-12	Lisa McKinney-Jackson speech-language pathologist lisadanj@verizon.net Raleigh Co Board of Education 105 Third Avenue Fayetteville WV 25840	I feel that the wording of "standard score" should be removed and replaced with "one of which is a standardized test". Sometimes we use informal testing as well as standardized testing. Further, remove "severity ratings" from criteria 2. The reason for this is because not all tests give a severity rating and we would be quite limited as to what tests we could give. On criteria 3, this whole section should be deleted. I feel that this should be decided on a case by case basis and not by state law. Some mild articulation delays/deficits do need the attention of the SLP, and a blanket statement saying that we have to only see students with moderate or severe delays is wrong.	A	Accept with amended language
1-12	Catie Bohon Speech-Language Pathologist cbohon@access.k12.wv.us Harrison Co. Bd. of Ed. Rt. 1, Box 109 Monongah WV 26554	Part M Speech Language Impairment. Correct speech is a basic skill that all children should acquire by age 6, therefore, documentation of a speech disorder stands alone as an adverse affect on educational performance and does not need any further documentation of adverse affects. Appendix B should be removed from the document, along with #4 under eligibility criteria. The use of age norms is more appropriate documentation of a disorder than a standard score, therefore #1 should be removed also. The WVSLHA should have a committe to come up with statewide guidelines for best practices.	A	Accept with amended language

		Some speech sound errors do not significantly reduce intelligibility, therefore #3 should be removed as a criteria that must be met.		
1-12		eliminate the caseload waivers for speech/language impaired	NA	Waivers are temporary and allow district flexibility when populations change during the school year-regardless, IEPS must be implemented. Waivers are approved and montitored by the WVDE.
1-12	Andrea Ellis Speech Language Pathologist azellis@yahoo.com 16 River Avenue Buckhannon WV 26201	As a school based speech-language pathologist, I am very concerned with the proposed wording of the eligibility criteria for articulation/phonology disorders. I would like to see "standard score" removed from criteria #1. Speech intelligibility and standard scores do not always corrolate. I have seen plenty of students in 24 years on the job who are difficult to understand but don't demonstrate it	A	Accept with amended language

		on an artic test. I would also suggest removing criteria #3 completely.		
1-12	Fred Rentschler Speech-Language Pathologist frentsch@stratuswave.net Brooke Co. 117 Beechwood Addition Wheeling WV 26003	The proposed requirements for eligibility for assistance with an articulation disorder are too restrictive. Many children in need of therapy will be excluded based on a set score, which isn't sensitive enough to reveal the distracting nature a "moderate" or sometimes even a "mild" disorder presents to the listener. Articulation tests should continue to be used as they are now - as one tool to help provide direction, with the clinician's expertise at diagnosing these problems and their subsequent effects on each student being the final word as to which students need intervention and which students do not.	NR	
1-12	Kathy Showen School Psychologist kshowen@access.k12.wv.us Putnam County Schools 9 Courthouse Drive Winfield WV 25213	Under Austim eligiblity (#2), please add school psychologists as professionals who may diagnose the disorder.	A	Accept with amended language
1-12	Susan Collazo Teacher scollazo@kcs.kana.k12.wv.us Richmond Elementary 510 Montrose Drive South Charleston WV 25303	To only serve those with external brain injuries would unfairly eliminate those children whose brain injuries are as a result of high fevers, Rheye's Syndrome and many other such illnesses. Their needs are as revelant as externally brain injured children and should have services to help them rehabilitate. Please consider including these children in services offered.	NA	Consistent with federal definition:students may be eligible under OHI
1-12	Anonymous	I do not feel that a teacher should have to give	NR	

		so much proof for a child to be placed in a speech program or kept in a speech program for stuttering. Many children who need speech services for this reason will be left out and they will continue to have problems in this area as an adult. This will adversely effect their quality of life and may be the difference of them getting a job or not getting a job. I think that this section of the policy should be rewritten so that the qualifications will be kept the same as they previously were for students with this problem		
1-12	Janet Gould Teacher of gifted students jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	Under the "Three-Prong Test of Eligibility" p.23, even though a disclaimer is added to #2 regarding students with statement(after #3) as well. For example: "A giftedness, that needs to be reflected in the summarizing student is not eligible for special education [for disabilities] unless all three of the above components are satisfied and documented." Under gifted eligibility criteria, item #3 (p. 28)it states there is an approved test list for the identification of gifted students in the Appendix. First, this list is NOT in the Appendix. Second, I'm unsure why an approved test list is necessary for identification of gifted and not for any other exceptionality. I would like to see this test list publically displayed before the policy is approved and have explained why this list is necessary for gifted identification only.	A A	Accept with amended language Accept with amended language;included in the policy

		Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration, by its nature, entails content at above grade level. I think a clearer way of stating this might be: acceleration of content while student remains in the chronologically appropriate grade.	A	Accept with amended language
		Regarding the proposed use of Response to Intervention: It is good to give the option to use the severe discrepancy model for eligibility until June 30, 2009 because before then it will become evident that RTI will be overwhelming, time-consuming, and impossible to accomplish with existing staff. In light of the fact that "Only after a student has been provided an opportunity to learn with the additional targeted supports provided within a tiered instructional model should referral and eligibility for special education and related services be considered"	A	Accept with amended language
		I recommend language be inserted that clarifies exactly who is responsible for the "ongoing progress monitoring of student performance", individualized interventions (implemented for a minimum of 8-12 weeks in Tier 2 alone), and the small group instruction (provided "in addition to the core instruction") mandated in Tiers 1 & 2. Since the student is not yet special education eligible it would	NA	Within the jurisdiction of district decision making

		seem that it would fall on the regular educator. The current wording leaves this unclear.		
N1-12	Susan Armstrong Speech Language Pathologist PO Box 122 799 R Huggins Rd Williamstown, WV 26187	p. 43 Speech intelligibility is determined to be moderately or severely impaired. This needs to include mildy impaired as well. I work with several children wit single phoneme errors i.e. mild but still noticeable in connected speech. Appendix B p. 167 #4 What does this mean? I do not understand the writer's intent of this statement-pragmatics is only implied in #6. Perpahs it should be specifically mentioned.	A NR	Accept with amended language
1-12	Diana WInters teacher dwinters@access.k12.wv.us Gihon Elementary School 2000 Belmont Road Parkersburg WV 26101	I am very disappointed that all children will not be able to receive speech and language therapy. Criteria # 3 should be removed so all children can benefit. As a second grade teacher I have encountered children with what you are referring as a mild problem have difficulty during reading , phonics and spelling.	A	Accept with amended language
A1-12	Lisa Watson Rwatson06@cebridge.net Parent Rt 1 Box 293A Fairmont WV 26554	I disagree with the new proposed criteria for special speech services for children with mild articulation problems. The service that is currently provided allows children the opportunity to correct their speech problem at a young age. For many families this would not be addressed if it weren't for the school program. Part of a child's education is to also	NR	

		prepare them to be able to communicate in future careers, social functions, etc. Verbal speech is just as important as writing skills. My child started receiving this service in September 2006 and it has already made a big difference in her speech and other being able to understand her.		
1-12	Cindy Daniel Asst. Superintendent cldaniel@access.k12.wv.us Kanawha County Schools 200 Elizabeth Street Charleston WV 25311	Requiring the RTI model for K-12 by 2009 is unrealistic, especially for large counties like Kanawha. There must be consideration for staffing, training, etc. We are currently piloting RtI in a few elementary schools and have added an interventionist in order to make the pilot successful. Please don't require counties to implement this without adequate funding and professional development. RtI is an excellent model for early intervention, but funding must accompany this mandate! Start with the elementary requirement by 2009 and then move to secondary. Please keep in mind that we have 69 K-12 schools in our county!	A	Accept with amended language
1-12	Lynn C. Adams Special Educator jmhannah@hardynet.com Capon Bridge Elementary HC 63 Box 2250 Romney WV 26757	Response to Intervention model will be an unmanageable approach to qualifying children for special education services. Current staffing levels will preclude proper implementation of such an approach. Staff is already stretched to the limit; at the same time NCLB proficiency demands grow. Teachers sometimes hestitant to refer a child to SAT now due to the	NR	

		paperwork involved.I am concerned that children will not be referred for services because of the burden such an approach for eligiblity determination will place on all staff. I further believe it must be made clear whose responsibility it will be to provide the tiered interventions. Lastly, if those people are to be special educators than more staff in this department, not less, is needed.	NR	Within the jurisdiction of district decision making
1-12	Bev Nichols Director of Special Education bnichols@access.k12.wv.us Clay County Schools 242 Church Street Clay WV 25043	(p. 35) Tier 2 indicates a time period for interventions. It would helpful if Tier 3 had a time period indicated. (p. 37 Standard 3 - Exclusion Factors)Add #7 Lack of instruction due to low attendance	NA	Consistent with federal language and is addressed in lack of appropriate instruction
1-12	Charles Szasz Lead School Psychologist cszasz@mac.com Kanawha County Schools 200 Elizabeth Street Charleston WV 25311	Specific Learning Disability - I very concern about the proposed RtI based guidelines for identification of specific learning diabilities. They do not include processing deficits as well as intelligence as additional factors that are needed to determined SLD eligiblility. The Federal definition of a specific learning disability includes "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself.... to listen, think, speak, read, write, spell or do	NR	Processing issues are not precluded

		mathematical calculations". A good example of this is phonological processing, which we know is a very good predictor of a child ability to learn to read. There are also other processing components that are also important - successive processing, memory ability, visual processing, etc to mention only a few. RtI by itself has NOT been shown to be a valid method of identifying learning disabled children by itself. RtI needs to be supplemented by processing deficits as a requirement in addition to a student failing to respond to RtI to identify SLD. Intelligence is also a key component of identifying SLD. Aside from identifying children who are mentally impaired, intelligence levels are not specified for SLD eligibility. If intelligence is not considered in SLD elibibility then there is a great probability that children with less than average intelligence will be misidentified as SLD. These so called "slow learners" (IQs in upper 70s and lower 80s) will not profit from SLD placement because of limited ability. Intelligence historically has be a key area when evaluating children for learning problems.	NR	Nothing precludes the use of intelligence tests
		When I was on the SLD committee that was charged to incorporate RtI into Policy 2419, Dr. Boyer conveyed to me that processing deficits and intelligence have to be included in	NR	Consistent with IDEA federal language

		the RtI model. When I spoke with Linda Palenchar about a month ago, she indicated that they were not considered to be factors. Why the sudden 180 degree change of opinion? Again, RtI by itself has NOT been shown to be a valid method of identifying learning disabled children by itself. RtI needs to be supplemented by processing deficits and levels of intelligence as requirements in addition to a student failing to respond to RtI to identify SLD.		
1-12	Sharon Clagett Speech Pathologist Sharonclagett@hotmail.com 941 Farms Drive Fairmont WV 26554	Remove Criteria #3 from the eligibility criteria for the placement in SLI programs. There is NO reference in IDEA regarding the "degree of severity" when determining iligibility for any exceptionality. Children of all severity ratings have needs which are individual to them. Degree of need does not exclude a student from receiving services. Children with more mild and less moderate ratings still are affected adversely by that disability. Their access to services should not be blocked. Criteria #3 is in direct contradiction to the state's own definition of "articulation/phonology" disorder. Not one of these children should be left out of services or "left behind." The Documentation of Adverse Effects on Educational Performance for Students with Speech/Language Disorders" should be on the same level of what is needed for other disabilities. The proposed information as described is cumbersome and excessive.	A	Accept with amended language

		Professionals can document as needed.		
1-12	Jane K. McBride Superintendent jkmcbrid@access.k12.wv.us WV Schools for the Deaf & Blind 301 East Main Street Romney WV 26757	After discussion with the school's staff, we believe that the eligibility criteria for deafness and hard-of-hearing should not be separated. Rather there should be a single eligibility descriptor of hearing impaired or hearing loss. Degree of hearing loss should not determine the child's mode of communication as this varies from individual to individual and is based on personal needs. An individual, regardless of degree of hearing loss and/or use of amplification or other surgical devices, e.g., cochlear implants, may primarily rely on auditory or vision skills or a combination of the two for both receptive and expressive communication	NA	Consistent with federal language/definition (separates into two disability categories)
1-11	Nancy M. Laughlin Speech Therapist, Marion County nancymlaughlin@yahoo.com 2 Sands Drive Fairmont WV 26554	Speech/Language Impairment Eligibility Criteria for Articulation/Phonology Disorder: 1. Remove criteria for a standard score 3. Remove severity rating	A	Accept with amended language
1-11	Kathryn Freeland Speech-Language Pathologist kathyfreeland@aol.com Marshall County Schools 1544 Marshall Lane Glen Dale WV 2038	page 43 - under "Eligibility Criteria for Articulation/Phonology Disorder" Please strike Criteria #3. "Speech intelligiblity is determined to be moderately or severely impaired." Severity is not a criterion to determine eligibility in the federal IDEA regulations. Please review page 46586 of IDEA Part B, "...placement decisions must be individually determined on the basis of each child's abilities and needs and each child's IEP, and not solely on factors such as category	A	Accept with amended language

		of disability, severity of disability, availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience."		
1-12	Patricia Schaeffer-Dresler Educator: Deaf/Hard of Hearing pmschaeffer@gmail.com Early Intervention: WVBTT/WVSD 1006 Deerwood Drive Morgantown WV 26508	Comment Regarding WV Board of Education Proposed Policy 2419, Regulations for the Education of Exceptional Children: Chapter 4 Eligibility Section E: State Eligibility Criteria for Developmental Delay: (page 27) #6. If the developmental delay is the result of a vision and/or hearing loss, eligibility shall be determined under that exceptionality if the student meets the eligibility for that exceptionality. Comments: Children with hearing loss are best off when identified as having that disability, beginning at age three. This proposal is a positive contribution to the new regulations, because it recognizes that children with hearing loss have unique educational needs that are unique and different from the generic category of "developmental delays". This provides an opportunity for school districts to evaluate carefully the audiological, speech and	A NR	Same as in policy

		language, cognitive and academic needs directly related to the impact of the child's hearing loss, and to insure that the appropriate personnel are involved in the child's educational services. This is especially important in the critical early language learning years of birth to five which brain development research tells us cannot be later regained.		
		Section D: State Eligibility Criteria for Deafness (page 26) Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.	A	Same as in policy
		Section H: State Eligibility Criteria for Hard of Hearing (page 30) Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deafness.	A	Same as in policy
		The Federal IDEA 2004 uses the same definition for deafness, except that it uses "that" instead of "which".	NR	
		The Federal IDEA 2004 uses the same		

		definition, EXCEPT that it says "hearing impairment" instead of "hard of hearing". Comments: Given the technological advances of digital hearing aids, cochlear implants, and assisting listening devices, the distinction between deafness and hard of hearing is no longer relevant. The Federal use of "hearing impairment", more accurately reflects the fact that the actual level of hearing loss, (whether mild/moderate/severe/profound/deafness is on a continuum. Just as vision impairment is inclusive of blindness, so should hearing impairment be the same. Would it not be possible to combine deafness/hard of hearing as either "hearing impairment" or "hearing loss"? Eligibility Criteria for Deaf/Hard of Hearing (pages 26 & 30) Deafness: The student exhibits characteristics consistent with the definition, and relies primarily on vision to access auditory communication. Hard of Hearing: The student exhibits characteristics consistent with the definition, and relies primarily on hearing to access auditory communication. Comments: This is a distinction based upon communication methodology used by the	NR NR	

		child, and does not necessarily reflect the reality of current technological advances (see comments above). A child with a profound hearing loss that has received and uses effectively a cochlear implant, is still deaf, but often functions more like a child who is hard of hearing. The deafness definition that says "relies primarily on vision to access auditory communication" is confusing—is that just speechreading and/or cued speech for accessing auditory communication? Is that meant to include children who use sign language to access visual communication? Would it not reflect current technological and educational opportunities for children with hearing loss to combine the categories of deafness/hard of hearing into "hearing loss" or "hearing impairment" (political correctness notwithstanding?)		
1-12	Michael Hughes Teacher mhughes@access.k12.wv.us Hampshire High School HC 71 Box 103-C Capon Bridge WV 26711	Item #3 (p28:differentiated instruction my include "acceleration of content at grade level" -- this is confusing. Acceleration, by its nature, entails content above grade level. Would be clearer to say, "acceleration of content while student remains in chronologically appropriate grade." Regarding Response to Intervention: this will be overwhelming with the existing staff. Need to state who exactly is responsible for provding the individualized interventions and	A NA	Accept with amended language Within the jurisdiction of district

		small group instruction along with core instruction. It seems this will fall on the regular educator, but the wording is unclear.		decision making
1-12	RONALD BRUNT 187-A Rutledge Road Charleston, WV 25311 Community member Sarah Kendall Kanawha County Schools School Psychologist Beth Fouty Young Kanawha County Schools School Psychologist Marianne Forbes Educational Specialist c/o Capital Community Education Kanawha County Board of Education c/o Capital Community Education 200 Elizabeth Street Charleston, WV 25311 Professional Support Staff Mary Jane Kendall 10 Maple Lane Elkview, WV 25071	Chapter 4: Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give. Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals. Pge 21 section 1 – professionals who are qualified to interpret the results of the	NR NA NA	 "S" means more than one Members of the MDET

		assessments used in the eligibility determination process must be members of the e.c. Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc.... Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers). Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials Our in-house school psychologists are qualified to make this diagnosis. The way written they are prohibited from full practice and schools will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs. pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define	 NA NA A NA	who are required to be knowledgeable may be members Beyond federal regulations Is included in lack of appropriate instruction Accept with amended language Consistent with federal

		period of time and marked degree.		language
		Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!	NA	Case by case basis
		P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.	NA	Consistent with federal language
		Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.	NA	Consistent with other exceptionalities
		#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list	NA	Will be updated regularly
		Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.	A	Accepteed with amended language
		Pg. 29 #1 line 4 – remove verbal- performance	A	

		score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample		
		Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination	A	Accept with amended language
		Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.	NR	
		Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.	A	
		Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!	NR	
		Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.	A	Accept with amended language
		Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and	NA	Specificity is

		retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.		provided as required
		Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.	NA	Consistent with best practice
		#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member	NA	Defined in professional preparation policy
		Pg. 34 Under the RTI model there needs to be timelines added at each tier	NA	p. 34 Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement based on

				benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy.
		Pg. 34 Additional staff is needed to fully implement the RTI model.	NR	
		A caseload limit is needed for the number of students with interventions an educator will be expected to serve.	NA	Small group is defined in Tier 2 section of the policy
		Pg. 34 Who conducts the screenings?	NR	
		Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.	NA	Decision making made on an individual basis
		Pg. 35 Tier III lines 5 & 6 – evaluations on be	NA	

		completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.		3. Tier 3 is not restricted to the provision of special education services. For example, a student who has been excessively mobile during the early grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a SLD.
		Pg. 35 define period of time under data	NR	Described

		collection		under Tiers
		Pg. 35 define frequency of data collection under progress monitoring	NR	Described under Tiers
		Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.	A	Accept with amended language
		Pg. 35 professional development in progress monitoring needs to be provided	NR	
		Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.	NA	Not required
		Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!	A	Accept with amended language
		Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?	NR	
		Pg. 36 – last sentence – what is - reasonable?	NR	
		Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being	NA	Consistent with federal language

		unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.		
		Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period	NR	
		Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!	A	Accept with amended language
		And paragraph 4 – last sentence change may to WILL!	NA	To be individually determined
		Pg. 38 executive functioning is a good addition	NR	
		Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.	NA	Professional development issue
		Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....	NA	Consistent with federal definition;students may be
		Pg. 42 elig. Criteria- 2.a. what is significantly	NR	eligible under

		below? – needs defined? Or do we need the flexibility of not defining it?		OHI
1-12	Melinda Walton Special Education Director mwalton@access.k12.wv.us Tyler County Schools P.O. Box 25 Middlebourne WV 26149	Page 28, Section 3.G: Gifted indicates that there is an appendix of approved tests which is not currently found in the proposed revisions	A	Accepted with included Appendix
1-12	Jan Sterling,, MSW Joyce Broglio, MSW Debbie Martin, RN Jewel Reed, CRRN Chas Area Medical Center Ramn S Lansang? Medical TBI Program 501 Morris Street Charleston, WV 25301	Brain injury can come from non-trauma induced conditions such hypoxia (lack of oxygen), central nervous system infections, brain tumors, and strokes and therefore, people, children affected by such conditions may very well suffer from impairment in cognition, sensory-perceptual motor ability and speech deficiencies and as such these children will also require special education services in many instances.	NA	Students may be eligible under OHI
1-12	Kenneth C. Wright, MD Board Certified ,Physical Medicine & Rehabilitation 401 J Bldg Charleston, WV 25301	I believe children suffering diseases of the brain as encephalitis and meningitis sould receive the same services as those with brain injury acquired by external force.	NA	Students may be eligible under OHI
1-12	Greg Cruey Special Education Teacher gcruey@access.k12.wv.us McDowell County Schools Anawalt Elementary School Box 230 Anawalt WV 24808	In the section on eligibility for specific learning disabilities (page 33) under Eligibility Committee (EC) Membership for SLD Determination, reading specialists seem to be elevated in the proposed policy to a level of clinical expertise I have previously attributed to them. While I admit that their input is obviously essential under the RTI model, the	NR	

		idea that a reading specialist (who may have almost no training in disability law and may be largely unfamiliar with IDEA) is included as an example of someone "qualified to conduct individual diagnostic examinations" is something I find disturbing. I understand that their assessment of a child's reading ability (arrived at through individual diagnostic examinations) is probably essential. But I see them as no more "qualified to conduct individual diagnostic examinations" to determine whether a child has a LEARNING DISABILITY as defined by IDEA than someone with a master's degree in special education and certification in specific learning disabilities - a special education specialist. Why reading specialists are included on the list in that section when special education specialists are NOT is beyond me. And unless the role of a reading specialist is more clearly defined as related to READING, or unless the required credentials are spelled out more clearly than simply saying "reading specialist," I have to view this passage as an effort to circumvent the process of getting children with real disabilities placed in special education by bringing in decision makers who, because their expertise is primarily in another field, do not quickly recognize disabilities. Timelines need to be added under the RTI model for each tier. Additional staff is also	NA	p. 34 Using

		going to be needed to fully implement the RTI model and a clear caseload limit is needed for the number of students with interventions an educator (an educator) will be expected to serve.		RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy.
		The question of who conducts the screenings shoudl be clarified.	NR	
		On page 35 under Tier 3 add the word "shall" necessitate a comprehensive evaluation to	A	Accept with amended

		determine the needs for special education and related services. Time and planning will be a major issue that needs to see time sturctured into the policy. When are teachers suppose to document and generate reports? As it is, elementary teachers generally only get a 30-minute planning period.	NR	language
1-12	Beverly McCoy 736-6186	For autism, requiring both #1 AND #2 seems redundant. For mental impairment, the eligibility criteria are not going to be understandable to the vast majority of parents. The reference to "an…intelligence test" is particularly of concern since a single test is likely to not appropriately characterize the functioning level of many children.	NA NR	Consistent with federal language
1-12	Paula Townsend Speech-Language Pathologist ptownsend26250@yahoo.com Barbour County Schools RR 1 Box 298 Philippi WV 26416	As a Speech-Language Pathologist, I am very concerned about the new eligibility guidelines for students with articulation/phonology disorders. I feel that these more restrictive criteria will prohibit services to some students who have a mild disability, but still require specialized instruction to acheive adequate communication skills. Furthermore, there is NO reference in IDEA regarding consideration of "degree of severity" when	A	Accept with amended language

		determining eligibility for any exceptionality. According to IDEA, a child becomes eligible for a service when he/she has a need that can not be met within the regular classroom setting. Degree of need does not exclude a student from receiving services. There is either an identified need or there isn't. Other exceptionalities do not exclude an entire group of children based on degree of severity (ex: mild autism, mild mental impairment, mild hearing impairment, etc.). The eligibility team then determines the best placement for the child according to his/her needs. It has been documented in literature that student's with mild articulation disorders are affected adversely. Furthermore, these students are entitled to speech services under IDEA. Denying them such services would constitute violating their rights to FAPE (free and appropriate public education). I submit the following recommendations as changes to the Eligibility Criteria for Articulation/Phonology Disorders (pg. 43): 1. Remove wording "standard score" from criteria #1. This wording could be replaced with "one of which is a standardized test". 2. Remove wording "and severity ratings" from criteria #2. Not all standardized tests include a severity rating. This would limit which tests could be administered during an assessment.	A A A	Accept with amended language Accept with

		3. Remove criteria #3 altogether.		amended language Accept with amended language
1-12	Susan Pelzel Kan Co Scools Teacher of Deaf/Hard of Hearing, Itinerant 1508 Rambler Rd Chas, WV 25314 Marsha Klusmeyer K	Sec 3 Deafness Eligiblity Criteria for Deafness, 1,2,3, See attaced sheet 1, definition (add with or without amplification;delete auditory 2. add or; and audiologist 3. Replace dondition with hearing loss and add without intervention Sec 3 H p. 30 Eligibility Criteria for Hard of Hearing see attached sheet 1. add on visual and residual;delete auditory 2. -3 as above	A NA NA A NA	Accept with amended language Audiologist is not required; may delay the provision of services Consistent with federal language Accept with amended language Consistent with federal language

1-12	J. Pamela Adkins Brush Jefferson County Schools Speech Pathologst 44 Lacosta Blvd Martinsburg, WV 25405	Criterion for speech impairment-remove wording and severity ratings from criterion.. Not all standardized tests have severity ratins. This would limit the number of tests that could e used.	A	Accept with amended language
1-12	Lois Ingles Wood County Schools LD/Multicategorical Specialist 1210 13th Street Parkersburg, WV 26101	Chapter 4: Eligibility. Please place receipt of consent back on the form for parent signature to evaluate. We are a county who have eligibility at the Board office – we invite the school team to the meeting – many times they don't come – How many of the list must be in attendance to have the EC? (Page 21) Same for an EC for LD – what happens if the general education teacher doesn't come? We can not force them. Page 23 - #8 at top of page – Who constitutes group member? Every teacher, anyone who does a part of the MDET, the EC team, etc? Page 32 – OHI – There has to be a way to strengthen this definition. This is the most abused category and we as a central office get in trouble if we attempt to really adhere to		

		"existence of educational needs" and "adversely affects". Most of there students need someone to case manage them not specially designed instruction but then who does the case management? Page 33 – I am not sure WV will be ready by July 1, 2009 to move away from the discrepancy model especially for secondary schools.		
1-12	Kanawha County Schools Teachers of Deaf and Hearing Impaired • Cherie Smith • Susan Pelzel • Kathy Hudnall • Russel Shepherd • Marsha Klusmeyer • Christina Ferguson	Chapter 4: Eligibility <u>Section 3 Deafness (D)</u> p. 26 Eligibility Criteria for Deafness See attached sheet <u>Section 3 Hard of Hearing</u> (H) p. 30 Eligibility Criteria for Hard of Hearing See attached sheet	1. A 2. NA 3. NA 1. A	1.Accept with amended language:also addressed in definition 2. Physician's diagnosis is not required and may delay the provision of services 3. Consistent with remainder of policy 1.Accept with amended language:also

			2. NA 3. NA	addressed in definition 2. Physician's diagnosis is not required and may delay the provision of services 3. Consistent with remainder of policy
1-12	Name: Denver Drake, Gail Balcourt, Tim Via Organization: Braxton County Schools Title: Principal and Assistant Principals Street Address: 100 Carter Braxton Drive City: Sutton	**Chapter 4: Eligibility.** Section 1 Eligibility Determination, video conferences – how about a realistic suggestion §L Specific Learning Disabilities Eligibility Determination: RTI – to be effective the changes will require additional resources, intense and on-going training efforts and an additional 3 staff.	NR	
	Brenda Koontz Special Education Teacher bkoonta@kcs.kana.k12.wv.us 173 Legg Star Rt Sissonville WV 25320 No Name Carla Campbell Sherill Morris MI Educator - McKinley Middle School	p. 34 1) Under the RTI model there needs to be timelines added to each tier.	NA	1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers

	slmorris@kcs.kana.k12.wv.us Kanawha County Schools teacher (McKinley) 3000 Kanawha Terrace St. Albans WV 25177 Jacqueline Long President jslong@access.k12.wv.us West Virginia School Service Personnel Associaton 1610 Washington Street, E. Charleston WV 25311 Ruth Conley Associate Professor rconley@shepherd.edu Shepherd University 310 N King St Shepherdstown WV 25401 RJHS FAX: 304-846-2639 Tel: 304-846-2638 Initials: • SAC • TR • DH • JR • JB RMS Susan Withee	2) Additional staff needed to fully implement the RTI model. p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.	NR A	must be based on individual student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy. Accept with amended language

	PK Special Needs Teacher-Itenerant swithee@access.k12.wv.us Nicholas County Schools 3 Starbuck Road Summersville WV 26651 Janelle Cornell Special Education Teacher daisy_5882@hotmail.com Summersville Elementary 301 Jackson Ave. Summersville WV 26651 Louise Molnar lmolnar@access.k12.wv.us 386 McKees Creek Road Summersville WV 26651 Brandon Tinney Teacher brandon_tinney2003@yahoo.com Nicholas County Schools PO Box 131 Leviasy WV 26676 sherry bostic special ed aide Nicholas co bd of ed 175 sherry ln summersville wv 26651 Cynthia Phillips Sp. Educator			

	Teri Merritt Aide Charisse Morris Sup. Aide Berthelia McCormi? Resource Room teacher, Special Education Matherine McClure Reg. ed. inclusion teacher Willis Roy Classroom-Aide Capital High School Rebecca Cochran teacher rebeccacochran@teacher.com Melrose Elementary 464 Courthouse Road Princeton WV 24740 Anonymous			
	Capital High School – Faxed from 345-5955 on Jan 4 Paula R Kerner- Teacher **George Washington HS** – Faxed from 344-4947 on December 22 Greg Dodd - Teacher Karen Donathan – Teacher Kathleen Desposito – Teacher Gene Petry – Teacher **Hamlin Pre-K** – Faxed from 824-3836 on	1. Under the RTI model there needs to be timelines added at each tier.	1. NA	1. Using RTI requires a systematic application of professional judgment. Decisions for movement between tiers must be based on individual

	January 4 Kerry A. Bates – English 8 Damion Maynard – Art instructor Doug Smith – Teacher Paul Winters – substitute Teacher Karin Maynard – Science 6, 8 Janet Ward – Teacher Teresa Chapman – Teacher Sheila Brians – math Teacher Ashley Arbaugh – Language Arts Lisa Ding(?) (Unintelligible)- Special Ed Teacher Lisa Chapman – Lang. Arts Teacher (same school) Faxed from 824-3836 on January 10 Laura Heizer – Special Education Teacher Daryl Smith – Teacher Kathryn Price – Aide IV T. Rae McComas – Elementary Art Linda Rocke – Special Ed Teacher 4th/5th Linda Jefferson – Special Ed Aide Jennifer Ro (?) – 1st grade Teacher Judith Cooper – Special ed aide **Harts Middle School** – Faxed from 855-7945 on	2.Additional staff is needed to fully implement the model. 3.Who conducts the screenings? 4. Time is needed for regular and special educators to collaborate and design interventions. 5. Under Tier 3 add the word "shall" necessiate a comprehensive evaluation.	2. NR 3. NR 4. NR A	student achievement based on benchmark assessments and progress monitoring. Furthermore, recommended timelines for Tier 2 are stated in this policy. Accept with amended language; Tier 3 is not restricted to the provision of special education services. For example, a student who has been excessively mobile during

				the early grades and/or has high levels of absenteeism might require Tier 3 intervention to achieve grade level competency. In such a case, the child's underachievement might be a lack of instruction rather than a SLD.
		6. Professional development is needed in progress monitoring.	6. NR	
		7.The comment,"does not necessarily constitute additional paperwork requirements" when are teachers suppose to document and generate reports when elementary teachers only get a 30 minute planning period?	7. NR	

	Jason Cheek – Special Ed Teacher Unintelligible – math Teacher Reba Thompson – special ed Teacher Gail Vance – Teacher Debra Browning – Teacher Mildred Napier – special ed Teacher Holly Duncan – Teacher Melinda O(?) – art Kimberly Coll(?) – Science Teacher Amanda D(?) – Lg Art Teacher John Baton Jr – Teacher Jane Nichols – Teacher Ezra (?) – parent			

	Susie McC(?) – Secretary Ethel Flemming – Secretary Lisa Atkins – Nurse Modalina Headley – Cook III Penny Adkins – Sub Cook Lisa Workman – Sub Cook Beth Byrnside – Health Teacher Richard McCann – ALC Debra Skeen – Special Ed Aide Rosa Moore – Special Ed Aide Vannah Hen (?) – Special Ed Aide Eliza Workman – Parent Michelle Smith – Parent Jason R(?) – PE Teacher Delores Lambert – Parent **Jefferson High School** – Faxed from 728-6590 on Jan 11 Name unintelligible – Office Aide Jo Ann Johnston – Aide Jill Baker – Supervisory Aide Name unintelligible – Supervisory Aide Susan Johnson – Sp. Ed. Teacher Tina Hardy – Special Ed Aide Melody Johnson – Supervisory Aide Jamie Kendall – Aide **Liberty High School** – Faxed from 623-3159 on January 9 T. Shriver – Teacher Victoria Tarantino – Business and Journalism Educator Holly Sears – Interpreter			

	Marguerite S Hickman – Teacher Jason Haynes – Math Teacher Ellen Wentz – Teacher Amy Mortenson – Chemistry Teacher Karla Smith – Spanish Teacher Diane Wickland – Teacher Maria Alex – Teacher Amy Howe – Teacher Angelo Capozzi Jr – Teacher Geraldine Newlon – Teacher Katherine Crim – Teacher Barbara Davis – Teacher Amy Miller – Teacher Cathy Hickman – Teacher Dr. Paula Nelson – Teacher Unintelligible – Teacher Leslie Reaser – Teacher Janice Bailey – Aide Amanda Bailey – MI Teacher Roberta Simons – Aide Tamala Hutson – Reading Teacher Damett (?) – Special Education Teacher **Lincoln County High School** – Faxed from 824-6064 Jan 5 Jacqueline Bannerman – Teacher Cynthia Prunty – Teacher Mary Adkins – Special Education Aide Joan Cox – Special Education Aide Susan Casto – Special Education Teacher Sonda Elkin – Special Education Teacher			

	Midway Elementary – Faxed January 2 Loretta Davis – Teachers Aid **Nitro High School** – Faxed from 755-4345 on December 22 Steve Watts – Teacher Joyce Midkiff – teacher (Same School)Faxed from 755-4345 on January 3 Ana Baber **Piedmont** – Faxed from 348-6565 on December 22 Patty Akers – Teacher **Riverside High School** – Faxed from 348-1921 on January Tom Bradley – Teacher Derek Casdorph – Special Education Name unintelligible – Regular Ed teacher **Ruffner Elementary** – Faxed from 348-6565 on December 22 Shaina Riggall – Title I Teacher **Scott High School** – Faxed from 369-6564 on January 3 Carrena Rouse - Teacher Sissonville High School – Faxed from 348-6565 on December 22 Melinda Dunn – Teacher Elizabeth Taylor – Teacher			

	Elizabeth Thomas – Teacher Vickie Carney – Teacher Susan Harrison – Teacher Debbie D(?) – Teacher Calvin McKinney – Principal Eddie Smolder – Teacher Brooke Smolder – Teacher Jane Schultz – Teacher Nikki Ardman – Teacher Linda Grimmett – Teacher Rebecca McLaughlin – Teacher Carolyn Moss – Teacher Brenda Walker – Special Education Paraprofessional Mary Miller – Counselor Unintelligible Jerry Throckmorton – Teacher Rich Skeen – Special Education Teacher **Spring Mills Middle School** – Faxed from 274-3598 on January 12 Unintelligible Karen Dutterer – Teacher Jennifer Unger – Teacher Karen Criswell – Health/PE Laura Giles-Lord – ESL, Plato Carol Hamilton – Teacher Becky Singer – Teacher LD Teresa Gladwell– Teacher Janet McCrory – Teacher M. Adams – Teacher Pam King – Teacher Kimberley Moore- Guidance Counselor			

	Kim Herman – Teacher Mary Kay Durst – Teacher Golden Cole – LD Math Elice Gregory – Teacher L. Black – Science Teacher Winfield Elementary School – Faxed from 586-5351 on January 9 Sally Sutherland – Autism Teacher David R. Har(?) – Autism Aide Darlene Geyer – 2nd Grade Teacher Holly Chapman – Exceptional Ed Aide Twyla Melton – Teacher Doris Searls – MMI Aide Deborah Yeigh – BD Aide Martha Alexander – Kindergarten Aide April Harper – Special Education Teacher Imogene Ashley – Aide Charles Edwards – Aide Philip Watson – Aide Becky Marakovit – Teacher Dianne Harrah – Aide Benita Holley – Aide Janie Miles – Secretary **WV Service Personnel Association** Frances McCormick – Special Education Aide Misc Andrea Alfred – MI High School Teacher			

	Rosemary Jenkins Director of Field Services rjenkins@aftwv.org AFT_WV 1610 Washington ST. E. Suite 200 Charleston WV 25311 **School: Weimer fax to 558-3741** Suzanne Am Kristie Anderson Kathy Houchins Dolore Dunn Kathy Bishop Julie Clifton Janis G. Priddy Laura Gillis Karen Dillard Kathy Bishop **Sissonville High School** Debbie Bailey - Autism Mentor Harry Lark (not intellible) – Teacher Barbara Oliver Becky Eckeknrode – Teacher Aide Stephen L Mulli (unintelligible) - teacher Elizabeth Riggall – Special Education teacher No Name Todd Chevalier – regular ed teacher Vickie Robb - Reading Specialist Angela White - Paraprofessional Aide David R. Danie(unintelligible) - BD Teacher Unintelligible PP			

	Sissonville High School Carmella S. Crawford - Teacher Annette Olencheck – PE Teacher Larry Jones - Teacher Megg Britt – Teacher Amy Little - Regular Education Laura Bowles – Counselor Lisa E. Cline **Lincoln County High School** Gloria Prichard - Supervisory Aide Gerald Prichard - Welding Teacher Vina Mae Elles - Super. Aide IV **Valley High School** Kay Lecke Judy Buckland Donna Johnson John Bond Cynthia Craffey Kathy Jones Nina Mae Elles Carla Davis Dupont Middle Rebecca Hill Teacher Joseph Mc ? Special Ed. Teacher Kay ? Principal John McGinnis			

	English tchr Ann Nunnery Sp. Ed. Teacher Pam Arbogast Sp. Ed. Teacher LaFonda Belmon? Sp. Ed Teacher Sharon Lopez Sp. Ed. teacher Dreama Bodkin Teacher Sally Pennweton Teacher Denise Smithson Teacher Nicholas P. Belmont Teacher (math) Robert Webb Teacher Shea Wells H.S. Art Susan Kincaid Teacher Lori Atkins HOST Teacher Diance B ?nd SS teacher Jeff Eads SS Teacher Linda Snyder SSt Teacher Maggie OBrien			

	Derek – Special Ed Teacher Riverside High School Fax from 348-1921 Riverside High School Regular Education Teacher Faxed from 348-1921 Cynthia Prunty - Teacher Lincoln County High School Faxed from 824-6064 Mary Adkins – Special Education Aide Lincoln County High School Faxed from 824-6064 Loretta Davis – Teachers Aide Midway Elementary Susan Casto – Severe/Profound Teacher Lincoln County High School Faxed from 824-6064 Deloris Lambert - Parent Harts Middle School Faxed from 855-7945 Eliza Workman Harts Middle School Parent Faxed from 855-7945 Megg Britt			

	Sissonville High Teacher Julia Brown Counselor Judy Jones Karen Fragale Michelle Smith Harts Middle			
Chapter Five: Individualized Education Programs				
12-11	Rosemary Jenkins Director of Field Services rjenkins@aftwv.org AFT_WV 1610 Washington ST. E. Suite 200 Charleston WV 25311	Excusal provision-How much notification is provided to the teacher that he/she has been "excused" from a meeting? When is the "in lieu of attendance report due?	NR	
12-11	Debra Elmore ddcarte@access.k12.wv.us Fayette County Schools Rt 3 Box 494 Fayetteville WV 25840	Excusal provision should have a specific notification period to inform the teacher that (s)he has been excused from the meeting. There should be a timeline for the "In Lieu of Attendance" report.	NA	Meeting Notice documents excusals; follow meeting notice timelines.
12-13	Kay Bowling	Timelines for transferring students should not	A	Accept with

	Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	rule needed services. Many time it takes schools longer to locate and send files.		amended language
12-14	American Federation of Teachers	Policy 2419 AFT Recommended Comments p. 51 1. Excusal provision – How mu ch notification is provided to the teacher that he/she has been "excused" from a meeting? When is the "In Lieu of Attendance" report due?	NR	
12-20	Brenda Isaac Lead School Nurse bcisaac@kcs.kana.k12.wv.us Kanawha County Schools 200 Elizabeth St. Charleston WV 25311	I would like to see a stronger statement about including certified school nurses and other school health providers as a part of the IEP team whenever there is a health problem or even a suspected health problem. Too often decisions are made by those without the expertise to make such decsions. This has caused things to go into the IEP which are not only unsafe and inappropriate but may actually go against WV Code.	NA	Exceeds IDEA
12-25	mary jean thompson none parent po box 301 cowen wv 26206	yes when you do an IEP and put things in place make shore the teachers go by it and they should no that your child has one.	NR	
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	D. IEP team membership 8th bullet add To the extent appropriate and with parent or adult student consent	A	Accept with amended language

12-27	Eileen Poling County-wide teacher of gifted epoling@access.k12.wv.us Tucker County Schools 215 Homewood St. Parsons WV 26287	Again, on page 55, you have used "disabilities" again. This needs to be changed to "exceptionalities" throughout the policy.	A	Accept with amended language
1-02	Karen Hall Special Education Director kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Eligibility Criteria for APTA-There is a conflict between this and 2510. Policy 2510 says that "students taking the modified assessment may pursure either a standard or modified diploma". However, this draft says that "Please note, not all students earning a modifed diploma must take APTA; however, students working toward a standard diploma do not meet criteria for APTA."	NR	The *modified assessment* identified in 2510 is the modified assessment **proposed** for 2% of SWDS (regulations not yet issued by the USDE) in addition to those who qualify for the APTA;therefore, no conflict exists as stateshave not developed the aforementioned *modified assessment*
		Section 4. IEP's for Transfer Students Part B-	NR	Timelines

		the timelines are too stringent. For example, "the district shall make reasonable efforts to consult with the parent within 2 school days of initial enrollment and provide the student with FAPE within one school day of the parent consultation." A two day timeline for someone just moving in can be very hard to implement. I cannot find any timelines for this outlined in the federal regulations. Requesting records within 2 days is reasonable, and should be followed. A major problem we have is that our hands are tied by state policy that goes above federal policy, and we are requesting records from other states who follow federal regulations that do not have timelines.		ensure FAPE;IDEA requires development of policies and procedures for implementation of IDEA(of which timelines are a component) MARY
1-02	Robyn Fitzsimmons Assistant Superintendent rlfitzsi@access.k12.wv.us Wetzel County Schools 333 Foundry Street New Martinsville WV 26155	Meeting Notice Timeline: Why is there a difference in the number of days when planning for an EC/Re eval and that of an IEP meeting? Page 21 in discussion of re-eval/eligibility indicates "no less then eight days prior" while page 52 indicates "No less then seven days prior" when inviting parents to the IEP meeting.	A	Amend pg 52 to read eight
1-02	Joyce Tedder Instructional Supervisor jtedder@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Under placement options for pre school, if a child does not attend an early childhood program, but comes to the school for speech services only, what would the placement be?	NR	
1-03	Mary S. Glass Teacher of Gifted and Exceptional Gifted mglass@access.k12.wv.us	On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students'	A	Accept with amended language

	133 Fayette Street Buckhannon WV 26201	exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).		
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Meeting notice timeline Why is there a difference in the number of days when planning for an EC/Re eval. and that of an IEP meeting? Page 21 in discussion of re-eval / eligibility indicates "no less than eight days prior" while page 52 indicates "no less than seven" when inviting parents to the IEP meeting.	A	Accept with amended language
1-05	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Rd. Morgantown WV 26505	* Clarity is lacking in how students are appropriately assessed for assistive devices and service, who does it and when it is done (See page 107). * Clarity is lacking in how funding sources for assistive technology devices and services are integrated and how private funding sources, Medicaid, vocational rehabilitation, other funding sources and school funding work together to ensure children have the assistive technology they need.(See pages 2-4, 23, 103) * Clarity is lacking in whether parents, paraprofessionals and general education/special education teachers are trained in how to use a student's assistive technology devices, when the training might happen, and if training is provided, who will	NR NR NR	

		provide it, how it will be paid for and when it will be done (see pages 57, 76, 109). * The Policy states that assistive device use at home will be decided on a case-by-case basis for school owned AT (see page 75). Why would a student be denied use of an assistive device for home use? Is this not discriminatory behavior? A student whose Medicaid or private insurance pays for AT can use it at home, and students without exceptionalities can take their textbooks home.	NR	
1-05	Sandra McQuain WVDE	**Chapter 5: Individualized Education Program, Section 1. J.** Please change "Placement Options for School-Age Students" to "Placement Options for Students Ages 6-21". Age 6-21 is further defined as the student's ages as of December 1 during the school year covered by the IEP. The current language does not define school age. It is imprecise and will exacerbate the ongoing problem of IEP teams using the incorrect placement options for children ages 5 and 6. Please change "Placement Options for Preschool Students" to "Placement Options for Students Ages 3-5. Further define age 3-5 as the student's age as of December 1 during the school year covered by the IEP. The current language does not define	A A	Accept with amended language Accept with amended language

		preschool. This term is imprecise and will exacerbate the ongoing problem of IEP teams using the incorrect placement options for children ages 5 and 6.		
		Section 1.J. Placement Options for "Preschool (Children ages 3-5) requires the following revisions. Current proposed policy refers to "percentage of time" but does not explain percentage of what time (i.e., what is included in calculating the time). This is a major change from previous policy, and therefore needs more extensive explanation. Placement Options for Preschool Students ADD: The first factor to consider in determining how to designate the educational environment (placement option) in which the student age 3-5 receives regular and special education services is whether her or she attends a regular early childhood program (ECP), as defined below. If so, the child's placement is one of the three options under Early Childhood Program. <u>Attendance at the ECP need NOT be the result of placement or funding by the public school to be considered in determining the placement option</u>. <u>All</u> time the child spends in either regular or special education placement whether public or private is	A	Accept with amended language

		considered. Early Childhood program .....Three educational environment categories include... After the three options. Insert the following: If a child attends a regular ECP, the percentage of time in the ECP (regardless of funding source) plus the time spent receiving special education and related services outside the regular ECP must be used to determine the percentage of time. The numerator is the amount of time in the ECP; the denominator is the time in the ECP plus the time in special education and related services outside the ECP. The result is multiplied by 100. For example: Regular ECP 6 hrs. per week ____ X 100 = 33% ECP 6 Hrs. + Sp Ed Preschool 12 hrs per week If the student does not attend an ECP or kindergarten, determine in which of the following educational environments (placement options) the student will receive services.	NA	Included in data manual

		(Formatting needs to be changed to show which options are included under the "special ed program" category and which are not – home is not. The proposed information on service provider location is accurate, but I changed it somewhat. Speech is usually the only service provided under this option, and this is the example used in federal instructions.) Please revise as follows: **1. Special Education Program** – A student is in a special education program if special education and related services are provided in an educational environment that includes less than 50% students without disabilities, and the student receives no services in a regular ECP. Special education programs include, but are not limited to a. Separate class - special education classrooms in regular school buildings, child care facilities, hospital facilities on an outpatient basis and other community based settings. <u>(DELETE trailers or portables outside regular school buildings. WVDE does not want to encourage this practice)</u> b. Special School – public or private day school designed specifically for children with disabilities; and	A A	Accept with amended language Accept with amended language

		c. Residential Facility – public or private residential schools or residential medical facilities on an inpatient basis. 2. **Home**. The child does not attend a regular early childhood program or a special education program and receives some or all of his or her special education services in the home, that is, in the principal resident of the child's family or caregivers, including babysitters. 3. **Service Provider Location** – The child receives all special education and related services from a service provider and does not receive any services at home or attend an early childhood program or a special education program as defined above. This includes, for example, speech/language therapy provided in private clinicians' offices, clinicians' offices located in school buildings, hospital facilities on an outpatient basis, libraries and other public locations.		
1-05	RESA 6	**Chapter 5: IEP** **Meeting notice timeline**	A	Accept with amended language

		Why is there a difference in the number of days when planning for an EC/Re eval. and that of an IEP meeting? Page 21 in discussion of re-eval / eligibility indicates "no less than eight days prior" while page 52 indicates "no less than seven" when inviting parents to the IEP meeting.		
1-05	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	**Chapter 5: Individualized Education Programs.** ***Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days.*** ***Recommend a return to 10 days.***	A NA	Accept with amended language Eight is the minimum number of days to give sufficient notice to provide timely provision of services.
1-05	BJ Gilbert LD teacher	What happened to the commitment to streamline the IEP and other Sp. Ed.		

	324 Warrior Trail Summrsville WV 26651	paperwork?	NR	
1-07	L. Gage	On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students' exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).	A	Accept with amended language
1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street Kanawha County Board of Education Charleston WV 25302	Chapter 5 Section D page 50: Clarify about excusal form. It must be completed if the teacher report is used in place of the teacher's attendance. Section F page 52: #2: Clarify the steps to take to ensure parents attend … Section G page 56: Explain what "peer-reviewed research" is and how it applies. Page 57 #1: (1st paragraph) Instead of "fewer concepts to be mastered" change it to " mastery of essential concepts" Section I page 62 #2 under APTA: Be more explicit as to what is meant by "significant impairment" Add to glossary	NA NA NA A NA	Implementation Issue Implementation Issue Defined by the district Accept with amended language To be determined on a case-by-case basis

1-07	Name: Greg Furrow Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: 1403 Honaker Avenue Address2: City/State/Zip: Princeton, WV 24740 Role: School System Staff	Section 4: The timelines in this section do not appear to be practical. They may hold the personnel of a given County,responsible for factors that they cannot control. Procurement of data can be a very tedious proposition, and can be quite difficult, under the best of circumstances.	A	Accept with amended language
-1-08iu	Name: Trina Britcher Organization: Harrison County Board of Education Email: trbritcher@aol.com Title: Itinerant Vision Teacher Address1: PO Box 1370 Address2: City/State/Zip: Clarksburg,, WV 26301 Role: Teacher	Page 70 Aection 4. A. When a student transfers from the West Virginia School for the Blind, how do we address the 100%, full time, special education setting? We do not have these services in our counties and although we can change the IEPs fairly quickly (dependent on needs), we would not be able to provicde "FAPE" within one school day which would be comparable to those described in the previously held IEP.	NR	
1-08	Name: Leeta Rozzel Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: Mercer County Schools Address2: 1403 Honaker Ave. City/State/Zip: Princeton, WV 24740 Role: School System Staff	section 4. Making reasonable efforts to consult with a parent within two school days and provide FAPE in one school day is unreasonable.	A	Accept with amended language
1-09	M. Louise Grindo Principal mgrindo@access.k12.wv.us Davis Elementary	Time-lines are unreasonable, and beyond Federal requirements.	A	Accept with amended language

	113 5th Street Gassaway WV 26624			
1-09	Don E. Johnson Principal dejohnso@access.k12.wv.us Sutton Elementary 288 North Hill Road Sutton WV 26601	Sect 4A (Transfer from WV School District) - Timelines are not reasonable as it sometimes takes longer to get records from sending schools. Sect. 5A (Transition Planning) I don't understand how the school system can require the DHHR to be involved with the Special Education process.	NR NR	
1-09	Yvonne Santin Director of Special Education ysantin@access.k12.wv.us Wood County Schools 1210 Thirteenth Street Parkersburg WV 26101	Page 67. "reverse mainstream classrooms" is not defined in the glossary of this policy and needs to be defined. (It is defined in the body of our current policy 2419 on page 28, but it is not defined in that glossary either.)	NA	Addressed in 2525
1-10	Name : Stephanie Oberly Organization: Harrison County Schools Title: (Lead) School Psychologist Street Address: 408 E.B. Saunders Way Clarksburg, WV 26301	*Invitation to IEP Team Meetings* – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days. We recommend a return to 10 days. ***Assessment requests on the IEP*** **(e.g. Speech IEP request for an SLD evaluation) need to address how this will be affected by RTI.**	A NR	Accept with amended language
1-10	Pat Hanks Special Education Specialist phanks@access.k12.wv.us Mercer County Schools	Section 4: THe timelines proposed in this section are not practical. Teh fed regs. indicate "a reasonable time". Teh time in this section is not possible especially at eh beginning of a semester.	NR	IDEA requires IEPs to be in effect at the beginning of

				the school year
1-09	Dave McChesney Sp. Ed Director Braxton County Schools	§1 F. Invitation to IEP Team Meetings – video conferencing - !!!! §4 A. Transfer from a West Virginia School District "district must make reasonable efforts" — will be subject to wide interpretations. "FAPE within one school day of the parent consultation" – not workable because it takes time to get IEP's and evaluations. It takes time to schedule staff, who can pull them off the shelf. C. Transmittal of Records "respond within one school day" – not reasonable and beyond the Federal requirements. §5 A. Transition Planning "The DHHR has the responsibility to:" – why are DHHR requirements in educational policy?	NR A NR NR	Accept with amended language
1-10	Name : Stephanie Oberly Organization: Harrison County Schools Title: (Lead) School Psychologist Street Address: 408 E.B. Saunders Way Clarksburg, WV 26301	*Invitation to IEP Team Meetings* – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days. We recommend a return to 10 days. ***Assessment requests on the IEP* (e.g. Speech IEP request for an SLD evaluation) need to address how this will be affected by RTI.**	A NR	Accept with amended language

1-10	Debbie West Sp.Ed.Teacher dlwest@access.k12.wv.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Make the days required for notification consistent.	A	Accept with amended language
1-10	Jamie Hayhurst Marshall Assistive Technology Coordinator jhayhurst@hsc.wvu.edu West Virginia Assistive Technology System 959 Hartman Run Road Morgantown WV 26505	In Section 2, IEP Development, a consideration is does the child need assistive devices or services. Is an assessment done? How? By whom? Under Statement of Special Education and Related Services, will teachers and other interested parties be trained on how to properly use assistive technology recommended and purchased for a student? It is important the student know how to use the device, but the student's support system should also know how to properly use the device. Will the educational entity that purchased the device also provide training (either in house or contract with a professional) to this support system? If in-house training, how will educational entity ensure a school personnel has knowledge and skills to train others on assistive technology? Document only says school personnel amy receive additional training in use of AT. Where is the original training? Very important to include parents and child using equipment.	NR NR	
1-11	Kevin Huffman	Public comments regarding Policy 2419:		

		On Page 66 – the title should be Placement Options for Children with Developmental Delays ages 3 – 5. This will be consistent with federal language and other changes in the policy.	NA	Consistent with Part B Data Collection
		On Page 67- the following sentence should be added to clarify the preschool percentage of time is not defined. The calculation of time is different for young children vs. school age. The following paragraph should be added after number 3 to indicate the following:	A	Accept with amended language
		The time the child spends in both the early childhood program, whether public or private and whether funded by the district or the parents, and the time in special education is considered when determining the total amount of time the child is in "school".	A	Accept with amended language
		On page 68: - under special education classrooms Delete classrooms in trailers or portables	A	Accept with amended language

		outside regular school buildings. Thanks, Kevin Huffman		
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road Morgantown WV 26505	How will students be appropriately assessed for assistive devices and services? Who will do it and at what point will it be conducted? (see page 107) It is unlear how funidng sources for AT devices and services will be integrated and how private sources, Medicaid, Voc. Rehabilitation and other funding sources and school funding will work together to ensure that children have the devices adn accommodations necessary to their full inclusion (see pages 2-4, 23, 103). This is an urgent and pervasive issue that needs to be addressed clearly. Will parents, paraprofesionals and general education and special education teachers be trained in how to use a student's assistive technology devices? When will training be provided, by whom, and how will it be paid for? (see pages 57, 76, 109)	NR NR NR	

		Page 75 states that assistive device use at home will be decided on a case-by-case basis for school-owned AT. Why would a student be denied use of an assistive device for home use? Students without excpetionalities are allowed and encouraged to take their textbooks home. At whose discretion are such 'case-by-case' decisions made. Shouldn't at home use be assumed as the default?	NR	
1-11	Patricia L. Miller Gifted Specialist pl_miller@hotmail.com Jackson County Schools Ripley Elementary 404 Second Ave. Ripley WV 25271	On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students' exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).	A	Accept with amended language
1-11	RESA VII Special Education Directors Elaine Benson Barbour County Vic Fisher Harrison County Carol Williams Lewis County Gia Deasy Marion County Patty Benedum Mon County	**Chapter 5: Individualized Education Programs.** *Invitation to IEP Team Meetings* – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days. We recommend a return to 10 days.	A	Accept with amended language

	Debbie Calhoun Tucker County Scott Lampien Upshur County			
1-12		p57 #3 related services- Assistive technology should be listed as supplementary aid. Related services should not include medical services.	NA	Consistent with federal IDEA language
		p59 ESY determination #1- define 'significant regression'. define time span for recoup/relearn skills.	NA	Individually determined
		On the IEP form, redesign the ESY section to make it more specific/usable/standardized district to district statewide.	NR	
		p62 EC for APTA- Define very specifically so statewide standardization can be met for 'significant impairment of cognitive abiliites and adaptive skills'	NA	Criteria are defined in assessment policy; IEP team determination
		p70 A.and B. Transfer students-This time (two days parent consult and one day placement) is much too short for provision of FAPE for a transfer student when the student has an IEP	A	Accept with amended

		from another state/district. There is no realism here regading information received when students move state to state or district to district. sect C. "transmittal" of records implies faxing of records. If this is required, please specify electronic transmittal or mailing.	 NA	language Consistent with federal language
1-12	Janet Gould Teacher of gifted students jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students' exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).	A A	Accept with amended language Accept with amended language
1-12	Bev Nichols Director of Special Education bnichols@access.k12.wv.us Clay County Schools 242 Church Street Clay WV 25043	(p. 70 Section A & B) A temporary placement within one day of parent consultation is manageable, however some parents either don't have an IEP or a clue of what services their child was receiving. We always contact the previous school district for the information. The issue with this is getting the required information within one day from	NR	

		them (i.e. the person responsible is out, teacher can't call until tomorrow).		
1-12	Beverly McCoy 736-6186	IEPs Clarification needs to be made to limit the extent of discussion and decision-making regarding IEPs/proposals/responded conducted outside an IEP meeting. When district personnel meet to discuss a student's program and the parents cannot participate, the parents cannot have full and equal participation in the process. The definition of "consensus" needs to be clarified to indicate that it is on an issue-by-issue basis, not on the IEP as a whole. Regular educators need to participate through attendance unless that is waived in writing by the parents. IEP DEVELOPMENT Section D – "easily" should not be a defining criterion – "accurately" should be substituted. Current regulations on the participation of referring and receiving teachers should continue to apply. Invitations need to be provided no less than 10 days in advance to give to allow families to participate with the least disruption to their	NR NR A A A NA	Accept with amended language Within the jurisdiction of

		other obligations and to allow sufficient time for dates to be considered and alternatives to be found if the proposed date is not workable. Section F – the transitions services section needs to incorporate specific reference to the adaptive skills of communication and social skills, both of which are vitally important to employability. Section G – current wording regarding ability to participate in extracurricular and nonacademic activities is more appropriate than the proposed wording.	 NA NA	the district's decision making Consistent with federal language Consistent with federal language
1-12	Lois Ingles Wood County Schools LD/Multicategorical Specialist 1210 13th Street Parkersburg, WV 26101	Chapter 5: Individualized Education Programs. Page 56 – What is the definition of peer-reviewed research? Needs to be in the policy.	 NA	Refer to federal guidance documents
1-12	Name: Denver Drake, Gail Balcourt, Tim Via Organization: Braxton County Schools Title: Principal and Assistant Principals Street Address: 100 Carter Braxton Drive City: Sutton	§1 F. Invitation to IEP Team Meetings – video conferencing - !!!! §4 A. Transfer from a West Virginia School District "district must make reasonable efforts" — will be subject to wide interpretations. "FAPE within one school day of the parent consultation" – not workable	NR A	Accept with amended language

		because it takes time to get IEP's and evaluations. It takes time to schedule staff, who can pull them off the shelf. C. Transmittal of Records "respond within one school day" – not reasonable and beyond the Federal requirements. §5 A. Transition Planning "The DHHR has the responsibility to:" – why are DHHR requirements in educational policy?	NR NR	
1-12	RONALD BRUNT 187-A Rutledge Road Charleston, WV 25311 Community member Sarah Kendall Kanawha County Schools School Psychologist Beth Fouty Young Kanawha County Schools School Psychologist Marianne Forbes Educational Specialist c/o Capital Community Education Kanawha County Board of Education c/o Capital Community Education 200 Elizabeth Street Charleston, WV 25311 Professional Support Staff	p. 50 – a representative of the district who is qualified – examples. – please add school psychologist. p. 52 – no. 9 change refuses to does not	NA NA	Consistent with federal language Consistent with federal language

	Mary Jane Kendall 10 Maple Lane Elkview, WV 25071			
	Capital High School – Faxed from 345-5955 on Jan 4 Paula R Kerner- Teacher **George Washington HS** – Faxed from 344-4947 on December 22 Greg Dodd - Teacher Karen Donathan – Teacher Kathleen Desposito – Teacher Gene Petry – Teacher **Hamlin Pre-K** – Faxed from 824-3836 on January 4 Kerry A. Bates – English 8 Damion Maynard – Art instructor Doug Smith – Teacher Paul Winters – substitute Teacher Karin Maynard – Science 6, 8 Janet Ward – Teacher Teresa Chapman – Teacher Sheila Brians – math Teacher Ashley Arbaugh – Language Arts Lisa Ding(?) (Unintelligible)- Special Ed Teacher Lisa Chapman – Lang. Arts Teacher (same school) Faxed from 824-3836 on	Excusal provision-How much notification is provided to the teacher that he/she has been "excused" from a meeting? When is the "in lieu of attendance report due?	NR	

	January 10 Laura Heizer – Special Education Teacher Daryl Smith – Teacher Kathryn Price – Aide IV T. Rae McComas – Elementary Art Linda Rocke – Special Ed Teacher 4th/5th Linda Jefferson – Special Ed Aide Jennifer Ro (?) – 1st grade Teacher Judith Cooper – Special ed aide **Harts Middle School** – Faxed from 855-7945 Jason Cheek – Special Ed Teacher Unintelligible – math Teacher Reba Thompson – special ed Teacher Gail Vance – Teacher Debra Browning – Teacher Mildred Napier – special ed Teacher Holly Duncan – Teacher Melinda O(?) – art Kimberly Coll(?) – Science Teacher Amanda D(?) – Lg Art Teacher John Baton Jr – Teacher Jane Nichols – Teacher Ezra (?) – parent Susie McC(?) – Secretary Ethel Flemming – Secretary Lisa Atkins – Nurse Modalina Headley – Cook III Penny Adkins – Sub Cook Lisa Workman – Sub Cook Beth Byrnside – Health Teacher Richard McCann – ALC Debra Skeen – Special Ed Aide			

	Rosa Moore – Special Ed Aide Vannah Hen (?) – Special Ed Aide Eliza Workman – Parent Michelle Smith – Parent Jason R(?) – PE Teacher Delores Lambert – Parent **Jefferson High School** – Faxed from 728-6590 on Jan 11 Name unintelligible – Office Aide Jo Ann Johnston – Aide Jill Baker – Supervisory Aide Name unintelligible – Supervisory Aide Susan Johnson – Sp. Ed. Teacher Tina Hardy – Special Ed Aide Melody Johnson – Supervisory Aide Jamie Kendall – Aide **Liberty High School** – Faxed from 623-3159 on January 9 T. Shriver – Teacher Victoria Tarantino – Business and Journalism Educator Holly Sears – Interpreter Marguerite S Hickman – Teacher Jason Haynes – Math Teacher Ellen Wentz – Teacher Amy Mortenson – Chemistry Teacher Karla Smith – Spanish Teacher Diane Wickland – Teacher Maria Alex – Teacher Amy Howe – Teacher Angelo Capozzi Jr – Teacher			

	Geraldine Newlon – Teacher Katherine Crim – Teacher Barbara Davis – Teacher Amy Miller – Teacher Cathy Hickman – Teacher Dr. Paula Nelson – Teacher Unintelligible – Teacher Leslie Reaser – Teacher Janice Bailey – Aide Amanda Bailey – MI Teacher Roberta Simons – Aide Tamala Hutson – Reading Teacher Damett (?) – Special Education Teacher **Lincoln County High School** – Faxed from 824-6064 Jan 5 Jacqueline Bannerman – Teacher Cynthia Prunty – Teacher Mary Adkins – Special Education Aide Joan Cox – Special Education Aide Susan Casto – Special Education Teacher Sonda Elkin – Special Education Teacher **Midway Elementary** – Faxed January 2 Loretta Davis – Teachers Aid **Nitro High School** – Faxed from 755-4345 on December 22 Steve Watts – Teacher Joyce Midkiff – teacher (Same School)Faxed from 755-4345 on January 3 Ana Baber			

	Piedmont – Faxed from 348-6565 on December 22 Patty Akers – Teacher **Riverside High School** – Faxed from 348-1921 on January Tom Bradley – Teacher Derek Casdorph – Special Education Name unintelligible – Regular Ed teacher **Ruffner Elementary** – Faxed from 348-6565 on December 22 Shaina Riggall – Title I Teacher **Scott High School** – Faxed from 369-6564 on January 3 Carrena Rouse - Teacher Sissonville High School – Faxed from 348-6565 on December 22 Melinda Dunn – Teacher Elizabeth Taylor – Teacher Elizabeth Thomas – Teacher Vickie Carney – Teacher Susan Harrison – Teacher Debbie D(?) – Teacher Calvin McKinney – Principal Eddie Smolder – Teacher Brooke Smolder – Teacher Jane Schultz – Teacher Nikki Ardman – Teacher Linda Grimmett – Teacher			

	Rebecca McLaughlin – Teacher Carolyn Moss – Teacher Brenda Walker – Special Education Paraprofessional Mary Miller – Counselor Unintelligible Jerry Throckmorton – Teacher Rich Skeen – Special Education Teacher **Spring Mills Middle School** – Faxed from 274-3598 on January 12 Unintelligible Karen Dutterer – Teacher Jennifer Unger – Teacher Karen Criswell – Health/PE Laura Giles-Lord – ESL, Plato Carol Hamilton – Teacher Becky Singer – Teacher LD Teresa Gladwell– Teacher Janet McCrory – Teacher M. Adams – Teacher Pam King – Teacher Kimberley Moore- Guidance Counselor Kim Herman – Teacher Mary Kay Durst – Teacher Golden Cole – LD Math Elice Gregory – Teacher L. Black – Science Teacher Winfield Elementary School – Faxed from 586-5351 on January 9 Sally Sutherland – Autism Teacher David R. Har(?) – Autism Aide			

	Darlene Geyer – 2nd Grade Teacher Holly Chapman – Exceptional Ed Aide Twyla Melton – Teacher Doris Searls – MMI Aide Deborah Yeigh – BD Aide Martha Alexander – Kindergarten Aide April Harper – Special Education Teacher Imogene Ashley – Aide Charles Edwards – Aide Philip Watson – Aide Becky Marakovit – Teacher Dianne Harrah – Aide Benita Holley – Aide Janie Miles – Secretary **WV Service Personnel Association** Frances McCormick – Special Education Aide Misc. (I believe this has been entered) Andrea Alfred – MI High School Teacher Rosemary Jenkins Director of Field Services rjenkins@aftwv.org AFT_WV 1610 Washington ST. E. Suite 200 Charleston WV 25311 School: Weimer fax to 558-3741 Suzanne Am Kristie Anderson Kathy Houchins Dolore Dunn			

	Kathy Bishop Julie Clifton Janis G. Priddy Laura Gillis Karen Dillard Kathy Bishop Sissonville High School Debbie Bailey - Autism Mentor Harry Lark (not intellible) – Teacher Barbara Oliver Becky Eckeknrode – Teacher Aide Stephen L Mulli (unintelligible) - teacher Elizabeth Riggall – Special Education teacher No Name Todd Chevalier – regular ed teacher Vickie Robb - Reading Specialist Angela White - Paraprofessional Aide David R. Danie(unintelligible) - BD Teacher Unintelligible PP Sissonville High School Annette Olencheck – PE Teacher Larry Jones - Teacher Megg Britt – Teacher Amy Little - Regular Education Laura Bowles – Counselor Lisa E. Cline Lincoln County High School Gloria Prichard - Supervisory Aide Gerald Prichard - Welding Teacher Vina Mae Elles - Super. Aide IV			

	Valley High School Kay Lecke Judy Buckland Donna Johnson John Bond Cynthia Craffey Kathy Jones Nina Mae Elles Carla davis Dupont Middle Rebecca Hill Teacher Joseph Mc ? Special Ed. Teacher Kay ? Principal John McGinnis English tchr Ann Nunnery Sp. Ed. Teacher Pam Arbogast Sp. Ed. Teacher LaFonda Belmon? Sp. Ed Teacher Sharon Lopez Sp. Ed. teacher Dreama Bodkin Teacher Sally Pennweton Teacher Denise Smithson Teacher Nicholas P. Belmont			

	Teacher (math) Robert Webb Teacher Shea Wells H.S. Art Susan Kincaid Teacher Lori Atkins HOST Teacher Diance B ?nd SS teacher Jeff Eads SS Teacher Linda Snyder SSt Teacher Maggie OBrien Darle McClure Schott High heal Derek – Special Ed Teacher Riverside High School Fax from 348-1921 Riverside High School Regular Education Teacher Faxed from 348-1921 Cynthia Prunty - Teacher Lincoln County High School Faxed from 824-6064			

	Mary Adkins – Special Education Aide Lincoln County High School Faxed from 824-6064 Loretta Davis – Teachers Aide Midway Elementary Susan Casto – Severe/Profound Teacher Lincoln County High School Faxed from 824-6064 Deloris Lambert - Parent Harts Middle School Faxed from 855-7945 Eliza Workman Harts Middle School Parent Faxed from 855-7945 Megg Britt Sissonville High Teacher			

Chapter 6: Administration of Services				
11-28	Laura Fullen 7th grade science teacher lfullen@verizon.net Lumberport Middle School 440 W. Philadelphia Ave. Bridgeport WV 26330	Chapter 6 should also include a definition section that explains in detail the job responsibilities of the regular classroom teacher and the special education teacher when they both are assigned to teach the same inclusion class. As things stand now, I, the regular education teacher, do 7ueverything! I leave the building with a bulging briefcase and hours of work to complete at home, while the special educator leaves the same building empty handed. Is this the way that inclusion is supposed to be? Maybe I should get an endorsement in special education so that I'm footloose and fancyfree after 3 P.M. I'm extremely frustrated as you can tell. This is an issue that needs to be addressed now! If inclusion is done correctly, it is a wonderful educational experience for all concerned. Please don't leave this decision for principals to decide. That is a huge mistake. Good inclusion practices need to be mandated and enforced by the West Virginia Department of Education.	NA	Teacher assignments are district administrative decisions
11-28	Dan Buskirk Teacher, Autism dbuskirk@access.k12.wv.us Wood County Schools Hamilton Junior High School 3501 Cadillac Dr. Parkersburg WV 26101	I am horrified at the thought of having 10 low functioning autism students in my care! These students require large amounts of one-on-one, many are so low they have their own aide. Imagine the facility issues! Where would we put 10 kids, a teacher and 3-4 aides? This desperately needs to be re-	A	Accept with amended language

		thought. Do you all even understand the nature of autism?		
11-28	Pam Shreve pshreve1954@verizon.net 1317 Stephenson Avenue Parkersburg WV 26101	I realize that this might save the state money, but what a dis-service to the kids! Do you understand what Autism is? Does the "No Child Left Behind" policy not apply to these children? Each child requires a specialized individual curriculum to meet their individual needs. To increase classroom size from 4 to 10 is appalling and inhumane. There's not a lot of Autistic teachers around and you're going to make it so the ones we do have will have a very tough and unpleasant task.	A	Accept with amended language
11-30	Denise Nolan Special Education Teacher PHS 2101 Dudley Avenue Parkersburg, WV 26105 Phone – 304-420-9575	Dear Robin, First, let me state that I have been a special education teacher for thirty-one years. I have worked with all exceptionalities. I feel that I am well educated in this field and that I can make educated comments. I am appalled at the changes in the class size. I believe that the current policy is "stretching" it, but this policy is unrealistic. Teachers would only be able to "baby sit" and not teach. Educators would not be able to prepare our students to be productive	NR	

		and independent individuals. I suggest that the "writers" of the policy venture out into the schools and become realistic about class size. It would be impossible to meet the goals and objectives on an IEP with class sizes so large. Not only is this unfair to the student, but unfair to those who work with the child. In summary, this policy would hurt the special education field. I believe that the state would be bombarded with lawsuits due to the fact that their child is not receiving an appropriate, individualized education. Sincerely,		
11-30	Sharon Duncan Autism Mentor/Paraprofessional sydwords@yahoo.com	I am an Autism Mentor/Paraprofessional working in Wood County , WV . The school that I work at is Hamilton Jr. High,	NR	

	Hamilton Jr. High School, Wood County , WV 92A Washington Gardens Washington WV 26181	located in Parkersburg , WV . I am writing about my concerns with policy 2419 (Regulations for the Education of Students with Exceptionalities). The policy revision is massive, and its ramifications are very concerning to me, as well as others that work in the autism education field, and the parents of children with autism. I may need to interject what characteristics you could observe in a student with autism: Self injurious behaviors Need for restroom training Need for individualized curriculum and instruction Grave communication deficits (many being nonverbal) Lack of social skills and life skills Being aggressive toward others Security issues (darting from the classroom) Loud, intrusive outbursts In particular concern, are the staff/student ratio that will be imposed if this policy is put into place. At this time we can have a ratio of 4 students to one highly qualified teacher, and one autism mentor. The proposed policy revision will increase our caseload to a ratio of 10 students to one teacher and possibly 1 aide. The thought of		

		this increase is alarming to both educators, as well as parents. We also know that the revision does not call for the increase in square footage in the classroom to incorporate the increased new student ratios. At this moment our room is approximately 500 square feet. Our needs differ from that of a regular classroom setting. We currently have occupational therapy and physical therapy equipment that also occupy our space, as well as quiet areas and rest areas. What would our classroom look like with the addition of 6 students? I'm afraid that our classroom would be reduced to only behavior management, with little emphasis put on education, and living and social skills training. There is an explosion of newly diagnosed students with autism. Those of us that love the autism population, feel overwhelmed with the very thought of this classroom size increase. I mentioned the possible policy revision to a parent of one of my most severe students. She was not even aware of the possibility of this occurring. I fear that this may be "ramrodded" through the WV Department of Education, for whatever reason, without knowledge of the parents or educators.		

		It is imperative that those of us who care for these students, advocate in any manner that we can. What can you, the WV Department of Education, do to see that this population of students receives the proper care and education that they deserve? I'm not sure in what direction I should go next. Could you please help me with this cause, as well as channel me in the proper route I need to take. One more thing, would a member of your staff be available to attend a public hearing that will take place December 12 at 6:30 pm, Jefferson Elementary Center, 1103 Plum Street , Parkersburg , WV. Many of these meetings have already occurred throughout West Virginia, without our knowledge, or the parents' knowledge, so time is working against us. Thank you so much for your time and interest in this matter. Sincerely yours, Sharon Duncan-Autism Mentor		
12-06	No Name	Chapter 6 - Administration of Services p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .	NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team.

		p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.	NA	This provision allows equitable distribution of IEP management duties among all special educators in a building.
		p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.	NA	Financial impact of the recommendation makes this impractical.
		p. 78 4) When instructional responsibilities are shared change the word "block" to period.	A	Accept with amended language
		5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.	NA	Scheduling staff is an administrator responsibility
		. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.	NA	Level 1 and 2 refers to the needs of

				students
		p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:	NA	Staffing ratios are determined based on student need
		Early childhood reduced to 6 Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons.	A	Accept with amended language Additional staff person will be added to the integrated classroom
		8) Do not base caseloads per instructional class period on the student's level of needs.	NA	The proposed caseloads provide flexibility to administrator in scheduling staff to meet student needs.

12-06	Brenda Lester Special Education Teacher blester2@verizon.net 1964 Longmeadow Dr. Charleston WV 25320	The maximum caseloads are to high for the Level II functioning children in our schools. The old caseloads needed to be reduced prior to this even for Level I students. The ratio of student to teae..need to be increased functiona	A	Accept with amended language
12-06	Brenda Lester blester2@verizon.net	The adult to student ratio especially in K-5 combination grades and moderate/severe/or Profound and or Autism Level II, needs to be improved. Many reading levels combined with outbursts of behaviors by others decreases attention to learning when the support staff must stop partner teacheing and deal with one student. That leaves the teacher trying to teach 2-3 levels at one time to children who can bearly stay on task with one-to-one adult prompting. Possibly a flosting paraprofessional to deal with severe behavior problems and/or one tutoring the rest of the day among 2-3 Special Education Classrooms within the school so the teacher and classroom assigned paraprofessional can maintain the routine of instruction for everyone else. Most Severe and Pround and Low functioning autistic children require one=to-one during iunstruction and	A	Accept with amended language

		seatwork to be successful.		
12-06	Mrs. Price	The maximum caseloads are very high for the Level II functioning children. The old caseloads need to be reduced prior even for Level I students.	A	Accept with amended language
12-08	Tina Hunter thehunters@wirefire.com Rt. 1 Box 55 Ravenswood WV 26164	At this time I only wish to make a general comment about the 2419 policy. I am the mother of an autistic child who requires Level II instruction as outlined in your policy. If there could be up to ten students requiring his same level of instruction with only one special education teacher and one other individual there would be absolutely no reason for him to be in the public school system. How can you expect this potential student teacher ratio to be appropriate when as with most autistic children it is difficult for one person to provide the general care and supervision required on a daily basis at home let alone in public. I predict multiple complaints and legal actions taken if this portion of the policy isn't addressed. I, personally, will not stand for it. My taxes pay for your salaries and my child is not currently supported my Medicare or Medicaid or any government funded organization. We provide him with private insurance and my husband and I both work full time. If I have to quit my job and keep my child at home due to inadequate staffing at school then, shame on all of you!!!!!!!	NR	

12-09	Christine Smith teacher of the gifted one4cranberry@hotmail.com Green Bank Elem.-Middle School HC 64 Box 189 Hillsboro WV 24946	The caseload maximum for teachers of the gifted is set at forty-five, which is too high if one hopes to provide quality services for gifted students. Many teachers who serve this population administer individual achievement tests for reevaluation and identification purposes, which often take more than two hours each. Along with updating all the Special Education forms and keeping informed of the changing procedures, these teachers frequently go beyond the call of duty to provide challenging and stimulating activities for these students. Thirty-five students per teacher would be a more reasonable maximum to help teachers deliver quality service to this most promising group of students.	NA	Language has been included to address additional responsibilities assigned to teachers.
12-10	Robert G. Bartlett rbartle@access.k12.wv.us 912 Caldwell Street McMechen WV 26040	I work in a self-contained classroom for students with Autism. Until this year, I had worked in a classroom comprised of students with Mental Disabilities and students with Autism, having had a many as 11 students, self-contained. Having worked with a classroom of multiple disabilities and my current class of only Autism, I can personally attest to the effectiveness of our smaller, disability-targeted class. Students with Autism are taught in a completely different style than students with other disabilities. Present national incidence of Autism is 1 in 166 births. With these mammoth numbers	NR	

		nationally, one can see the benefit of instruction designed to meet the needs of these students. Having had the opportunity to work with multiple disabilities, I am now seeing the benefits of the smaller caseload. Students with Autism often deal with many sensory issues and a classroom designed to meet the needs of these unique individuals may not meet the needs of every student with disabilities. I thank you for the opportunity to comment on this important issue and hope that much consideration is given to the students who so desperately need access to specialized programs and teachers.		
12-11	Martha Mullins Itinerant Teacher of Exceptionally Gifted MHMULLINS@kana.kcs.k12.wv.us Kanawha County Schools P.O. Box 168 Saint Albans WV 25177	I would suggest that the caseload for services of Exceptionally Gifted students (grades 9-12) more carefully reflect the amount of time required to appropriately serve these students. Often I communicate with as many as (sometimes) 10 persons per student on a weekly basis, as well as the time involved in actually meeting and working with that student. While serving these needy students in close proximity to other needy students would be efficient, geography in West Virginia doesn't assist in that regard. If only one or two schools were involved the ease would be greatly increased. I am currently serving 44 students in seven different high schools. That is like having seven different jobs, starting with "where do I park at this	NA	Language has been included to address additional responsibiliti es assigned to teachers.

		school?" and on to the different school schedules (block/regular/modular), grading periods, and styles of each different high school. That means there are seven teams of administrators, seven different faculties to learn and establish rapport with in order to facilitate a working relationship on behalf of the students. I believe that for an exceptionally gifted itinerant teaching job that requires regular/frequent and significant communication with a student's regular educators, meetings with the student on a regular or intermittent basis, managing documentation of all of these events, the caseload should reflect these service issues. I feel that if the itinerant part of a job were truly taken into consideration, there would be some caveats in place. For examble, if a teacher served 3 schools, regulations could reduce the caseload to 40, not 45. If serving 4 to 5 schools, it could reduce the caseload to 35, and if serving 6 or more schools, further reducing the caseload to 30, or perhaps even 25. I truly feel that this would ensure that the students who have these potential avenues for excellence, but at the same time have all of these identified and documented stumbling blocks, would have the advocacy and certified teacher experience availabe to mitigate for them and encourage as much success as is possible for these exceptionally gifted		

		students. Please limit what is expected of itinerant services.		
12-11	Debra Elmore ddcarte@access.k12.wv.us Fayette County Schools Rt 3 Box 494 Fayetteville WV 25840 Robert Bobbera rbobbera@access.k12.wv.us PO BOx 129 Gilbert WV 25621	Page 76 add the word "shall be required to provide assistance to the students in response to specific needs.... Maximum case management assignments should read 20 for teachers of all other exceptionalities. pg. 78 Change the word "block" to period There should be no less than weekly co-planning in co-teaching situations. Page 80 Continue with the current Policy 2419 requirements for maximum number of students.	NA NA A NA NA	Staffing ratios are determined based on student need Financially impractical for districts Accept with amended language Schools determine building schedules The proposed caseloads provide flexibility to administrator in scheduling staff to meet student needs.

12-13	Teresa L. Moore tmoore5723@charter.net 309 36th st Vienna WV 26105	This change that you want to make is the cruelest thing I have ever heard. It is another attempt to save money and not do what is best for these students. Anyone who is considering this change needs to visit a classroom with these students and you can see that the 4:1 ratio needs to stay the way it is. These students need special attention, if more students are in the classroom, the teachers are not going to be able to do their jobs effectively and the safety of the students will be in jeopardy. It is time that you do what is right for these children and keep the 4:1 ratio.	A	Accept with amended language
12-13	Kay Bowling Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	Can't really understand how this relates to current procedures, but caseloads seem much larger. Need much more info to understand this. P77-79 Don't overload PK rooms when children are just learning how to adjust to school Level I and II are not separated in elementary school - don't understand what is meant here - we don't teach by instructional periods	NR	
12-13	Kelli Whytsell Preschool Teacher kwhytsel@access.k12.wv.us Calhoun Board of Education 448 Hatties Run Road Grantsville W.V. 26147	I would like to comment on the Special Education Pre-K. I feel the maximum limits for case management assignments and class size requirements for Instructional period are too high for this age. The maximum number of special education pre-k students is increasing from	NA	Preschool caseloads aligned with Policy 2525.

		8 to 10, and from a caseload of 16 to 20. When you combine the Universal Pre-k 2525 students this brings the class size to 20 preschool students. I feel that given the age and the fact that we serve all disabilities the limit should be no more then that of Level 1 service needs a maximum of 6 students per session. With a class of 20 students one teacher and one aid, can't meet the developmental needs of the students in the class. To provide quality Pre-K classrooms you need to limit the number of students per class. This year I have more students in my classes then Kindergarten and First grade teachers in my school. The maximum for Special Education Pre-k classes should be 6 students per session, and a maximum of 15 students per session with no more than 6 of those students with IEP's.		
12-13	Kay Bowling Principal kmbowlin@access.k12.wv.us Waverly Elementary School 422 Virginia Street Waverly WV 26184	Can't really understand how this relates to current procedures, but caseloads seem much larger. Need much more info to understand this. P77-79 Don't overload PK rooms when children are just learning how to adjust to school Level I and II are not separated in elementary school - don't understand what is meant here - we don't teach by instructional periods	NR	
12-13	Kelli Whytsell	I would like to comment on the Special	NR	

	Preschool Teacher kwhytsel@access.k12.wv.us Calhoun Board of Education 448 Hatties Run Road Grantsville W.V. 26147	Education Pre-K. I feel the maximum limits for case management assignments and class size requirements for Instructional period are too high for this age. The maximum number of special education pre-k students is increasing from 8 to 10, and from a caseload of 16 to 20. When you combine the Universal Pre-k 2525 students this brings the class size to 20 preschool students. I feel that given the age and the fact that we serve all disabilities the limit should be no more then that of Level 1 service needs a maximum of 6 students per session. With a class of 20 students one teacher and one aid, can't meet the developmental needs of the students in the class. To provide quality Pre-K classrooms you need to limit the number of students per class. This year I have more students in my classes then Kindergarten and First grade teachers in my school. The maximum for Special Education Pre-k classes should be 6 students per session, and a maximum of 15 students per session with no more than 6 of those students with IEP's.		
12-13	Amanda Moler Special needs teacher 1786 Noseman Rd. Vienna, WV 26105	I am concerned about configuration issue. This policy could cost personnel issues. I don not want to see aide losing job. Please put caseload consideration back in. this will eliminate the loss of aides.	NR	
12-14	Lance Sutherland	I teach an elementary BD class and	NR	

	Teacher tsutherl@access.k12.wv.us WVEA 109 Woodside Terrace Hurricane WV 25526	increasing caseload size isn't the way to go. I have kindergarten students, I have fifth graders, I have people who can read, people who can't and you want to add two to four more students to an already difficult situation. I don't think you have thought this through. I've always believed that we are here for the students, with the case size growing, I'll be nothing more than a glorified babysitter. You aren't thinking of the kids or their educational needs, I feel these new regulations are fueled more by money and a reduction in personnel. I am here in the classroom, I feel I know what is going on, so please reconsider the class size. Eight students is a stretch in elementary. There's just to much of an age gap, and to add more students would make it worse.		
12-14	Jana Tabor preschool special needs teacher janatabor72@msn.com HJK Elementary School 803 Kaiser Ave Ravenswood WV 26164	The policy should state that it is "mandatory" to make exceptions to the number of students in a preschool classroom be less depending on the severity of disabilities. It would be impossible to serve 20 children in a classroom that has one or more autistic children, children with physical handicaps, behavior disorders, etc. with just one teacher and aide. Most school boards only see that money is involved; this leads to children not receiving a quality education and turns us into glorified babysitters. Most children who qualify for preschool services	NA	Class size is maximum; districts can provide a smaller class size.

		are not labeled with a disability when they begin. Most autistic children are not labeled until after the age of 3 when they have already been enrolled in the program. This makes it difficult for us to set limits, when the diagnosis has not been made. The NAEYC is reviewing the possiblity of lowering ratios and group sizes based on research. Our state is considering increasing the rations based on what research??? I hope and pray you take these comments into consideration.		
12-14	Robert Sadler Teacher-Grade 5 RSadler53@hotmail.com Wood County Schools 1562 Suzanne Circle Belpre OH 45714	If this policy continues as written, it will prove disastrous to Autism students. To change the Teacher/Student Ratio from 1 to 4 to 1 to 10 will cause many autistic students to be "left behind" as well as cause great frustration for the dedicated teachers in this program. Who came up with this new ratio? Obviously, someone who has been out of the real world classroom for so long they have forgotten all about teaching students. As a veteran of 27 years in Wood County Schools and a former principal for 8 years who returned to the classroom this year, I strongly urge the WVDE to not enact the policy changes for autism as proposed. Listen to those in the trenches (and the parents) and fix this before it becomes a problem and a very real PR nightmare. Thank you.	A	Accept with amended language

12-13	Larry Stinn Director of Federal Programs Calhoun County Schools	Together with my superintendent, Ron Blankenship, I request that two items in Chapter 6 be reconsidered: 1. First, on p. 78, in the section on Class Size Requirements for Instructional Period it is stated in the paragraph on Integrated Classrooms that "the percentage SWD…receiving specially designed instruction in general education settings…(shall be) no more than 30% of the total class enrollment during any single class period in the four core academic subjects." Calhoun County Middle –High School currently has three core classes in which approximately 30% SWD's are enrolled: one at 28%, one at 29% and the third at 32%. This provision might make it necessary to hire an additional teacher. In a small county like Calhoun, this would put us in a deficit situation, which is illegal. Distributing students to other classes creates significant scheduling problems if it is even possible given staff cutbacks resulting from our diminishing enrollment. We are increasingly being put in the position of having to choose which law or regulations we will violate. We request that	A	Accept with amended language

		this provision be removed, or at a minimum, that the percentage be raised to 40%. 2. Second, in the table at the top of p. 80 titled Maximum Number Students per Instructional Period Based Level of Service, 6 students is set as the maximum for students with Level 1 Service Needs in grades K-4. In one of Calhoun County's elementary schools there is a special education class with 6 st6udents. One student with disabilities transferring from another county or state would put us in the position of violating this requirement with similar consequences. It might make it necessary to hire another teacher which would put us in a deficit situation. We applaud the emphasis on services being abased in students' level of need, but maintain that the current limit of 8 students per period is reasonable for students with Level 1 needs. We request that the limit be raised from 6 to 8.	NA	Policy allows for waivers as per the situation described
12-14	Aimee Kincaid akncd70@yahoo.com 3709 12th Avenue Vienna WV 26105	As a parent of a 10 year-old Autistic child, I worry about my childs safety in the current 4:1 classroom. Not to mention if that ratio is increased to the proposed 10:1	A	Accept with amended language

		ratio. I often feel as if my child does not get enough instructional time now because of the diversions in the classroom now. I can only imagine what it would be like with more children and various difficulties. My family spent a year in Tampa, Florida in hopes that the resources there would be better for his disabilities. We returned to Wood County in despair. Due to the overcrowding there my son started to regress. My husband and I will spare no cost and will go to the end of the earth for our children. Currently the incidence of autism is 1 in 166. And unfortunately West Virginians are not exempt. With Autism on the forefront right now and legislation passing in the House and Senate for research and education. West Virginia is trying to cutback on funding for education. West Virginia currently claims to be "Open for Business". What would happen to business in WV if more families of children with Autism are forced to leave the state for quality education? Gone would be fundings, tax revenue and possible other sources of income for the state. I hope that Policy 2419 is reconsidered and our children are given the opportunities they truly deserve.		
12-14	David Bierkortte Parent 116 north 18th street Wheeling WV 26003	As a parent of a child with autism I am concerned with the proposals on page 75 and 76 which would allow the combination of students with autism with students with	NR	

		other multiple disabilities in the same classroom. The idea of combine students and larger classroom caseloads does not work! Keep the classrooms specific to the students and their needs. The state needs to look at other ways to save $$$$.		
12-15	Steven G. Hayes principal sghayes@access.k12.wv.us Mercer County Early Learning Center 821 Broadway St. Princeton WV 24740	I have concerns over the ratios of Regular/Special Needs students which will be allowed in each classroom. I am concerned about the amount of paperwork which is required through Creative Curriculum as well as the IEP process. Teachers without Sp Ed training will be serving special needs students which will meet much resistance from educators. I do not believe that this configuration will best serve the needs of all of our students. As an administrator I am already hearing from parents of regular ed students who do not want their children educated in the same classrooms as students with severe disabilities (ie feeding tubes, diaper changes, etc.). What consideration is being given to the extent of the disability?	NR	
12-17	Sandra Laird slaird4335@charter.net 203 Maple Dr. Williamstown WV 26187	I am very concerned about the proposed change in staffing from a current 4:1 student to teacher ratio for children on the autism spectrum to a 10:1 ratio. My son is currently receiving services due to a diagnosis of Asperger Syndrome. He participates in the regular education classroom part of the time and receives	NR	

		services in the autism classroom part of the time. Even with the current staffing at his school, he is not receiving the level of instruction he needs in social skills training and organizational skills (both very weak areas for him), leaving a difficult decision for us about placement next year (he will be in 7th grade). I really don't see how his autism teacher would cope with having 6 more children added to his caseload. Since my son is considered "high functioning" and does spend a good part of the day in the regular ed classroom, I think if the autism room had 6 more potentially "lower" functioning students, my son would be forgotten altogether. In reality, my son does not function at the level most people suppose (he is just more verbal than the "typical" autistic child, so this is misleading). He is prone to outbursts, and his organizational skills (handling keep tracking of assignments, e.g.)is almost non-existant. Almost all children on the autism spectrum have some level of rigidity with daily routines and some form of sensory disorder (for my son, this is more associated with smells and touch than with sounds). This can often lead to meltdowns. What happens if one child out of the ten in the room has a meltdown? How can one teacher be expected to handle this while all the		

		students are kept safe? I think I understand, in theory, what you are trying to do by basing the staffing needs on individual student needs rather than exceptionality. I am also a teacher, so I understand more about the system than the average parent probably does. However, I have been dealing with the system as my son's sole advocate for the past 8 years, and I have become suspicious about the real motive behind changes in wording about staffing. I have been tricked more than once in the wording of an IEP, and I have been misled about the level of services my son would receive. I am very concerned that this proposed change just leaves another loophole for this type of deception. Thank you for reading my comment.		
12-18	Clinton Riffe. Special Education Teacher rcriffe@access.k12.wv.us Cabell County Schools 845 Fourth Avenue Apt. 502 Huntington WV 25701	Add the word "shall" . . . be required to provide assistance to students in response to specific needs... Case management should be much lower	NA NA	The proposed caseloads provide flexibility to administrator in scheduling staff to meet student needs.

		than 30.		Caseloads provide a maximum; IEPs must be implemented
		The ratio of disabled children to the total number in any integrated class should be much lower than 30 percent--more like 10-15 percent. This is making it harder on regular education teachers for 1 reason: Policy makers hope to include more children and use the fewest number of special education team teachers as possible. In the end, the ones who will suffer most are the children, because they will receive fewer special services. Regular education teachers will also suffer, since there are limited numbers of special education teachers available with who to "team teach". Finally, special education teachers will suffer, as we will be relegated to glorified teachers' aids, and our employment in any WV school system will be optional. We will ultimately be the first to receive RIF letters and transfers.	NA	Financial impact of the recommendation makes this impractical.
		Instructional responsibilites should be changed from "blocks" to PERIODS.	A	Accept with amended language
		If we are expected to truly team teach, teachers need to be afforded team planning.	NA	Staff schedules are a district/

		Special education classrooms need to be provided so that children for whom total inclusion is not appropriate can be served most effectively.	NR	school administrative responsibility
12-19	Kathy Wall Low Incidence Specialist kwall@access.k12.wv.us Raleigh County Schools 901 Maxwell Hill Rd. Beckley WV 25801	Page 80 speaks about level of service needs. A minimum staffing ratio of 1:5 for a level 2 stucent with autism is far too much. Even the current 1:4 ratio is very hard to gain minimal progress with a student with needs in all those areas of behavior, academic, social, and communication areas. The nature of the	A	Accept with amended language

		disability of autism makes working cooperatively with others in even small groups difficult. Often new skills have to be introduced one-on-one in order to establish new skills for this is difficult with this disability. The minimum should never go below 3 or 4 students to one teacher so inclusion and integration could be accessible to those students with the appropriate amount of support since generalization and inclusion is often difficult by the nature of the disability. 2419 IS finally making INCLUSION ACCESSIBLE FOR ALL so in order to provide the same access for our students with behavioral, communicative, and social needs, there has to be support in order for it to be successful.		
12-19	BRIAN WALL PARENT BWALL2@CHARTER.NET 901 MAXWELL BECKLEY WV 25801	CHILDREN WITH DIFFERENT DISABILITIES SHOULD BE KEPT SEPERATE WITH NO MORE THAN 4 STUDENTS/TEACHER	NA	Staffing ratios are determined based on student need
12-19	JAMES SHREWSBERY PARENT JESINS@CHARTER.NET PO BOX 125 GHENT WV 25843	CHILDREN WITH DIFFERENT DEGREES OF DISABILITIES SHOULD BE IN DIFFERENT CLASSROOMS WITH A 4 OR LESS STUDENTS/TEACHER RATIO	NA	Staffing ratios are determined based on student need
12-19	GINA MCGHEE RTMCGHEE@CHARTER.NET	MORE THAN 4 STUDENTS / TEACHER IN ONE CLASSROOM WOULD	A	Accept with amended

	110 KAREN WAY DANIELS WV 25832	CREATE AN UNSAFE ENVIROMENT FOR THE CHILDREN		language
12-19	Gretchen Carter special education teacher MIGretchenWV@yahoo.com Raleigh County Schools P.O. Box 1240 Coal City WV 25823	I strongly disagree with the revisions that are up for adoption in chapeter six. By dividing our students into only two levels this is doing away with their individuality. I've taught every exceptionality recognized by the state of WV. If you now decide to lump all children, with the exception of those whom are mildly mentally impaired into one level, this will hinder our abilities as teachers to meet the needs of those students who's needs are greatest. As the needs of the students become more complex, they require more individual instruction, not less. By increasing the caseloads to the 20 of the most needy children in one classroom, you will guarantee that their individual needs cannot be met. It simply cannot be done. This would require additional personnel in these classrooms, not less. We as educators must met the students were they are. That cannot be done with a class size of 20 of the most needy children. We as educators have an obligation to make sure "no child is left behind". By passing and enacting the new revisions to 2419 this will ensure that students of low incidence populations, those who are moderately, severely and profoundly mentally impaired and those who have autism will be left behind. This	NR	

		will not move the students of WV forward but backward. The only way to ensure that our children receive a quality education, which all children are entitled to, is to keep our classrooms small, ensure that we can have the additional support we need, so that we meet all children's needs. In addition, by "warehousing" low incidence populations again this will require additional certifications for already overburdened special education teachers if they have multiple exceptionalities in their classrooms. As it is now we already pay for all our certifications and degrees we take.		
12-20	Christine Acord Sp. Ed. Teacher cacord@access.k12.wv.us Woodrow Wilson High School 400 Stanaford Rd. Beckley WV 25801	Chapter 6,Caseloads Needs to say no more than 5. It says up to 20 with additional staff.	NA	Caseloads provide a maximum; IEPs must be implemented
12-20	Drema Skeens parent crowderfam4@yahoo.com 214 Sycamore St Ravenswood wv 26164	In reference to the needs of Austistic and S/P students: Students with level II needs--- As a parent I am greatly concerned that increasing the class size to 10 with one aide the needs of the students are no longer of interest. By increasing class size, these students will not be receiving the level of care that they are entitled to. As a parent of	A	Accept with amended language

		a child who is deaf/blind, non-ambulatory, and nonverbal, I am very concerned that my child will not receive the appropriate attention she deserves. I am a firm believer in "all students can learn", and if the class size increases, these children will suffer the consequences. Please reconsider doing this in a class where my child needs 1:1 attention 100% of her day. Please consider the needs of the children. The teachers are already stretched to their limit not only physically, but with all paperwork and assessments. If they have a larger class they will have less time to work with their students and will end up spending a large amount of time on "things", rather than what matters most...my child/our children. Thank you for taking the time to receive my comment and thank you for taking my child into consideration.		
12-20	Brenda Isaac Lead School Nurse bcisaac@kcs.kana.k12.wv.us Kanawha County Schools 200 Elizabeth St. Charleston WV 25311	Flexibility for staff can be a good thing as long as there are specific and measurable indicators. Leaving this to subjectivity could be very detrimental	NR	
12-21		Chapter 6-Administration of Services 1. Add the word "shall" be required to provide assistance to students in respponse to specific needs...(p. 76) 2. Under maximum case management assignments change 30 to 20 for teachers		

		of all other exceptionalities.(p. 77) 3. Integrated Classrooms-change from no more that 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorder.(p. 78) 4. When instructional responsibilities are shared change the word "block" to period.(p. 78) 5. In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.(p. 78) 6. Special Education classrooms for students with disabilities. Delete this section of Level I and II.(p. 78) 7. Maximum number of students per instruction period-Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5.with the following exceptions: Early childhood reduced to 6, Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.(p. 80) 8. Do not base caseloads per instructional class period on the student's level of needs.		
12-20	Sue McKenzie Teacher - Preschool Sp. Needs smck@frontiernet.net Mercer Cty Early Learning Ctr. 821 Broadway St. Princeton WV 24712	If every 4 year old classroom has special ed. children enrolled, then the teacher should be certified in special education. Theroretically, preschool sp. ed. teachers could have 10 sp. ed and 10 regular ed. 4 yr. olds in a classroom and then 10 more	A	Accept with amended

		IEP's in another classroom. That adds up to 20 IEP's and Creative curriculum notes and reports for 20 students, also. That is entirely too much for one person if you expect any teaching to occur. Also, the special ed. teacher would not have any time for helping the reg. ed. teacher implement her IEP's.		
12-21	Judd Ashcraft principal tashcraf@access.k12.wv.us North Marion High School 1 North Marion drive Farmington WV 26571	The cap on the number of SWD students enrolled in one co-teaching class situation will cause our school to employ two additional teachers. This will almost destroy our school goal of 80% inclusion in two years. It also places us in a bind when a new SWD moves in to our school.	A	Accept with amended language
12-21	Fuller David Richardson, Ph.D. Assistant Principal fdrichar@access.k12.wv.us Wood County Schools 3501 cadillac Drive Parkersburg WV 26105	Chapter 6: My concern is how many students that a teacher can have in a classroom. At our school we have 2 very special autism students and 2 separate autism classes. This has provided HJHS with a safe and productive learning environment. We certainly have have our moments with each separate child but our staff has responded in a very professional manner. To put 10 in one classroom with one Autism teachers, let say this with our 2 students at HJHS would be a tragedy!!!!!!!! At all times we must look at the needs of the individual students not simply numbers.....You are very welcome to come to our school in Wood Count and	NR	

		observe prior to your vote then you can judge for yourself.		
12-21	Julie Handley Prinicpal jghandle@access.k12.wv.us Vienna Elementary 29 Doolin Drive Williamstown WV 26187	Caseload requirements are too large. There is no way that an autism teacher can have that many students on her caseload. These children require a tremendous amount of support and have so many different problems. ALL of the caseloads are too high!!!!!!!!!!	NR	
12-21	Wayne Jenkins teacher wjenkins@access.k12.wv.us Wood County Schools 2322 Broad St. Parkersburg WV 26101	How do you expect teacher to be effective with the ratio you are proposing? How do you expect the other students to function? Will they be safe if one child goes into a crisis behavior? Have you heard autism classrooms? How can any student concentrate with that level of noise and distraction? These students need less disruptive environments, not more disruption that a normal classroom. Why does common sense seem to disappear when trying to help students and why do you not use the knowledge of first hand participates ... the teachers of these special students.	NR	
12-21	Valerie O'Dell vodell@access.K12.wv.us Parkersburg wv 26150	Autism should stay 4 students per caseload. LD works at current caseload as well. To give students enough attention, it is important to keep caseloads reasonable	A	Accept with amended language
12-21	Donna P. Ellison	Autism, Severe and Moderate students	A	Accept with

	Teacher dpelliso@access.k12.wv.us Raleigh Co. B.O.E. 106 Bishop St. Beckley WV 25801	should have no more than 4 in the classroom without additional classrooms open. Their disabilities are so different and require one on one instruction that it would be impossible to give appropriate instructon to a larger group of students.		amended language
12-21	David Turner Teacher dturner@access.k12.wv.us Raliegh Co BOE 103 westview lane Beckley WV 25801	Autism, Severe and Moderate students should have no more than 4 in the classroom without additional classroom open. Their disabilities are so different that they require one on one instruction that it would impossible to give them an appropriate education.	A	Accept with amended language
12-21	David Pierotti Mr. Pierotti dapierotti@hotmail.com Wood County Schools 2200 Gihon Rd. Parkersburg WV 26101	The policy is very vague in parts, particularly when it comes to caseloads and number of students per class size for instructional period. These pages are numbered 78, 79, 80, and 81. When the WVDE looked at Wood County Schools, as well as the rest of the state, some of schools did not make adequate yearly progress (AYP). Most of the schools did not meet the academic requirements in special education cell. Now when the state is looking to make changes to the special education policy 2419, they are looking at raising the maximum number of students in the classroom. How do they expect students to meet the academic requirements in special education, when they thin out the	NR NR	

		amount of one on one time a teacher can give a student when you put more students in the same physical sized classroom?		
		Some special education classes are affected more then others. For example the Autism class size would change from four level II students to ten level II students. This is more than doubling the current class size maximum. This would not only cause housing and square footage issues for students, but this would also take us out of compliance with physical instructional space needed in a class. With the number of adults needed for more severe/intense effected students would put the staff and students on top of each other. For most, if not all intense Autism students the area they need for personal space is almost three times the normal amount of space. I know that Autism population is growing but more then doubling the number of students in a class is not the way to correct the problem of staffing them with highly qualified teachers and mentors.	NA	Policy 6200 governs facilities and provides the minimum square footage per student. This also includes standards for classrooms for students with autism.
		Here is a little more detail on how we classify a student with severe/intense Autism. In addition to having a significant disability in communication and social skills, the student also has a significant cognitive disability and or other health impairments, which in turn most often	NR	

		leads to behavior issues. Here are some of the characteristics you could observe in a student with severe/intense autism: • Self-injurious behaviors (biting , hitting , scratching, bang head) • Need for restroom training (changing hygiene napkins, diaper, soiled clothes) • Need for individualized extend standards/or readiness skills curriculum and instruction • Aggressive loud outbursts towards objects (hitting desks, windows ,cabinets ,walls) • Grave communication deficits (nonverbal) • Scenery integration problems • Lack of social skills, life skills , and leisure skills • Being aggressive toward others (biting , hitting , scratching, pinching) • Security issues (darting from the classroom) • Extremely Loud, intrusive verbal or screaming outbursts With the significant cognitive disability, and the fact that in addition to teaching the four core subjects, the rest of the curriculum is life skills based. This means that the student would be eligible to take the West Virginia Alternate Assessment test (APTA) instead of the standard WESTEST. This means the student would		

		be working on extended standard CSO's that are the essence of the regular education standard. Here are some examples of the difference between the standards: Math standard for seventh grade regular education student. MA.7.1.1 – Compare and order integers, decimals, and fractions using symbols (<,>, =) manipulative and graphing on a number line. Math standard for seventh grade student with a significant cognitive disability. MA.7.1.ES.1- recognize whole numbers to 100 and the difference among ½, ¼, and 1/3. Reading standard for seventh grade regular education student. RLA.7.1.1- Classify the defining characteristics, build background knowledge and apply reading skills to understand a variety of literary passages and texts by West Virginia, national and international authors (e.g., fiction; nonfiction; myths; poems; fantasies; biographies; autobiographies; science fiction; tall tales; supernatural tales). Reading standard for seventh grade student with a significant cognitive disability. RLA.7.1.ES.1- Recognize and comprehend		

		frequently used sight or common words. The extended standards are standards that the students will work all year on to master. Some of the more severe students will start out learning skills by physically prompting the student to perform a task hand over hand. This is when a teacher, classroom mentor aide, or a one-on-one mentor aide places their hands over the students' hands to properly perform the task. If the significant cognitive disability student is having a good day, the one-on-one mentor aide spends the most of the day working closely with the student, while the teacher moves about the room working with all the students, until a task requires more then one person to perform it. For example, Picture Exchange Commutation System (PECS) requires a minimum of two adults to properly implement the system. The system allows the student to exchange a picture for an item that they want without using words. PECS allows the student to communicate their wants and needs as well as lowering behavior issues due to lower their frustration of not being able to communicate with others. As you can see there is a very large gap between the standards. So depending on the severity of a group of students and their various grade levels, a teacher and mentor		

		aide could be spread very thin when it come to one on one time with our current caseload of 4 students. If the student is having an off day, the student may require even more personal space to stay calm. The student may need more/additional adult supervision to stay calm in addition to keeping the student on task, so that everyone in the room can continue the learning process. If needed, it is our responsibility to see that the student having the off day does not harm their self or other students or staff in the classroom. The new policy 2419 is unclear in the wording when it comes to caseloads and depending on how the county interprets the caseload configuration. One county could interpret that a teacher and a one-on-one mentor aide meet the staffing requirements of 1:5 ratio for caseload of 10 students. The only problem is if the student does not talk and needs PECS to communicate, it takes two adults to implement PECS properly leaving nine students on their own to complete a task. The only problem is students with autism require a lot of direct adult supervision to stay on task. Another case could be if the student is upset and requires more adult supervision for safety reasons, there are nine students not getting	NR	

		proper educational service for the duration of the incident. If there are any students that go to regular education classes most of the time they require the serves of direct adult supervision to stay on task in the regular educational environment, leaving only one staff with nine or so students. Another county could interpret that there needs to be a 1:5 ratio not including the number of one-on-one mentor for the more severe/intense students with Autism. This is a great scenario until you remember that most students with autism have great difficulty with groups and require a large amount of personal space. If there is more then one mentor in the room the number of people in the classroom is up in the teens. Now you have the possibility 10 students working on different standards, some on regular standards and some on extend standards, being able to give direct instruction to all of the students in addition to keeping them on task will be a very large overwhelming task and would have to impact the quality of education the students receive. Next you have to factor in the physical size of the classroom and what is needed to teach a functional life skills centered curriculum. At the minimum a kitchen and laundry area as well as the traditional classroom area are needed, occupational	NA NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team. Policy 6200 governs facilities and provides the minimum

		therapy, and physical therapy equipment that also occupy our space, as well as quiet area to allow students to clam down. What would our classroom look like with the addition of 6 students? I'm afraid that our classroom would be reduced to only crisis and behavior management, with little emphasis put on education, and life skills and social skills training. Thanks, David A. Pierotti Autism teacher		square footage per student. This also includes standards for classrooms for students with autism.
12-22	Marqueta Stephens teacher mrstephe@access.k12.wv.us Wood County teacher 1906 Lewis Ave. Parkersburg WV 26104	Ten autistic students in a room with only two adults is gravely misguided, and it essentially means you want to "warehouse" them. If that is your intention, you have moved beyound misguided and entered the realm of irresponsible. Autistic children are	NR	

		vocally and physically explosive. One of ours attacked a county maintenence man last week. One child's acting out typically sets the others off. Imagine 10 children acting out at the same time. Two adults could not control the situation.		
12-22	Emily S. Bailey Teacher esbailey@access.k12.wv.us Wood Co. Board of Ed. (Hamilton Jr. High) 3501 Cadillac Dr. Parkersburg WV 26104	I'm writing on behalf of the four autistic students whose classroom currently shares a wall with my classroom, which has only been the case recently (within the last two years). This particular classroom was created by dividing the teachers' lounge, which resulted in a small classroom equipped with appliances for life skills as well as the conventional tables, desks, computers, and other classroom furnishings particular to the students' needs. The changes in policy 2419 would allow the class size to more than double, which I feel would result in over-crowding in this small space. This is just my first concern. I also understand that changes would allow one teacher to be assigned for every five students. I know for a fact that one of my "neighbors" needs his own aide. I find it hard to believe that this need is going to change just because words in the policy mandate it. I also know that the routine that had been in place had to be overhauled to accommodate this student's behaviors. From what I understand, students with autism tend to be upset by change. This would be an overwhelming change for	NA	Policy 6200 governs facilities and provides the minimum square footage per student. This also includes standards for classrooms for students with autism.

		them! Furthermore, I imagine that with ten students, more than one of them would also have behaviors similar to this student's: pounding, banging, high-pitched screaming, and sometimes physically contacting (not always appropriately) other staff and students; in the middle of explaining how French classrooms differ from ours, how to conjugate a regular –er verb, and proper composition for a photograph, I also have to stop and explain all of these oddities and how "we just have to try to ignore it." As understandable as these behaviors are for autism, it is no less a distraction for my students. I just don't see how only two teachers could be expected to manage, safely, in the proposed environment. Finally, because only "trained staff" may assist in the event of an autistic student in "crisis mode," the increase in students and decrease in staff only makes it more likely that I, the "regular ed. teacher" closest to the classroom would be powerless to help.		
12-22	Karen Brunicardi Director Of Elementary Schools kbrunica@access.12.wv.us Wood Co. Schools 1210 13th Street Parkersburg WV 26101	The assignment of aides/paraprof. is too vague and ambiguous. Calculation of caseload is confusing. Need to understand this. Using class size requirements for instructional period is not the way to do it for elementary students- we don't track them by period. WV Pre-K caseloads are confusing also. I am also not sure about when to apply the % rule that	NA	Pre-school students are not identified as having level 1 or 2 needs.

		was suggested. Young children would be difficult to label as Level I or II. The lack of specific direction in assigning aides to classrooms could be very costly to counties.		
12-22	Becky Duncan jbduncan4@yahoo.com 4217 Packard St. Parkersburg WV 26104	"No Child Left Behind" Sound familiar? Well if they put 10 kids in one classroom with no extra aides that is exactly what will happen! This idea was stupid from the beginning. Anyone that has a child or deals with children with disabilities knows that some days it take 4 hands for 1 child now try to take care of 10! What happens to the other 9? I would be worried about the safety of the children! You are opening yourself up for lawsuits because I guarantee that if my child is hurt through non supervision there will be action taken! Not to mention that these children will not have the one on one teaching they deserve! I sincerely hope that this policy is thrown out for the safety and well being of the children! Thank you! Mother of a 17 yr old autistic son	NR	
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	sec. 2 remove comma after service provider. Staffing: add "will" be considered on a case by case basis.(in 3 places) Replace current workding with Students	A	Accept with amended language

		identified as Level I have needs in one or more ot the following areas Replace current wording with Students identified as Level II have significand and comprehensive needs in: Students with Level II needs may NOT need a majority of the needs to function as Level II. Change to "One or More"	A A A	Accept with amended language Accept with amended language Accept with amended language
12-27	Joan M. Wilson, Itinerant Teacher Program for Students with Blindness and Partial Sight Kanawha County Schools 200 Elizabeth Street Charleston WV 25311	6.B. P. 77 "Staffing for Case Management/Procedural Accountability" Chart: "Maximum Limits..." "Teachers of all other exceptionalities 20/See Class..." **Change to underlined number.** P.78 "Integrated Classrooms" Paragraph 2 "...during an instructional period." **Change to underlined number.** P.80 "Maximum Number...with Developmental Disabilities" **Level I and Level II need to be included in determining staffing ratio.**	NA NA NA	This provision allows equitable distribution of IEP management duties among all special educators in a building. Comment does not include language indicated Levels I and II do not apply to the preschool

		Caseloads for Itinerant Delivery Model are Not Address **Only mention of itinerant personnel is on page 76 under Adequate Staff**	NA	level Language has been included to address additional responsibilities assigned to all special education teachers.
12-27	Pamela Argabrite, concerned parent of an Autistic child. 4305 176th Avenue Parkersburg WV 26101 (304) 428-3809	Chapter 6 of Amendment of Services, Policy 2419 December 12, 2006 From the time I learned my beautiful boy had Autism, I have studied this disorder. Everything I have researched on this subject says that the child teacher ratio should be 4 students per 1 teacher. I cannot even imagine a child with Autism succeeding in a class with 10 other children. These children, who are so much alike in some ways, such as having language, communication and attention deficits, as well as behavior, sensory and learning disorders, are also each very different. Can you seriously consider a class of 10 children, each one at a different learning	NR	

		level? Autism is so complex and covers such a broad spectrum. In the past my son has been in classes with children who cannot communicate at all, to children who speak constantly on one subject such as dinosaurs or Pokemon. My son can speak, but most of the time would rather not, he tries to get away with saying as little as possible preferring to be left alone. Intellectually these children can range from severely mentally impaired to mildly mentally impaired, like my son. In some cases these children have extremely high IQ's. There are just as wide of differences in behavior, attention spans and sensory deficits. There is no way that a child who has sensory problems and a short attention span can learn in a class with 10 other children who are having their own set of difficulties, all vying for the attention of one teacher. How can 1 teacher possibly keep 10 children with different mental disabilities doing 10 different lesson plans, who are		

		having 10 different sets of problems on task? It would be impossible and an absolute disaster for the children. Good luck writing, implementing and achieving 10 different IEP's. I would like to ask whoever is making this important decision to please research Autism. Contact the Autism Society of America or the Autism Training Center. Last and most importantly sit in on a classroom with Autistic children for a day or two. I know that as in everything today the matter of cost is being considered. Please consider the cost to a child who is not given the opportunity to reach his/her full potential. The cost to family members watching their children struggle through life. The cost to a school system when it loses good teachers, because who wants to do an impossible job. And in the end the cost to a society who no longer does its best for its most innocent children. Autism is here, it's here to stay and it is growing in the number of children afflicted with this disability. Increasing classroom size is a giant step back in the education and welfare of these children. Please don't close the window of opportunity that these		

		children have to learn. Everyday counts and they cannot afford to take any steps backwards!! Thank You, Pamela Argabrite, concerned parent of an Autistic child. 4306 176th Avenue Parkersburg WV 26101 (304) 428-3809		
12-27	Eric Tennant Martin School Adapted PE Teacher 1301 Hillcrest Street Parkersburg WV 26101	It seems to me that federal and state public education is funded at the least that can be done. Although often said, "our children are our greatest resource", funding indicates quire differently. The proposal to increase the class sizes of special education programs, especially autism, is ludicrous. Currently in West Virginia, my opinion, inclusion is at best is doing fair, but mostly is poorly done or rarely done. To increase class size would cause inclusion to probably rarely or never occur. There are many students (technically every student) who would or could be involved if here sere sufficient support staff to provide the services. This is not always happening and with increased class sizes it would be impossible to make it occur. I was part of a staff of a separate facility when it was forced to exit most of the students. Federal and State level personnel said support services would be provided to	NR	

		ensure that all students would be included. It started out to be that way, but very soon turned into a lie. Those support services, especially staff, were eroded. In my opinion, to increase class sizes without support staff and services is an injustice to the students. It is not what is best for the students! Thank you for the opportunity to respond to this policy revision.		
12-27	Judi Jones, Kanawha County Schools Teacher of the Visually Impaired, Itinerant 200 Elizabeth Street Charleston WV 25311	P. 76, Par. B- "support personnel <u>shall</u> be required "<u>NOT</u>" <u>may</u> be required" P.77 – Max. Caseload Management Assignments should be changed to reflect no more than 20 for teachers of all other exceptionalities. When totally blind students receive services and are case managed by professional staff the time requirements are much higher than for students with other exceptionalities.	NA. NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team This provision allows equitable distribution of IEP management duties among all special educators in a building.

12-27	Eileen Poling County-wide teacher of gifted epoling@access.k12.wv.us Tucker County Schools 215 Homewood St. Parsons WV 26287	A maximum limit of 20 for students with developmental delays in ages 3-5 is too high considering how much help these younger children need. If you add autism and other medical problems to the delays, it is too much to ask one human being to manage 20. Fifteen may be too many.	NR	
		Teachers of gifted should not have a caseload of more than 30. I am an itinerant teacher and must include travel in my time during the school day. I only have two schools to serve. I can't imagine how teachers in larger counties deal with this. I suppose they manage by creating a program and having the students "fit in" to the program instead of delivering the needs of each individual child. I always spend countless hours at home to assure that my students are receiving instruction that is appropriate for their area of giftedness. Gifted children are at risk and need to be provided the same amount of services as disabled children. Teachers also need the time to plan for these children.	NA	Language has been included to address additional responsibiliti es assigned to teachers.
		Under class size requirements on page 77, it is contradictory to say that no more than 10 with disabilities can be in a class of 20. That's 50% in a classroom with disabilities. Nowhere in policy is a teacher expected to deal with this type of proportion.	NA	This is consistent with federal language Accept with amended

		On integrated classrooms on page 78, a needed change in percentage needs to be made. It only takes one student to disrupt the education of an entire class.	A	language
12-27	Lisa Lockhart leesker34@msn.com P.O. Box 5121 1408 32nd Street VIENNA WV 26105	I am appalled that the State of West Virginia would even think of doing such a thing. WV wants to practice "No child left behind" well, I know that my child will be left behind. If this law passes, I am considering taking my child out of the state or home schooling him. And get ready for lawsuits to head your way for safety issues. You will need a good lawyer to get you out of hot water. I have lived in WV all my life and wanted to raise my children here. I will be forced to move elsewhere so that my children get a decent education. My autistic son will not be left behind. It is apparent that WV does not care about children and adults with disabilities. It seems like a	NR	

		discrimination issue as well as a safety issue. Get your priorities right. Obviously, you do not have a child or grandchild that suffers from autism or you would not be considering such a ridiculous change.		
12-28	STEVEN ROBERTS Speech Language Pathologist styx972@yahoo.com WVSHA ROUTE 1 BOX 226 C BLUEFIELD WV 24701	The second area of major concern deals with caseloads. Unlike all surrounding states, WV pays SLPS the SAME as classroom teachers. The excuse has always been that we have lower caseloads (50) than most states. The proposed changes allow for "waivers" to maximum caseloads. Basically there will be NO maximum caseload guidelines any more. Almost every county has a shortage of SLPs. According to the proposed "waiver" system, the county can just apply for a waiver and the SLPs caseloads will be increased / unlimited. The WV school system has speech pathologists listed a as a "critical shortage area". Counties pay out tons of money to contract with private agencies to cover speech therapy. Nationally the number of speech-language referrals is increasing. Through the waiver system, the state will try to force the SLPs you have managed to retain to serve even MORE students. The result will be MORE therapists LEAVING the school system as my wife did after 12	NR	

		years of service. Classroom teachers receive extra pay when their enrollment exceeds a certain number. They receive extra pay for EVERY day they are over class size. Will SLPs receive extra pay as well. After all, we are considered "teachers" on the pay scale. Certified Speech pathologists generate millions of dollars for the school system through medicaid reimbursement. This year I will personally generate @ 45,000.00 for the county through medicaid billing at 2 schools. Whenever a certified SLP is not available, the county can now hire speech assistants. However, services provided by speech assistants cannot be billed to medicaid. As more certified SLPs leave the system, the state will lose tons of money in lost medicaid billing. My 2 concerns seem at odds with each other. They are not. I feel SLPS should continue to serve ALL the students who need our services (even the gifted). I also feel our caseloads should not increase due to a loophole called a waiver system. If more SLPS are needed, it is the state's responsibility to attract / retain them. The burden of shortages should not be passed on to us. SLPs have no problem finding		

		other jobs.		
12-29	Sandra G Beale sjbeale38@Yahoo.com 127 Brier lane Ronceverte wv 24970	The Maximum Number of Students per Instructional Period Based on Level of Service is too large. When you have a class of mixed disabilities, it is very difficult to determine the case load per instructional period. This needs to be addressed	NR	
12-30	Karen Fragale Principal pfragale@access.k12.wv.us Putnam County Schools Lakeside Elementary 2550 US Rt. 60 Hurricane WV 25526	1. I am concerned about the maximum case management assignments for "teachers of all other exceptionalities". Caseloads should not exceed 20. 3. In the section concerning an intergrated classroom during any regular education class period the total enrollment should not include more than 25% students with disabilities. I also feel that if this percentage is higher then the class size limits must be reduced. Students with disabilities require more teacher attention during the teaching process and more time during planning process to make	NA NA	This provision allows equitable distribution of IEP management duties among all special educators in a building. Financial impact of this recommendation makes it impractical.

		modifications/adaptations to enable those students to access the curriculum.		
		3. Co-teaching requires co-planning time to be effective. Also, both regular education and special educators need staff development in how to be effective in co-teaching situations.	NR	
		4. The level I and II special education classrooms for students with disabilities needs to be clarified or eliminated. Caseloads should not be based on "instructional period" per student's level of needs.	NA	Staffing ratios are determined based on student need
		5. Concerning Pre-K education: Research shows that quality pre-K education is invaluable to students. All pre-K classes should be required to have a minimum of two adults - a teacher and an additional staff person. These are very young children that need extra supervision and extensive help with personal needs. Developmentally these students vary greatly. I believe that it is essential for the safety of these children and to maximize the learning potential that two adults be assigned to the classroom. Special education pre-K with typical peers should have a	A	Accept with amended language

		staffing requirement of 1 teacher and 2 additional staff persons.		
12-31	Joseph O Smith joeosmith@yahoo.com 1305 Liberty Street Parkesrburg WV 26101	Maximum Limits for Case Management Assignments Teachers of students with Developmental Delays ages 3-5 20 Teachers of the Gifted 45 Speech Therapists 50 Teachers of all other Exceptionalities 30/See Class Size Requirement for Instructional Period These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only. THESE CASE LOAD SIZES ARE LUDICROUS!! FIRST OF ALL, THE DAILY ATTENTION NEEDED FOR PROGRESS TOWARDS ANY OF THE IEP GOALS, WILL BE LIMITED WHEN SERVE PROFOUND CHILDREN HAVE INCREASED NUMBERS IN EDUCATIONAL SETTINGS. THE	NR	

		TEACHERS AND AIDS WILL NOT BE ABLE TO DELIVER THE SERVICES WRITTEN IN THE IEPS. SECONDLY, TO EXPECT PROFESSIONALS AND ADMINISTRATORS TO MONITOR/WRITE THE IEPS FOR THESE MANY STUDENTS NEEDING SERVICES WILL REQUIRE LARGE AMOUNTS OF TIME. WHO IS GOING TO PROVIDE SERVICES DURING THE DAY TO STUDENTS? WHO IS GOING TO WRITE THE IEPs ON SCHOOL CONTRACT TIME? YOU CANNOT HAVE YOUR CAKE AND EAT IT TOO. TEACHERS WOULD NEED LARGE AMOUNTS OF TIME TO WRITE THE IEPs OUT, AND THAT TIME WILL BE OUTSIDE THE DAILY 200 DAY CONTRACT TIME. WHO WILL PAY FOR THIS PROFESSIONAL SERVICE? CURRENT NCLB SCORES ARE GETTING LITTLE IF ANY AYP GAINS AND CAUSING SCHOOLS TO FAIL IN THE SUBGROUP OF SPECIAL ED STUDENTS. WHEN WILL THE STATE AND/OR FEDERAL GOVERNMENT CREATE REALISTIC GOALS FOR TESTING OF SPECIAL ED STUDENTS? THESE INCREASED CASE LOADS WILL ONLY WEAKEN/LOWER TEST		

		SCORES, THUS COMPOUNDING FAILING PERFORMANCE LEVELS.		
1-01	Edward Underwood teacher edunderwood@verizon.net PO Box 142 middlebourne wv 26149	I am concerned about the change in classroom ratios as it relates to Autism. As a teacher who works with Autistic students, I feel a 10 to 1 ratio will greatly reduced the attention that each child needs. The children I deal with range from low functioning to high functioning, yet they all need assitance at some point. Autism is not something that can be classified under one category, as it is not predictable. An increase in caseloads will make it even harder to find teachers to fill these roles. As much as I love my job, an increase to a 10:1 ratio would make it very difficult to do my job and then the students who need the help will suffer the most. I feel the current 4:1 ratio is very appropriate.	NA	The caseloads are maximum. Nothing precludes a district from employing staff to meet the needs of the student.
1-01	Racine Stefancic 5rs@suddenlink.net 412 Old Oakvale Road Princeton WV 24740	I am concerned with the Level II Service Needs. I feel this category is much too broad. My son fits into this category. He uses a wheelchair 100% of the time, is cognitively delayed, is legally blind, and requires constant adult supervision to meet all of his needs. According to this classification, he is in the same category with students that can attend to their own personal needs, walk, and require a much different curriculum than what he does. This also brings into account the staffing ratio for a Level II classification. The	A	Accept with amended language

		minimum of 1:5 would be very appropriate for a classroom with students that meet "some" of the requirements for this classification, but not appropriate for a classroom with students that meet many or all of these requirements (such as my son's classroom.) I understand that a waiver may be requested, but waivers take time. I feel that there needs to be a Level III category for the students with the most severe needs, and the minimum ratio be much smaller.	A	Accept with amended language
1-01	Cheryl Hockman Pre K Teacher chockman@citlink.net Capon Bridge Elementary PO Box 127 Capon Bridge WV 26711	I have concerns and comments about administration of services for our Pre K classrooms. I feel the caseload of 20 with "no more than 10 with disabilities" is too high with a teacher and an aide. 50% ratio of Special Ed to Regular Ed is not in natural proportions. It also does not take into count level 1 and level 2 students ratio. I feel that when level 2 students are included that should qualify for additional staffing or a lower caseload. The concern of liability, along with compliance of 2520, makes it difficult for all concern. In order for all students to make adequate progress it is important to lower the caseload to 12 with no more than 15, with no more than a 30% ratio of Special Ed kids. Regular Ed 3 - 5 year olds are young children too with their own	A	Accept with amended language

		needs. Just because they do not have deficits doesn't mean that their needs aren't as great. I would like to see a balance of Special Ed Pre K and Regular Ed Pre K with reverse ratios. Special Ed Pre K having 70% special Ed students with 30% regular Ed and Regular Ed Pre K with 70% regular Ed and 30% special Ed. I currently serve 30 students, 19 regular Ed and 11 Special Ed students at 2 days a week. Out of the 11 special Ed students that I serve, 2 have autism, 3 have fairly severe behaviors and 1 has CP with seizure disorder. We have 15 students a day with our classroom aide and myself. I speak from experience when I tell you how difficult it is to meet the needs of these kids.		
1-02	Carrol Dye Paraprofessional cdye@access.k12.wv.us Calhoun County Board Of Education Hc 68 Box 2 Grantsville WV 26137	To the committee for Policy 2419, I am very concerned about the proposal for the case load of Special Ed Pre-K classes. I am a paraprofessional and currently work in a Special Ed Pre-K classroom. I feel that the present limit of eight Special Ed Pre-K plus Universal Pre-K to make a total of twenty students per session is too many. We have two classes of students and at present time we are at our limit for Special Ed students in one of the classes plus Universal Pre-K students totaling thirteen. Our other class has three Special Ed students plus a couple more that probably would qualify along with Universal Pre- K	A	Accept with amended language

		students totaling nineteen students. In both classes we have students ranging from three through five. Because of this diversity of ages we have students that doesn't necessary qualify as Special Needs but do have behavioral problems. We have students that we are potty training, ones that still have accidents in their pants occasionally and ones that just need extra help and care. If a child is in another program (ex: Birth to three) we are obligated to take them no matter whether it's the beginning, middle or even the end of the school year. That again puts us back because we are trying to get that student adjusted to us, the students, being away from care giver, and the routine of the classroom. On top of all this we keep getting more and more paper work to do. Three times a year we now have to do written observations on all of our preschool students with a hundred plus areas that we have to observe. We then have to enter the observations in the computer and send them to the Creative Curriculum website. Have you ever tried to write observations on the playground or in the classroom while keeping your eyes on twenty preschool students? We also need at least one if not two more people in the Special Ed/ Universal Pre- K classrooms. The extra help will give us more time to work with the students and hopefully complete all the		

		paper work that keeps being added on us. Instead of raising the caseloads you need to be lowering them. I think we should not have more then six Special Ed Pre-K and no more then a total of fifteen with Universal Pre- K students per session. We welcome any committee member that would like to come in our classroom to observe what our day in preschool consist of.		
1-02	Robyn Fitzsimmons Assistant Superintendent rlfitzsi@access.k12.wv.us Wetzel County Schools 333 Foundry Street New Martinsville WV 26155	I would recommend that the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability.	A	Services are based on annual IEP goals based on skill deficiencies and are not necessarily subject specific;best practice recommendation.
		The proposed caseloads may require additional staff & funds. We can no longer find highly qualified teachers for our special education classrooms nor do we have funds to support additional positions.	NR	School districts are required to provide a free appropriate public education which

		How would caseloads be calculated based on the level one and level two needs for child count?	NR	includes instruction by highly qualified teachers.
1-02	Joyce Tedder Instructional Supervisor jtedder@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Under integrated classrooms, should it not be left up to the IEP team to determine how often the special educator is needed in the classroom to support the student instead of stating that the special educator must be in the class five days a week if the class is scheduled for five days a week? These ratios need to be looked at very closely. Some are too low for some cases and too high for others.	A	Accept with amended language
1-02	Sasndra Taylor Sp. Ed. Teacher sandytaylor0613@hotmail.com Rt. 1 Box 227 Moatsville WV 26405	As a teacher of mildly mentally impaired and LD students in a small rural school in WV, I am concerned over the large number of students that we may have on our caseload. I am the only sp. ed teacher in our school with an approximent enrollment of 190 students in grades Pre-K through eighth grade. At the present time I am serving students in grades K, 2, 3, 4, 6, 7, and 8. Due to the "low" number on my caseload, I am also serving our county high school for 1 block every morning, doing	NR	

		collaboration in Math. I do enjoy working with all these students and the corresponding teachers, however, I feel that my elementary and middle school students are not being served as much as they should due to this situation. I am fortunate in that I have lunch/recess duty with all the Pre-K through eighth grade studnets so that I can check in with them and keep tabs on things with them. I am afraid with an increased caseload allotment I will lose this time with them. Please take into consideration the small schools that we have here in WV that have similar situations - there are not many of us - but we do make a difference. (My school has received recognition as an Exemplary School for the past two years.) Maybe there could be some exemptions for schools with a wide range of grades/ages that have small numbers of exceptional students, because these students deserve services similar to schools with a larger enrollment. Thank you for "listening" to my frustrations.		
1-02	James Pretre Pretres@aol.com 42 Trotters Trail Shenandoah Junction WV 25442	It is my understanding that there is a proposed change to the teacher to student ratio. To increase this number would be detrimental to the progress that these children are making. My son will not be given the appropriate education he has a right to when the teacher's time is lessened as he/she tries to attend to more students.	NR	

		It seems to me that the ever-increasing number of special needs children is putting a strain on our system. However changing the staffing requirements does not address the problem. It only exasperates the situation. There are a number of ways to address the issue of increased number of special needs including inclusion. Teaming with other organization such as the WVDDC would help. When my son fails to make progress because of staffing changes, I will not hesitate to take legal action. Given the fact the State of West Virginia is already failing to meet the No Child Left Behind Act for highly qualified personnel requirements, it won't be hard to prevail		
1-02	Karen Hall Special Education Director kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave. Princeton WV 24740	Section I Initiation of Services- second paragraph defines short delay as "summer or vacation period, or when arrangement for services, such as transportaion, must be made." However, it then says a short delay should not exceed 15 calendar days. This is not possible for summer time. Changing the statement to say that "during the school year a short delay should not exceed 15 calendar days" would take care of the problem. Integrated classrooms- second paragraph- Why require that the teacher be scheduled 5 days a week. The schedule should be	A A	Accept with amended language Accept with amended language

		consistent, but; the IEP team should decide how the schedule should be set. We have very effective classroom integration where the teacher goes in every other day or for specific purposes, but not daily. The determination for Level I and Level II services will require much training, I am concerned that we will not implement appropriately.		
		Level I staffing ratios for Middle Childhood and Adolescent are good, however, 6 students is very low for Early Childhood, this should remain 8.	NA	Research on early intervention supports lower teacher:student ratio
		Level II staffing ratios are too high for moderate students and too low for autism or severe/profound. Moderate students at an middle childhood level and certainly at the Adolescent levels not only can handle a higher ratio, it is beneficial for them. It would very hard to promote independence and transition to job placements. A ratio of 1:5 provides too little opportunity for these students to be independent. However, a ratio of 1:5 for autism or severe/profound would be inappropriate. Providing a safe environment with instruction would not be possible for our severe autistic or severe/profound students with 10 students and 2 adults.	A	Accept with amended language

1-02	Linda Monday Teacher lmonday@kcs.kana.k12.wv.us 405 Winfield Rd St. Albans WV 25177	I feel that it is already difficult to do all that is required with as many children as we have now with only 2 adults in the room 8 special needs children plus our Head Start children and our WV Pre-K children. When you are dealing with toileting, feeding, major behaviors problems and low developmental age levels that these children have. Using the curriculum(Creative Curriculum)that we have which requires many hours of documentation and computer input is overwhelming. I already come in over 1 hour early everyday and stay late many days and can't keep up with all the paperwork. I feel if the law changes we are going to lose many experienced teachers from our field. The children's needs will not be met at this ratio 2:20. We are not only responsible for the special needs children but also for the other children who also require 1 on 1 attention at times.	A	Accept with amended language
1-03	Deborah Parsons Teacher dlparsons@kcs.kana.k12.wv.us	On pages 77-80 the staffing ration proposed is one teacher and one aide per session with no more than 10 students who	A	Accept with amended language

	Kanawha County Schools 516 1/2 Main St. W. Ripley WV 25271	requires the services available through and IEP. Additional staffing is considered on the 11th student. Students with severe physical or emotional considerations often require more individualized care. This can minimize the attention given to other class members due to the safety and health requirements of some individual students. In my opionion, the staffing has to be done as per the individualized student needs rather than by numbers only.		
1-03	Kristyn Clemons Teacher of Autism and1ash2@yahoo.com Kanawha County Schools 118 Sun Valley Estates Scott Depot WV 25560	As a teacher of children with disabilities for 9 years, I feel that the student teacher ratio for a self contained level II class is unrealistic. I have worked in 3 states before coming to West Virginia. In the states that I have previous worked (Florida, Tennessee and Georgia) in there was always 1 teacher and 2 aides to support children. The class size has ranged anywhere from 4 students to 12 students. I think by allowing 10 students in a class with only one support aide is going to be difficult if you have a child with Autism, seizure disorder, diapers, feeding difficulties, etc. Behavior management is going to be difficult to maintain with the lack of adult support. The general education kindergarten classes are run with 2 adults and 18 kids and they have difficulties sometimes and they dont have to deal with the medical issues that may be with students in a self contained class. I	A	A

		think the ratio for of adults to students should be based on need and NOT numbers.		
1-03	Anita Priestley teacher aide apriestley@kcs.kana.k12..wv.us Kan, Co. Schools 8324 Siss, Dr. Sissonville WV 25320	Support should be based on needs of children and not numbers. Needs vary and should be based on individual needs.	A	The requirement does not preclude the use of additional staff to support student's needs.
1-03	Deborah Spence service personnel classroom aide dspence@kcs.kana.k12.wv.us Anne Bailey Elem. 405 Winfield Road St. Albans WV 25177	I feel that the ratio is already at a high level of children per adult. When you have children with extreme medical or behavior problems they can disrupt your classroom. You may have to spend a large amount of time with 1 student which leaves 1 person with the rest of the class which could be by your new standards at least 17 children. We have many children that require 1 on 1 help for everything they do (washing hands, toileting, eating, etc.) it is very difficult to do everything that is expected of us with only 2 adults and that many children. It is also difficult when we get the 3 year old birth to three children at any point of the school year who also require 1 on 1 attention until they are able to follow the routine and do some self help skills. We are required to eat in our rooms therefore	NR	

		someone has to go and get the food and take the dirty things back to the kitchen 4 times a day. This again leaves one person alone with all the children which can be at very difficult times of the day. We don't get lunch breaks or any other kind of breaks during the school day without leaving one person alone with all these children and problems that occur. We have difficulty serving meals and eating ourselves with this many children. The rooms are also very crowded with this many children and the materials that are needed. With Creative Curriculum it is required that we document on 50 goals for all children plus document on the IEP goals for the special needs children with no time to do this! All this documentation has to be put on cc.net which requires hours of time.		
1-03	Mary S. Glass Teacher of Gifted and Exceptional Gifted mglass@access.k12.wv.us 133 Fayette Street Buckhannon WV 26201	The caseload for teachers of gifted and exceptional gifted students should be reduced to 30, the maximum allowable number of students for other exceptionalities. Gifted teachers have received training from the state department on writing IEPs that include interventions in the regular classroom for gifted students and collaboration between the classroom teacher and gifted teacher. Realizing the time entailed for collaboration, particularly in rural counties where only one or two teachers are serving gifted students in a number of schools, it is not realistic for	NA	Language in proposed policy addresses the impact of additional responsibilities and travel time.

		teachers of gifted students to have a caseload of 45. These gifted students also are in need of direct services, and many are also very much at risk (as recognized in the identification of Exceptional Gifted Students). Modifying curriculum, developing independent studies, assessing, direct teaching, consulting, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads. Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, exceptional gifted): *a markedly modified curriculum with a focus on radical acceleration; *close adult instruction, assistance and/or supervision with the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming underachievement; *transition activities that focus on dual	NA	Financial impact of this recommendation makes it impractical.

		enrollment, college or AP level classes prior to high school age.		
1-03	Tena R. Martin tmartin@aess.k12.wv.us	CommentsQuestions I am writing in response to proposed changes to Poliy 2419. As a teacher of students on the autism spectrum I am quite disturbed at the injustice that would be suffered on these children should this policy gain approval. Individuals with AU experience a vast range of disabilities that are so overwhelming to the individual that often the 4/1 student ratio (with the inclusion of an aide) is at best under serving to their needs. Anyone who votes for this will leave these children FURTHER behind than they are already. Thrift in government while important will never and should never be more valued than our individual students!!!! VOTE NO on increasing the NUMBERS in Policy 2419 for the sake of the kids. Thankyou WVEA Member: Yes	NR	
1-04	Andrea Sisk Ms. asisk@access.k12.wv.us 408 Lincoln Street Mt. Hope WV 25880	pg. 80 126-16-6 Section 6.1.5 Maximum number of students in Early Childhood needs to be reduced to 6 and change Special education pre-K with tpical peers change staff requirements to 1 teacher and 2 aides.	A A	Accept with amended language
1-04	Ruby C. Jollay Ms. rjollay@access.k12.wv.us 408 Lincoln Street	pg. 80 Maximum number of students in Early Childhood should be reduced to 6 and Specila Education Pre-K with typical peers change staff requirements to 1	A A	Accept with

	Mt. Hope WV 25880	teacher and 2 additional staff members		amended language
1-04	STEVEN ROBERTS Speech Language Pathologist styx972@yahoo.com WVSHA Route 1 Box 226 C Bluefield WV 24701	The waiver system to deal with shortages of ASHA certified speech language pathologists is wrong and will make the shortage worse. If the CEO of a large corporation had positions they were required to fill, yet for years had been unable to fill them with nationally certified professionals, what would they do? They would make the posistion MORE desirable through salary/benefits/incentives. The WVDE is proposing the EXACT OPPOSITE. Caseloads will increase as a result of waivers. As we know, most counties have had shortages of SLPs for years. Now therapists will be required to serve, evaluate and be responsible for MORE students than ever. All that with NO accompanying INCREASE in salary (this is clearly a PAY CUT). The waiver policy makes the position FAR LESS desirable to newly certified therapists as well as to the limited number you have managed to retain until now. How is that supposed to solve a growing problem?	NR	

		National research verifies that the number of students who require speech language therapy is INCREASING nationwide. Yet the WVDE tries every way you can to fill the curreent shortage of certified SLPs by effectively offering a PAY CUT. (working with more students for the same pay = pay cut) My wife is an ASHA certified SLP. She worked in the school system for 12 years. She resigned from the school system for several reasons such as ever increasing paperwork, increasing job responsibilities (ex. ADDING the phonemic awareness program students to the list of responsibilities IN ADDITION to her full speech caseload) and total disrespect for her national certification. She started her own speech therapy business and has done well. I personally know of at least two other therapists who left the school system because of the phonemic awareness duties and tons medicaid billing. The proposed waiver system for speech therapy caseloads will ADD to the current shortage of certified speech language pathologists who choose to work in the school system.		

		The WVDEe refuses to do what other states have done in order to attract and retain therapists. The proposed solution is to shift the burden onto the limited number of certified therapists you still have. If the state has not been able to attract / retain enough speech therapists already, what do you think will happen now? The more waivers you issue, the more therapists you convince to leave. The shortage grows.....		
1-04	Leah J. Musgrave Speech/Language Pathologist leahjm_97@msn.com Rt. 2, Box 172-A Delbarton WV 25670-9760	"Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only." (pg 77) DO NOT ALLOW WAIVERS FOR SPEECH THERAPISTS CASELOADS....This could really do great damage to the progres made in the communication disorders areas. SLP's already have to do so many "extra" things (screen, evaluate, phonemic awareness, etc.) in addition to meeting the needs of their varied caseloads. Do not allow this to become a "loophole" for not having/hiring enough highly qualified personnel. Change the word "block" to "period" in the sentence "....when instructional responsibilities are shared..." (pg 78)	NA A	Waiver criteria and submission will be developed with stakeholder input;caseloads for SLPs are lower than the national average

				Accept with amended language
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Integrated classrooms We are concerned that the 30% criteria would be difficult to adhere to if all students with IEPs other then speech are calculated. We would recommend the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability. I.e. A student eligible for specialized instruction in the area of reading in an integrated math class would not count towards the 30%. Staffing We are concerned the proposed caseloads would require LEA's to hire additional staff to truly provide a full continuum of services. How will caseloads be calculated based on the level one and level two needs for child	A NR NR	Accept with amended language

		count?		
1-05	Dodie Rhodes Preschool Special Ed. Teacher djrhodes@access.k12.wv.us jackson Co. Bd.of Ed. 404 second ave. Ripley wv 25271	caseload concerns, 1. do you realize that preschool special education encompasses children with disabilities starting at the profoundly mentally impaired spectrum (which requires a safe environment with one on one assistance atleast 75% of the day)and can go through the whole list of disibilities (even ones you have never heard of) up to the very mildly impaired? I currently have 8 special needs children in my room with 4 peer models. Meeting all their needs is a difficult task and one i take very seriously. I have a masters degree plus 45 hour in this field. Increasing my caseload will only result in turning my program into a glorified daycare and as a professional I expect more of myself (i also thought NO CHILD LEFT BEHIND expected more also). I'm afraid it is time to look for other employment. I realize your answer to this concern is that the IEP committee and the severity of the children will determine caseload and staff but we all know that the county board will not lose money by lowering the number of children allowed on a caseload. Which puts us to 20 children in a room with several children with various disabilities in an unsafe situation on a day to day basis. Running,jumping,and everyday childs play will become a hazard to my severe children. This will also take away from	NR	

		instructional time and observational time needed to implement appropriate developmental activities that have an impact on learning, which I thought was the most important component in my program.		
1-05	Brenda Kisner bkisner@access.k12.wv.us Wood COunty BOE 818 28th St. Vienna WV 26105	THe new guidelines for caseloads are quite disturbing. Having children with toileting issues, violent behaviors, and sensory issues, it would be detremental to their learning as well as unsafe to have 5 students per one adult. Level 2 children are evel 2's for a reason and that is that they require extensive support in the SEE. I do not think that anyone that does not have a child with autism or has never worked with these children could possibly understand their needs. THeir needs are quite different than an MI student. I think this state will lose man fine families and teachers if this policy passes as writen.	NR	
1-05	Blanche Cantley Autism Aide nowan8fan@yahoo.com School 556 White Oak Artie Wv 25008	I strongly think we need to keep disabilities divided. No more than one to four in any Special Ed room. Keep ratio's low.	NA	The caseloads are maximum. Nothing precludes a district from employing staff to meet the needs of the student.
1-05	Debbie Meadows	I think there should be no more four	NA	The caseloads

	Teacher School 2451 Ritter Dr. Shady Spring Wv 25918	students in any Special Ed room. Disabilities should be kept divided in order to have highly qualified teachers. Keep ratio's low so students can be included in regular ed class rooms.		are maximum. Nothing precludes a district from employing staff to meet the needs of the student.
1-05	Mary Messer Grandparent Rt. 1 Box 74b Scarbro wv 25917	Students should be divided by disabilities to keep all teachers highly qualified to each disability. One to four students should be the numbers not 5 to 20. Ratios should be kept low so that students can be included in the regular ed classrooms.	NA	The caseloads are maximum. Nothing precludes a district from employing staff to meet the needs of the student.
1-05	Kenny Messer concerned citizen Rt. 1 Box 74b Scarbro wv 25917	Disabilities must stay divided and there should not be any more than four students in a Special Ed. room. We keep hearing about Highly Qualified Teachers if the disabilities do not stay divided how will this happen. We hear about inclusion but if ratios do not stay low this will not happen either. You must do what is best for the students and having 5 to 20 students in a Special Ed. is not the answer.	NA	The caseloads are maximum. Nothing precludes a district from employing staff to meet the needs of the student.
1-05	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu	Why are assistive devices and services not listed under provision of services in the Level 1 need area (see pages 78-79)?	A	Accept with amended language

	WV Assistive Technology System 959 Hartman Run Rd. Morgantown WV 26505	Would not the majority of students with exceptionalities fall under Level 1, for instance, students with learning disabilities? Why isn't transition of assistive technology through school and out of school addressed? p. 70-91 & 105 &50	NR	
1-05	Bonita Hadox SLP bhadox@access.k12.wv.us Marion County Schools 200 Gaston Ave. Fairmont WV 26554	I am concerned about issuing waivers for those SLPs who are over caseload. Although I do believe SLPs should be compenstated, I worry that this will be taken advantage of in those counties that have an SLP shortage. Will there be a limit as to how many students "over" one can be? It disturbs me now when I hear some SLPs in WV are carrying caseloads of 60-70. How do counties get away with that when state regs say 50?	NR	
1-05	Wanda Allman Paraprofessional Autism Mentor almanws@yahoo.com Vienna Elementary Autism Program 701 41 ST Vienna WV 26105	Policy 2419 will not be a good thing for the autism program. 10 autism students in a classroom is too many. Leaving the decision up to the county would not work either, they too would be looking at the bottom dollar not the quality of the education they would be receiving. Please do not let this pass.Thanks	NR	
1-05	Tonya Unger Learning Disabilities Teacher tpoling@access.k12.wv.us 89 Paragon Drive Bunker Hill WV 25413	In the current Policy 2419, there are provisions for classroom aides, when students are classified as self contained in the MI,BD and LD Programs. In the proposed policy changes, I noticed there are no provisions for classroom aides,	NR	

		except for students who are considered to have Level 2 needs and meet the majority of the criteria on the list. I'm inquiring to see if how I'm interpreting this correct. If I'm correct in my interpretation, I'm not opposed to the proposed change. If not, how will the aide positions be factored into the state formula for funding?		
1-05	Greg Farrell Music Teacher gfarrell01@charter.net Crab Orchard Elementary 254 Bolton Drive Beckley WV 25801	Keep Special Ed. seperated the way the are now. The class sizes cannot get any bigger. Five in a class, especially Autistic, is the max. they can handle.	NA	The caseloads are maximum. Nothing precludes a district from employing staff to meet the needs of the student.
1-05	Kevin A. Huffman 116 Sun Valley Estates Scott Depot, WV 25560	In Chapter 6, Administration of Services-under WV Pre-k classrooms: The third sentence down in the paragraph is incorrect. The sentence should read - Pre K special education classrooms require one aide regardless of the number of students being served. The word special education needs to be inserted. Thank you very much. Sincerely,	A	Accept with amended language

		Kevin A. Huffman 116 Sun Valley Estates Scott Depot, WV 25560		
1-05	Karen Hall Director Special Education kghall@access.k12.wv.us Mercer County Schools 1403 Honaker Ave Princeton WV 24740	If the caseloads remain as projected there would be a significant increase in the number of special education teachers. I would project an increase of at least 10 teachers which would result in a projected cost of $400,000. The determination of Level I and Level II is difficult to apply, and therefore a projection for caseloads is only an estimate.	NR	
1-05	BJ Gilbert LD teacher 324 Warrior Trail Summrsville WV 26651	Add the work "shall" be required to provide assistance to students in response to specific needs.	NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team.
		Under maximun case management assignments change 30 to 20 for teachers of all other exceptionalities.	NA	Financial impact of this recommendation makes it

				impractical.
		Integrated classrooms - Limit number of sp. ed. students in the regular classrooom to manageable services; Stop pushing across the board inclusion because students are not receiving adequate intervention to meet their needs and prepare them for success in the regular classroom. What happened to "individualized educational planning"? It is more difficult to meet students' individual needs in a large group.	NR	
		In a co-teacher model staffing considerations shall include a minimum of weekly co-planning. Adequate collaborative planning time should be required.	NA	Staff schedules are a district/ school administrator responsibility
		Maximum number of students per period - early childhood changed to 6	A	This is in proposed policy
1-05	Julie R. Bolen Reg. Ed. Teacher / Former Sp. Ed. Teacher jrbolen@access.k12.wv.us Crab Orchard Elementary School 113 Crestwood Drive Beckley WV 25801	I disagree with coupling all disability level students (Autistic,MMI, LD,and BD)into one classroom of 20-25 students. Doing so would be an injustice to these students. I taught special education in a self-contained setting for ten years and had less than 8		

		students. I taught MMI and LD students. They have been successful and can read. Each exceptionality has its own criteria. My hope is that autistic children continue to be separate from the other exceptionalities so those students recieve the best individualized instruction possible.	NR	IDEA requires placements in the LRE and a continuum of placements
		I believe most exceptionalities need to have separate classrooms, especially Autistic and MMI students. LD and BD students could be phased in the classrooms for inclusion and be pulled out at different parts of the day.	NA	
		If this law passes, it will be a greater injustice to ALL those students. Honestly, I know its not possible for a special education teacher to meet the needs of that many students with that many diverities in one classroom. I teach regular education now and address the needs of 27 regular education students. I can't imagine how such a horrible change would effect the future of those exceptional students. I believe it's an impossible agenda and those teachers might have no other choice but to look for other jobs. Then you are losing excellent teachers and that is not the answer. At what point are we going to value human beings and conditions they have no control over? I never had an exceptional student say they were glad they		

		were Autistic, LD, MMI or BD. Again, I can't say enough that students with special needs need to be grouped in small classes. Autism has always been small group instruction with only 3-5. Austistic students can be very unpredictable and many have varius health issues that must be addressed in a very small setting of autistic students. I hope the right decision is made and its in the best interest of the students as well as the teacher.		
1-05	WVEA Member YES Michael Boyles	I am writing in response to the proposed changes to Plocy 2419. As a teacher aide of students on the autism spectrum I am quite disturbed at the injustice that would be suffered on those children should this policy gain approval. Individuals with AU experience a vast range of disabilities that are so overwhelming to the individuals that often the 4/1 ratio (with inclusion of an aide) is at best under serving to their needs. Anyone who votes for this will leave these children further behind than they already are! Thrift in government while important while never and should never be more	NR	

		valued than our individual students!!! VOTE NO ON increasing the NUMBERS in Policy 2419 for the sake of the kids. Thank you		
1-05	Tena Martin tmartin@access.k12.wv.us	I am writing in response to the proposed changes to Plocy 2419. As a teacher aide of students on the autism spectrum I am quite disturbed at the injustice that would be suffered on those children should this policy gain approval. Individuals with AU experience a vast range of disabilities that are so overwhelming to the individuals that often the 4/1 ratio (with inclusion of an aide) is at best under serving to their needs. Anyone who votes for this will leave these children further behind than they already are! Thrift in government while important while never and should never be more valued than our individual students!!! VOTE NO ON increasing the NUMBERS in Policy 2419 for the sake of the kids. Thank you Services are based on annual IEP goals based on skill deficiencies and are not necessarily subject specific.	NR	
1-05	RESA 6	**Chapter 6: Administration of Services** **Integrated classrooms** We are concerned that the 30% criteria would be difficult to adhere to if all students with IEPs other then speech are	A	Accept with amended language

		calculated. We would recommend the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability. I.e. A student eligible for specialized instruction in the area of reading in an integrated math class would not count towards the 30%.		
		Staffing We are concerned the proposed caseloads would require LEA's to hire additional staff to truly provide a full continuum of services.	NR	Districts are required to provide a free appropriate public education including instruction by highly qualified teacher.
		How will caseloads be calculated based on the level one and level two needs for child count?	NR	
1-07	Name: Dawna J Parker Organization: Email: dawna_p@hotmail.com Title: Address1: 55 Beech Lane Address2: City/State/Zip: Madison, wv 25305 Role: Teacher	Throughout the document refer to "General Education" rather than "Regular Education".	A	Accept with amended language
		Beginning here and continuing throughout the document make certain "public agency" and "district" are used consistently and appropriately.	A	Accept with amended language
		On p. 78 add ...based on the students'level of need without regard to area of disability.	A	Accept with amended language

		On page 79 eliminate "Special Education" as it refers to instructional periods.	A	Accept with amended language
		On page 80 cross out "special education" in the chart	A	Accept with amended language
1-07	Name: L. Gage Organization: parent of gifted student Email: laurel@citynet.net Title: Address1: Address2: City/State/Zip: Capon Bridge, WV 26711 Role: Parent-Family	Maximum Limits for Case Management Assignments (p. 77): a caseload of 20 for teachers of students with Developmental Delays ages 3-5 is too high considering how much help younger students need with everything they do. I recommend a maximum caseload of 15.	NA	Caseloads provide a maximum; IEPs must be implemented.
		I recommend that teachers of gifted have the same maximum caseload as Teachers of all other Exceptionalities (30) since they have all the same duties and additionally are most often itinerant. It is time to bury the old misinformation that gifted students are "the cream of the crop" which is what the current caseload of 45 is based on. Gifted students are as complex, and often more so, than students with most disabilities. Modifying curriculum, developing independent studies, assessing, direct teaching, consulting, monitoring, accelerating, enriching, working to reverse	NA	Gifted services are funded through state aid dollars;at this time, there is no financial support to lessen caseloads

		underachievement, plus all the same forms, meetings, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads.		
		The waivers to maximum caseload limits need to have two limitations added: number and duration. If a waiver is approved the teacher deserves to know how many students can be added and for how long, before another teacher is hired.	NA	Criteria for submission and approval of waivers will be developed with stakeholder input
		Under Class Size Requirements for Instructional Period (p. 77): The following statement contradicts itself, "All WV Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session." There is no public school or community with natural proportions of 50% of the population disabled. By stating "no more than 10 with disabilities" and a caseload of 20, natural proportions are totally disregarded. My recommendation is to retain the first half of the statement ending	A	Accept with Amended language

		with "community". Strike "but with no more than ten..."		
		Integrated classrooms (p. 78): This is a much-needed addition to 2419 but the 30% needs to apply to Level 1 students only. If there are any Level 2 students integrated the percentage needs to drop.	NA	Teacher assignments for different percentages of SWDs in a classroom is within amended language
		Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, exceptional gifted): *a markedly modified curriculum with a focus on radical acceleration; *close adult instruction, assistance and/or supervision with the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming	NA	A change of this nature would have singificant impact on facilities personnel and /or transportation .Implementation of these changes would rquire legislative authorization.

		underachievement; *transition activities that focus on dual enrollment, college or AP level classes prior to high school age. The statement "Students with Level II needs require a majority of the following to function within a school setting" will have administrators insisting that a student demonstrate 5 out of 9. I recommend that the wording be changed to: "Students with Level II needs require many of the following…" There is a typing mistake in the per Instructional Period Based on Level of Service chart on p. 80. Since Level I students have fewer service needs the per period maximum should be higher than that of Level II students who have more service needs. So under EC Early Childhood Grades K-4: Level 1 needs should be 10 and Level II needs should be 6 (rather than vice versa as printed).	A NA	Accept with amended language Research on early intervention supports lower teacher:student ratio
1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street	Chapter 6: Page 77: Preschool caseloads should be changed to 16.	NA	Caseloads provide a maximum; IEPs must be implemented

	Kanawha County Board of Education Charleston WV 25302	Page 80: Level II allows for a mixture of students such as Severe MI, BD, and Autism in the same room with a maximum number of 10. This cannot be done. What certification would the teacher for the above example hold? Need to define so more restrictive as to disability. Page 80: Preschool numbers would be better for 8 per session and 16 maximum	NR A	Accepted with amended language
1-08	Tina Britcher	When determining an appropriate number of students for a teacher of the blind and low vision and/or for determining the "level of need", children who are blind with their primary learning media as braille and functioning in the regular classroom setting or as a potential reader, should be weighted heavier or considered "Level II" needs. For the itinerant teacher, class size is not the issue so much as meeting the individual needs of students throughout a county or area. If a child requires braille or pre-braille instruction, the teacher of the blind and low vision should provide DAILY instruction just as a sighted child receives reading from a reading teacher each day. If a teacher is required to serve 29 (or some large number) of additional students, it becomes impossible to provide the necessary braille instruction. For this reason, I support lowering the number of students an itinerant teacher would service	NA	Levels are nondisability specific

		if she is teaching braille to student/s whose primary learn! ing media is/are braille. YEAH! Thanks for thinking of travel time for itinerant personnel:)		
1-07	Name: Greg Furrow Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: 1403 Honaker Avenue Address2: City/State/Zip: Princeton, WV 24740 Role: School System Staff	Section 1: The idea of a "permissible delay" such as Holidays or summer break is mentioned, and then a stipulated limit of 15 days is stated. These do not appear to be consistent. Will we permit a 6-8 week delay, or will we require 15 days? Section 2: Will the requirement of 35 square feet per student in Universal Pre-K classrooms, including Special Education, be practicable? Although classes could be down-sized, can we equitably remove students to other rooms, that perhaps do not have proper accessibility, simply for the provision of 35 square feet per student within each classroom?	A NA-	Accepted with amended language Consistent with Policy 6200
1-08	Name: Julie Reneau Organization: Taylor County Middle School Email:	In the section on integrated classrooms it is unclear if the limit of 30% includes all students with an IEP or just those students that list	NR	

	Title: Special Educator Address1: Route 2, Box 148A Address2: City/State/Zip: Grafton, WV 26354 Role: Teacher	integrated classes on the services page of their IEP. I have difficulty understanding how a Tier system that limits students to a 1 to 5 teacher/student ratio at Tier 2 and then an even smaller teacher/student ratio can be put in place while increasing the number of students to 12 in a special education classroom. If students have been unable to meet success with (potentially) an hour of additional individual instruction specifically designed to address skill deficits, then how are they going to be successful if they are identified with special needs and placed in a separate class of 12 students and no additional time for instruction?	NR	
1-09	Angela Madia	Recommendation: For clarity, Chapter 6 should include the current 2419 caseloads regulations in addition to the ones that will be effective in July 2009	A	Current 2419 caseloads will be included in the appendix
1-09	M. Louise Grindo Principal mgrindo@access.k12.wv.us Davis Elementary 113 5th Street Gassaway WV 26624	Additional professional and service personnel would be needed. No funding is provided for these needs, or the training required for regular classroom teachers prior to placement of special education students. "It is the responsibility of the district to provide adequate staff..."--will funding be provided? "...the special educator may be assigned to not more than two classes during an	NR	

		instructional block...on a consistent schedule..."--With only one special education teacher at our school, for grades K - 4, with 2 classes in each grade level, it would be impossible to meet the needs of all of the students.		
1-09	Constance Breza SLP cbreza@access.k12.wv.us ohio County Schools 1976 Park View Dr. Whg W.VA. 26003	Page 77. Remove SLPs from receiving a caseload waiver if their caseload exceeds 50 on the second month report. They already have the highest caseload in the state; some SLPs are already serving more than 50 on a regular basis. If a waiver process is allowed, it creates a way some counties can legally serve students without having to hire more SLPs.	NA	Criteria for submission and approval of waivers will be developed with stakeholder input
1-09	Marsha D. Burke Preschool Sp. Needs/ Head Start/ PreK 4 Teacher longateach@charter.net Greenbrier County Schools 215 Sixth Street Rainelle WV 25962-1217	Not sure if this is the right section b/c it is not in front of me, BUT for preschool programs that are integrated, there needs to be more clarity on caseload! The way it reads, it says to me that I can have 20 children, and 10 of those can be severe/profound special education students and legally only need one teacher and one aide!!!!???????? There needs to be something like with the K-12 on a level one or level 2 child!! Also, it needs to be taken into consideration that 20 children, ages 3 and 4 are a lot more to handle than 20 that can do more for themselves. Even if they're not special needs, they still may not be potty-trained, or able to button, zip,	A	Accepted with amended language; 20 is the maximum depending on the student's individual needs

		snap, etc. and they require a lot more than children K and older! I have taught for 13 years in February in a preschool setting of one kind or another and it is impossible to have a classroom that is integrated unless there is one teacher and two aides--even without a special needs child. AND IF you have a child with autism, or that is nonambulatory, etc. then you need ANOTHER aide just for that one child. They should NOT BE ALLOWED to count a special education aide that is in the classroom for a special education child as one of the aides for the supervision of the regular education students. Please call me if you have any questions for me. This has been a concern of mine for years, because it was not addressed at all in P2419!!! My home number is (304) 438-5933) my cell number is (304)667-4333 and my school number (to my classroom) is (304) 438-9524. Thank you so much!!		
1-09	Don E. Johnson Principal dejohnso@access.k12.wv.us Sutton Elementary 288 North Hill Road Sutton WV 26601	Sect. 3B (Pre-K Staffing Requirements) - These numbers are already set by law at a 1 to 10 ratio. Sect. 3B (Integrated Classroom) The 30% requirement would create a need for additional staff which, when added to a budget that is already over the formula for both professional and service personnel, would place a huge financial burden on the school district.	NR A	Applies to Policy 2525 Accept with amended language

1-09	Yvonne Santin Director of Special Education ysantin@access.k12.wv.us Wood County Schools 1210 Thirteenth Street Parkersburg WV 26101	Section 4., B., pg. 76-81. These comments have been made previously when I participated in the "pilot study for caseloads" (to no avail), but here goes. CASE MANAGEMENT/PROCEDURAL ACCOUNTYABILITY: While these revisions tend to reward more inclusive settings/least restrictive environment, there are still many concerns that I have regarding the more restrictive settings. First of all (and probably most important), these caseloads will have a direct impact on the funding formula and hence will need to continue to be "tracked/monitored" at the school and county level on a DAILY basis. It is confusing for me to understand the difference between "case management" and "service provider". The definition of case management in the glossary does not the fact that the teacher will also provide direct/indirect special ed. service in addition to the listed responsiblities. I would think that in most cases, the teacher would be providing BOTH service and case management. These two terms are presented like they are two separate things, when in reality, they are the same. I do not understand how a teacher would be funded through the formula if they are not providing service to students. For example, how would a speech language pathologist case manage students without providing	NR NR	

		service to them? This is very confusing to me and would be very difficult to explain to someone else. INTEGRATED CLASSROOMS: The restrictions for 30% SWD of total class enrollment is reasonable. There needs to be a way to "track/monitor" this from a county perspective to ensure that is not abused. MAXIMUM NUMBER OF STUDENTS PER INSTRUCTIONAL PERIOD: The "chart" needs to address the reality that students with level I needs and students with level II needs will most likely be IN THE SAME CLASSROOM SIMULTANEOUSLY (i.e. during the same instructional period). How will the maximum number of students be impacted by this or will it? The change regarding students per instructional period from more to less students per period at EC level will NOT offset the change in instructional period at MC and AE from less to more students per period. To explain, there will be a need for more aides at EC then what is reduced at MC & AE levels. How were the maximum number chosen? Why is it that the number is doubled from the EC to the MC level (for level I students)? Were any of the recommendations from the caseload committee followed? It also seems	NR	

		unrealistic to state that all areas of disabilities are similiar; that is, that autism is the same as mental impairment - as behavior disorders, and so on. . . In addition, we work very hard to NOT assign aides to specific students. This proposed policy changes the perspective that now aides are assigned due to students and not a group of students. I feel that teachers who are used to having an aide (all of their career) will FIND a student who needs an aide in order to have one assigned. This does not address aides at all other than a statement or two and that is not enough!! FISCAL IMPACT: Again, as a result of investigating this for the "pilot study on caseloads", I determined that our county would need approximately 4 more teachers and 26 more aides than we presently employ ($1,120,000.00). Obviously, this unfortunately fell on deaf ears. And I still do not know how to monitor/track caseloads on a daily basis based upon these proposed revisions to caseload!! Again: Why can't this proposed revision to caseload be PILOTED in some counties (large/medium/small) before it is implemented and THEN have those counties provide the much-needed technical assistance to other counties? Why would we implement these caseload revisions and then do an impact study when the result would be a fiscal disaster? I		

		understand the need for a change to our current caseload requirements, but in haste, this proposal is too different from what is currently being done and will not be changed effectively overnight becuase it has been put into a policy. It is disappointing (and quite sad) that these caseload revisions were proposed and directors (as well as other key stakeholders) were not a part of the process. I cannot explain the intent of these caseload revisions when I do not understand it myself. Furthermore, the staff in the Office of Special Ed. cannot seem to explain it either (other than to mention Robin Bolling's name) and I find it hard to believe that these revisions came from one person!!! All of the training and meetings that special education has invested and this is the result!! On the whole, I strongly feel that these caseload revisions are not what is best for students with disabilities. I will again offer that Wood County would have schools that would be more than willing to participate in a true pilot for caseload revisions (similar to what has been accomplished with the RtI initiative) and would be happy to share/train results with others!!!! Special education in West Virginia impacts the funding formula and other entities such as personnel law - this is not something to be taken lightly! Much more TRUE study and field study needs to		

		be done to make long-lasting, effective policy for students with disabilities.		
1-09	Carol Stephenson Speech Language Pathologist cstephen@access.k12.wv.us Marion County SLP 11 Diana Dr. Fairmont WV 26554	I am against an increase in caseload size for SLPs for a number of reasons. 1. Scheduling is difficult enough with the 90 minute uninterrupted blocks for reading and math. 2. Keeping up on paperwork and other duties(progress notes, medicaid billing, documentation, assessments, screenings, meetings, planning...) is difficult enough to fit into a day with a caseload of 50. 3. Clinicians will be forced to see students in large groups which will be less effective than smaller groups or individual sessions.	NA	No increase in caseloads;WV caseloads are lower than the national average
1-09	Carol Stephenson Speech Language Pathologist cstep11@hotmail.com Marion County SLP 11 Diana Dr. Fairmont WV 26554	In addition to my comments about increased SLP csaeload, I failed to mention that traveling from school to school, scheduling, and managing a caseload at multiple schools is difficult with 50 students let alone any more than that.	NR	
1-09	jane alderman sp.ed aide janealderman@verizon.net nicholas county board of education 310 nelson ave. summersville wv 26651-1241	special education classes for students with disabilities. delete this section of level 1 and 2.	NA	Services are based on needs not disabilities
1-09	paula alderman 310 nelson ave summersville wv 26651-1241	delete this section of level 1 and 2	NA	Services are based on needs not disabilities

1-09	carolyn chapman 906 kentucky rd. summersville wv 26651	add the word "shall" be required to provide asistance to students in responce to specific needs	NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team
1-09	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	Recommendation: For clarity, Chapter 6 should include the current 2419 caseloads regulations in addition to the ones that will be effective in July 2009	A	Accept with amended language
1-09	Dave McChesney Sp. Ed Director Braxton County Schools	B. Adequate Staff – ***Class Size Requirements for Instructional Period*** **All WV Pre-K classrooms** "Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. " – is beyond the requirements of 2520 §9.2 which establishes a ratio of 1 adult to 10 children . **Integrated classrooms** – "no more than 30% of the total class enrollment during any single class period in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math." – Impact projections from Braxton County Principals indicated that the schools in	NR A	Already changed-was really accepted p. 81 Accept with amended language

		Braxton County will need 15.5 teachers and 3 aides to implement requirements		
1-10	Carla O'Dell teacher ODTigerlil@aol.com Nutter Fort Primary Box 5 Catalpa Heights Stonewood WV 26301	I understand that this policy allows up to 30% of a classroom to have IEP's. This concerns me. Please reconsider this percentage. Too many children with special needs in one classroom makes it virtually impossible to teach. The average student suffers the most. Thank you for this consideration.	A	Accept with amended language;recommended best practice
1-10	Jean Biggs Speech-Language Pathologist biggswv@hotmail.com 314 Tenth Ave. Huntington WV 25701	The new proposed revisions in the area of Speech are not going to improve or maintain the quality of services we provide now.	NR	
1-10	DeAnna Mewshaw Preschool Teacher drmewshaw@adelphia.net Nutter Fort Primary School Buckhannon Pike Clarksburg WV 26301	I do not agree with increasing the percentage of Special Needs children in the regular ed classroom. When do the rights of regular education come into play? Least restrictive environment has placed a burden of most restrictive environment on regular ed children. No Child Left Behind means just the opposite to a regular ed child because while we are overwhelmed in the classroom with making sure that Special Needs Children get their due, guess who gets left behind. There is only so much time in a day and while you pour more duties on us with special needs with out the additional help, the regular ed students are left to their own devices. What a joke! Yes I definitely believe a special needs child	NR	

		deserves every advantage however so does a regular student and to give preferencial treatment to the needs of special students over the needs of regular students is just as outragaeous! Too many times I have seen special needs children placed in a least restrictive environment way beyond their capability only to frustrate that child, the other students and the teacher. Then when the regular classroom teacher dares too bring this to light, they are accused of not wanting to meet the needs of that particular child or that we are somehow lacking in character, fairness or not wanting to do what's BEST for the child. It is scary to think that our population is 30% special needs. This state must address what is right for all our children, not just special needs.		
1-10	Pat Hanks Special Education Specialist phanks@access.k12.wv.us Mercer County Schools	Section 1: A permissible delay is stated but in paragraph 2 with a short delay should not exceeding 15 days. If eligibility is determined on June 6 it is then indicated that the short delay is 15 days - No? Yes? This needs to clarified.	A	Accept with amended language
1-10	Jean Biggs Speech-Language Pathologist biggswv@hotmail.com 314 Tenth Ave. Huntington WV 25701	I'm very concerned about the possibility of waivers for speech classloads. We are at our limit now with 50 ....used to be 40 just a few years ago if you recall. With the addition of RTI to our workload it makes our days even more stressful and we can't even count those children in our caseload even though we serve them, taking	NR	Criteria for waivers will be developed with stakeholder input

		precious preparation and therapy time....time we could be billing for Medicaid and making more money for the county,,,(that's a whole other issue). There's already a shortage of SLPs in about every county now...even unable to find long term subs in ours. The solution is higher pay for the SLPs not adding more students!! You are going to force the SLPs you have to leave or want to retire earlier with all the additional duties and workloads you want to impose. The salaries for SLPs outside the school system or in neighboring counties is much higher and there is no incentive to work in the schools. Besides an elem and a middle school, I have 2 daycares/ preschools in my case load with special needs children. THese students require much more preparation and time than others...our case loads should be weighted and adjusted NOT added to with waivers for more in our classloads.		
1-10	Name; Suzanne Swartz Organization: Jefferson High School Title: IEP Coordinator Address: 4141 Flowing Springs Road, Shenandoah Jct., WV 25442 I am classified as a teacher but serve as IEP Coordinator at Jefferson	Name; Suzanne Swartz Organization: Jefferson High School Title: IEP Coordinator Address: 4141 Flowing Springs Road, Shenandoah Jct., WV 25442 I am classified as a teacher but serve as IEP Coordinator at Jefferson Comments/Suggestions: Administration of Services: In the section		

		pertaining to caseloads. Level I students: there can be a max of 12 in the classroom for ages 9-12. Right now there is a limit of 8 and for any class from 9-12 students, an aide must be present. That's not the way this reads. It only mentions support staff for Level II. I am afraid this will cause us to lose valuable personnel. Our aides are very useful in the classroom to assist in the delivery of instruction in our self contained special education classrooms for the core academic subject areas. They also provide a great service to the classroom teacher. When students need self contained special education classes, it could be because they can't function behaviorally in a larger setting. Therefore having the extra support is vital. While the teacher is working with a student who needs individualized instruction, the aide is available to monitor the classroom and assist someone else who may need assistance. We also utilize our aides to read tests to students in the general education classes who need that accommodation to be successful. I am hopeful that you will revise this to at least include verbiage for the LEA to utilize support staff as necessary to the needs of the classroom. Like now - we have classes under 8 but the dynamics of the class may require the presence of support personnel in order to facilitate the learning process effectively and efficiently.	NR	

		Thank you for your consideration in this matter. I'd be glad to expand further if need be. Suzanne Swartz		
1-10	Rosemarie Kelly Principal rskelly@access.k12.wv.us Raleigh County Schools 1404 Robert C. Byrd Dr. Crab Orchard WV 25827	It is important to keep the disabilities divided. Also, the ratio teacher to student needs to remain at 1:4 to keep highly qualified teachers for the students.	NA	Services are based on needs not disabilities; Caseloads provide a maximum; IEPs must be implemented
1-10	Melanie Ashworth Audiologist mashwort@access.k12.wv.us WVSDB Child Study Center 301 E Main St Romney WV 26757	Under B. Adequate Staff, "communication" should be added to the list of possible support personnel that may be required.	A	Accept with amended language
1-10	Debbie West Sp.Ed.Teacher dlwest@access.k12.wv.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	I think we absolutely need to adhere to the no more than 30% students with disabilites in co-taught (inclusion) classes. Some of them have become so overloaded with students with disabilites that they have practically become a Special Ed. setting.....very few good role models for	NR	

		them! We must find ways to offer a full continuum of services. We say it, but we don't really provide it. We are limited so much by staffing problems.		
1-10	Jamie Hayhurst Marshall Assistive Technology Coordinator jhayhurst@hsc.wvu.edu West Virginia Assistive Technology System 959 Hartman Run Road Morgantown WV 26505	The Policy does not address transition of assistive technology transition between grade levels or schools. For example, what happens to a device when a student ends elementary school and begins attending middle school? Under Section 3, Provision of Services, it is addressed that students can take devices home on a case by case basis, but does nothing to determine how an educationally purchased device will transition with a student throughout the school career and beyond. What happens to an educationally purchased device after a student graduates? On a case by case basis, what does this mean exactly? How will it be determined if a student is allowed to take a device home?	NR NR	
1-11	RESA VII Special Education Directors Elaine Benson Barbour County Vic Fisher Harrison County	*Staffing for Case Management/Procedural Accountability –* *Integrated classrooms (30%)* - We recommend wording be added so a student with a disability is not discriminated against by being considered an SWD if they are not receiving special education services in that class/for that subject area. Only SWDs receiving special education	A	Accept with amended language; best practice recommendation;services are based on annual IEP goals based

	Carol Williams Lewis County Gia Deasy Marion County Patty Benedum Mon County Debbie Calhoun Tucker County Scott Lampien Upshur County	services for the class/subject should count in the 30%. Five day requirement/ Two class per block limit. – It would be helpful to further define and explain *For integrated classrooms where instructional responsibilities are shared...* This appears to prohibit special education teachers from providing intermittent, temporary, and specific intervention services as well as hybrid 'co-teaching' type models. If this requirement is directed toward promoting and encouraging the fidelity of co-teaching it is more reasonable. We assume this *shared instructional responsibility* does not include consultation; however, there is quite a range of service delivery between consultation and co-teaching. If this requirement is intended to address all direct services provided in the general education classroom it is overly restrictive. Caseloads – We support proposed caseloads that will maximize services for SWDs as long as this does not result in an unfunded mandate. The fiscal note worksheet attached to this policy is unrealistic if it projects no additional cost for the implementation of these caseloads (even in consideration of the explanations offered on this worksheet). It is our understanding that the caseload committee	A	on skill deficiencies and are not necessarily subject specific Accept with amended language

		projected the need for additional staff if these caseloads were implemented. Our own informal analysis also projects these caseloads requiring additional staff. Therefore, either additional funding should accompany 2419 adoption or the caseloads should be revised. Implementing the proposed caseloads without additional funding would unfairly burden counties with this expense. Specific examples include the Early Childhood instructional limit of 6 and the 30% limit for integrated classrooms.	NR	
1-11	Carol Taylor Speech Language Pathologist cctaylor814@hotmail.com Mineral Wells School 108 Windsor Drive Mineral Wells WV 26150	Again, from my perspective as an SLP currently in my 30th year of sevice in the public schools, I feel the current (and unchanged proposal in the "new" policy)caseload maximum of 50 students for SLP's is totally excessive. With the currently required amount of paperwork for students enrolled in Speech Language Impaired Programs now, this caseload size maximum is unrealistic and unduly burdensome. Medicaid billing, progress reports every 4 1/2 weeks, completion of evaluations, evaluation reports,	NA	Caseloads size for SLP have not been revised and is lower than national average and is not consistent with effective pratcies. Waivers are temporary

		development of IEP's etc. requires an exorbitant amount of time outside the time required doing actual therapy with my caseload. A caseload of 50 students requires group sizes to be too large and "waters down" the quality of service that can be provided to students. I am also very concerned about the proposed waiver to the maximum caseload size. Does this mean that as the trend of fewer and fewer SLP's seeking employment in the public school setting continues, that the few of us that are left in the schools are going to be forced to service more and more children?!! That is so unfair and will serve only to further "water down" the quality of service given to students. With the unrealistic expectations/requirements currently being placed on public school SLP's, the shortage is only going to become worse in coming years. There is good reason that fewer and fewer SLP graduates are even considering a career in the public school setting. PLEASE CONSIDER A REDUCTION OF THE MAXIMUM CASELOAD REQUIREMENT TO 40 STUDENTS AND A COMPLETE REMOVAL OF ANY WORDING PERTAINING TO WAIVERS OF CASELOAD SIZE.		and allow flexibility for districts when populations change- regardless, IEPs must be implemented. Waivers must be approved and monitored by the WVDE.
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility	AT devices and services are not listed under provision of services for 'Level 1' students (see pages 78-79)? Wouldn't the majority of students with exceptionalities	A	Accept with amended language

	959 Hartman Run Road Morgantown WV 26505	fall under Level 1? Why should they be denied appropriate assistive technology? The transition of AT through school and out of school (upon graduation and transition from primary to secondary, for example) is not addressed. This is a very important point, and I would suggest that students and their families should have the choice to take their devices with them, as they will likely be used by no one else in their absence and end up crowding a storage closet somewhere.	NR	
1-11	Barbara Allen Principal btallen@access.k12.wv.us Flatwoods Elementary School P.O. Box 130 50 Main Street Flatwoods WV 26621	The school system can not be expected to implement this new policy without the necessary funds. At my school I would need 2 special education teachers, a regular educator, and an aide. In our county we are already over formula in teachers and service personnel. We must have the necessary funds to implement the policy.	NR	
1-11	Patricia L. Miller Gifted Specialist pl_miller@hotmail.com Jackson County Schools Ripley Elementary 404 Second Ave. Ripley WV 25271	Maximum Limits for Case Management Assignments (p. 77): a caseload of 20 for teachers of students with Developmental Delays ages 3-5 is too high considering how much help younger students need with everything they do. I recommend Gifted services are funded through state aid dollars;at this time, there	A NA	Accept with amended language Issues pertaining to personnel,

		is no financial support to lessen caseloads I recommend that teachers of gifted have the same maximum caseload as Teachers of all other Exceptionalities (30) since they have all the same duties and additionally are most often itinerant. It is time to bury the old misinformation that gifted students are "the cream of the crop" which is what the current caseload of 45 is based on. Gifted students are as complex, and often more so, than students with most disabilities. Exceptional Gifted students remain on an IEP due to the fact that they are at risk students and therefore should be designated as Level 2 students resulting in a lowered caseload. Modifying curriculum, developing independent studies, assessing, direct teaching, consulting, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads.		transportation and/or facilities make this fincially impractical
		The waivers to maximum caseload limits need to have two limitations added: number and duration. If a waiver is approved the teacher deserves to know how many students can be added and for how long, before another teacher is hired.	NA	Criteria for submission and approval of waivers will be developed

				with stakeholder input
		Under Class Size Requirements for Instructional Period (p. 77): The following statement contradicts itself, "All WV Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session." There is no public school or community with natural proportions of 50% of the population disabled. By stating "no more than 10 with disabilities" and a caseload of 20, natural proportions are totally disregarded. My recommendation is to retain the first half of the statement ending with "community". Strike "but with no more than ten…"	A	Accept with amended language
		Integrated classrooms (p. 78): This is a much-needed addition to 2419 but the 30% needs to apply to Level 1 students only. If there are any Level 2 students integrated the percentage needs to drop to 5%. One Level 2 student is often all it takes to disrupt the education of the entire class.	A	Accept wit amended language; bestpractice recommendation;IEP teams determine the services and placements of students with disabilities

				including the extent of participation in general education classrooms
		Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, exceptional gifted): *a markedly modified curriculum with a focus on radical acceleration; *close adult instruction, assistance and/or supervision with the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming underachievement; *transition activities that focus on dual enrollment, college or AP level classes prior to high school age.	NA	A change of this nature would have singificant impact on facilities personnel and /or transportation .Implementation of these changes would rquire legislative authorization
		The statement "Students with Level II needs require a majority of the following to function within a school setting" will have administrators insisting that a student demonstrate 5 out of 9. I recommend that the wording be changed to: "Students with Level II needs require many of the following…"	A	Accept with amended language

		There is a typing mistake in the per Instructional Period Based on Level of Service chart on p. 80. Since Level I students have fewer service needs the per period maximum should be higher than that of Level II students who have more service needs. So under EC Early Childhood Grades K-4: Level 1 needs should be 10 and Level II needs should be 6 (rather than vice versa as printed).	NA	Based upon current research for intensive instruction for mastery of basic reading and math
1-11	Melina Danko Information Specialist mdanko@hsc.wvu.edu WVATS 959 Hartman Run Rd Morgantown WV 26505	Why is assistive technology not mentioned for level 1 students? Why is there no mention of physical education class participation for level 2 students? Why is a standard diploma or postsecondary education not mentioned as an option for level 2 students?	A NR NR	Accepted with amended language
1-11	Lisa Martin Director of Special Education ldmartin@access.k12.wv.us	Additional consideration should be give to caseload limits, both case management and Level II per period caseloads, for S/PMI	A	Accept with amended language

	Jackson County Schools P.O. Box 770 Ripley WV 25271	and autistic populations. Likewise, increasing the allowable caseload from eight (8) to ten (10) for children with developmental delays in a setting of 20 with a 1:10 staffing ration is not adequate to meet the needs of children with moderate to severe delays. Language allowing/encouraging the use of additional staff should be strengthened and/or qualified.		
1-11	Sharon Thurman Special Educator sthurman@access.k12.wv.us Raleigh Co. Bd. of Ed. Beckley WV 25801	Increasing caseloads is going to make it difficult to meet the requirements of NCLB in the long run because there will be a higher turnover rate of special educators leaving the system or transferring to regular ed. as a result of frustration from being placed in unrealistic situations (classes not only with several exceptionalities lumped together, but also with higher caseload numbers) which make in nearly impossible to meet the needs of the children. This will make it harder to have "highly qualified personnel" in the classrooms...	NR	
1-11	Sabrina Hudgins shudgins3595@charter.net 1006 Oakwood Avenue Princeton WV 24740	I am outraged both as a parent and as an employee at the proposed policy changes regarding PreK programs! If these changes were to go into effect today, I would take my child out of the PreK program IMMEDIATELY! These changes are certainly not in the best interest of the students. Has anyone considered the	NR	

		consequences of having 10 general education students and 10 special education students in the same classroom? I have several questions for those of you who have proposed these changes. I am a parent of a PreK student, and I have been a Teacher Aide for several years. During that time, I have worked with both special needs students and general education students. I am currently working in the PreK program. I have witnessed the effects of special needs students who have been forced into inclusion when they did not want to participate. I have witnessed the frustration these children go through when they realize they are lacking the ability to be "like everyone else." You should keep in mind that there is a reason why special education classrooms have always been smaller in size. That reason is that many special needs students cannot handle the over-stimulation of a large group setting. Have you ever witnessed a PreK special needs student throw a tantrum, or go into a "meltdown" in which they scream, pinch, curse, scratch, kick, hit, and throw chairs across the classroom? I have. What will happen (if this policy is inacted) to the other 19 children in the classroom? What if one of those children is injured? What of the liability? What will the parents say? As a parent, I can answer that. I would take my child out of the program immediately,		

		and (if the injuries were serious) I would seek legal action. It is quite obvious that parents have not been consulted about these proposed policy changes. This policy is not fair to special needs students, to general education students, or to the staff. How are we to provide a quality education for our students when the majority of our day will be spent diapering, feeding, cleaning, and implementing discipline procedures? How can anyone who is in favor of this policy actually believe that ANY PreK student will be getting the quality education he/she deserves? It is also apparent that teachers and aides have not been consulted on these changes, either. I fear that if this policy goes into effect, WV will lose some very qualified teachers. Have you thought of their feelings? General education teachers will (in essence) be forced to teach special education. Those who teach general education do so by choice. If everyone were meant to be special education teachers, there would not be a separate certification for it. Not everyone is "cut-out" to teach special education. When these teachers accepted their current placements, they did so under the assumption that they would be teaching only their certified field. Also, special education teachers are being insulted by this policy stating that their years of education, training, and experience		

		can be replaced by general education teachers receiving "training" to teach special education. This policy is potentially disastrous for the PreK program. If it is implemented, I fear that enrollment will plummet, taechers will leave their jobs, and (saddest of all) students will not receive the education they deserve. This policy is certainly not in the best interest of the students!		
1-11	Kathryn Freeland Speech-Language Pathologist kathyfreeland@aol.com Marshall County Schools 1544 Marshall Lane Glen Dale WV 2038	pages 76-77 "Maximum Limits for Case Management Assignments" for Speech Therapists must remain at 50. Due to all of the considerations for staffing determinations stated on page 76, as well as additional duties assigned to speech therapists which include, but may not be limited to, medicaid billing and school duty assignments, waiving caseload restrictions beyond 50 would place undue burden on the time available to provide appropriate diagnostic and direct/indirect services to students. Additionally, requiring speech therapists to provide services for students beyond the 50 designated, without providing additional monetary supplement as is done for classroom teachers who are over classroom student limits, would be considered unfair practices.	A	Caseloads have not changed
1-11	J. Pamela Adkins Brush Jefferson County Schools Speech Pathologst	Exemption of speech impairment(speech pathology services) from caseload waiver	NA	Criteria for submission and approval

	44 Lacosta Blvd Martinsburg, WV 25405			of waivers will be developed with stakeholder input
1-12	Anonymous Parent	This comment is concerning policy 2419. After getting a very serious , life threatening health problem , my son was transferred to a behavior disorder class at a new school. His father nor I had any Idea that this was the class he was going to. I had no Idea what was about to happen at his new school. My son was labeled B.D. He category was OH. I learned that people formed opinions over labels such as B.D. Some of the parents ran a petition to have these kids thrown out of the school prior to having my son enter the school. Some of the parents carried this hatred from the school setting into the public, such as ball fields. It was very ugly. One parent would even call my house to taunt me about this program at the school and ask me when they were going to throw it out. This! was very sad for my son and I. My heart ached for all the children in the program. Any label to me is very bad because it opens a door to people not having an understanding to what these kids need. People form opinions and sometimes these are not good. My son didn't deserve the hatred that he	NR	

		received in comments at times. No child does. What will happen if these kids are called Emotional/Behavioral Disorder.? I think the taunting will be worse. My son is in remission now but the heart ache from the past is still with him because of the labeling. Anonymous Parent		
1-11	Marcy Walker MOMI Teacher Jefferson County Schools 317 Kabletown Rd. Charles Town, WV 25414	Concerned about the class size of MOMI programs. What does Level 1 & 2 do to the ratio of students/aides in classroom? The severability of Level 1 & 2 are not appropriate for all classes especially academic classes. The ratio between ?? and sp.ed. has to be lower due to the fact tat Level 1 or 2 will be in the class.	NA	Support staff is required as per the policy;IEp teams determine additional student needs for support
1-12		p76 first paragraph on page- This section concerns me regarding out of class time that will be experienced and amount of funding that will be required for training and subs. Districts will have much concern in the changes in caseload as described in this chapter. Preliminary investigation indicates an increase in personnel will be required and therefore an increase in needed district funding to implement the newly defined caseload. In the current climate, funding concerns are at the forefront in all WV districts. A state wide study should be		Accept with

		implemented prior to adoption of this section to evaluate the increase in funding that will be necessary should this section be adopted. If caseload requirements described in this proposal policy are adopted, not only will personnel certified to serve students with disabilities increase but it will have the probility of increasing personnel in general education as well (as evidenced by requirement for %ages for students with disabilities in regular education/integrated environments) If students with disabilities in a small rural school with ONE teacher per grade level (or a split class) exceeds the required percentage for a grade, the district will be forced to hire a general education teacher to meet the requirements of 2419 for % of students with disabilites included in that grade level class. This has a potentially major economic impact for small rural counties with small schools or a limited number of schools. pg 80 by this proposal, students that are gifted require a smaller class size than their regular education peers. Again, this may impact personnel and funding in districts and increase distress in regular ed personnel.	A NR	amended language

1-12	Lynn Blackburn Special Educator lblackbu@access.k12.wv.us berkeley county Schools 301 S. Alabama Ave. Martinsburg WV 25401	I understand the goal of the policy is to provide flexibility for servicing students-unfortunitly I see counties using this section to cut personnel to save money. More not less personnel is needed if we want to successfully integrated special need students into regular class environments. Likewise catgorizing students by 1 or 2 is still a form of labeling and enables counties to increase numbers of students in programs that should not be increased if students are to be served effectively. IEP stands for Individualized Education Plan-it's hard to individualize instruction when you're servicing 12 or more students K-3 with a variety of needs. This is not just my perception of the policy but based on past experiences on how counties interperate and enact policies.	NR	
1-12	Kanawha County Schools Teachers of Deaf and Hearing Impaired • Cherie Smith • Susan Pelzel • Kathy Hudnall • Russel Shepherd • Marsha Klusmeyer • Christina Ferguson	Chapter 6 Sect 3 Provision of Services Add if recommended by the IEP team Adequate staff Change Programmatics levels from K-4 to	 NA NA	Required either by IDEA and/or WV Code Consistent with 2510.

		K-5,5-8 to 6-8 Special education classrooms for deaf and hard of hearing no more than 8 students may be scheduled in an instructional period. Deaf children do not learn incidentally. Their peers do not have the signing language to communicate. All learning must be teacher directed and/or in small groups to be effective. Therefore, small number of deaf preschool students in classroom is essential (5-6 deaf or hard of hearing). Itinerant teachers of deaf and hard of hearing students should be limited to 15 students on caseload	NA	Caseloads provide the maximum; IEPs must be implemented
1-12	RONALD BRUNT 187-A Rutledge Road Charleston, WV 25311 Community member Sarah Kendall Kanawha County Schools School Psychologist Beth Fouty Young Kanawha County Schools School Psychologist Marianne Forbes Educational Specialist c/o Capital Community Education Kanawha County Board of Education	p. 76 add the word "shall" be required to provide assistance to students in response to specific needs p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities	NA NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team. This provision allows equitable distribution of IEP management

	c/o Capital Community Education 200 Elizabeth Street Charleston, WV 25311 Professional Support Staff			duties among all special educators in a building. .
	Mary Jane Kendall 10 Maple Lane Elkview, WV 25071	p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.	A	Accept with amended language
		p. 78 when instructional responsibilities are shared change the word "block" to "period"	NA	Scheduling staff is an administrator responsibility
		P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.	NA	Best practice recommendation
		p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.	NA	Level 1 and 2 refers to the needs of students
		P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons	A	Accept wit amended language

		P 80 do not base caseloads per instructional class period on the student's level of needs	NA	Staffing ratios are determined based on student need
		P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well	NA	Reflects federal language
		P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.	NR	
		P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations	NR	
1-12	Joyce Fisher obxdreamn@citlink.net 1009 Wildrose Lane Harpers Ferry WV 25425	Students with Level II needs require a majority (DEFINE Majority)of the following to function within a school setting Testing for AYP should be based on	NA	To be individually determined by the IEP team

		PLEPs or accuracy of progress will never be mesurable.		
1-12	Roxanne Staubs Special Education aide Roxannnestaubs@frontiernet.net Jefferson County Schools 126 West 6th Avenue Ranson Wv 25438	Students with Level II needs require a majority (DEFINE Majority)of the following to function within school setting:..... Testing for AYP should be based on PLEPs or accuracy of progress will never be mesurable.	NA	To be individually determined by the IEP team
1-12	Lynn C. Adams Special Educator jmhannah@hardynet.com Capon Bridge Elementary HC 63 Box 2250 Romney WV 26757	Caseload of twenty is impractical and dangerous for preschool services. These children often have truly severe conditions and behaviorial concerns. Preschoolers are small and quick. I recommend 12, or possibly 15, as a caseload for the preschool years. Given that you are expecting these classes to have an equal to greater number of non-handicapped peers(who themselves can be a handful,)you are truly allowing a recipe for disaster.	NA	Financial impact of this recommendation makes it impractical.
1-12	Regina Mayolo Technical Assistance Specialist rmayolo@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Road Morgantown WV 26505	I work with a number of students who would be classified as Level 1 who need assistive devices and services to achieve their educational goals. Why are these not listed under Level 1 services?	NR	
1-12	Janet Gould Teacher of gifted students	Maximum Limits for Case Management Assignments (p. 77): a caseload of 20 for	NA	Caseloads provide a

	jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	teachers of students with Developmental Delays ages 3-5 is too high considering how much help younger students need with everything they do. I recommend a maximum caseload of 15. P. 77, I recommend that teachers of gifted have the same maximum caseload as Teachers of all other Exceptionalities (30) since they have all the same duties and additionally are most often itinerant. It is time to bury the old misconception that gifted students are "the cream of the crop" which is what the current caseload of 45 is based on. Modifying curriculum, developing independent studies, assessing, direct teaching, consulting with multiple teachers at multiple locations, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads. Gifted students are as complex, and often more so, than students with most disabilities. Gifted students with disabilities such as ADHD, Behavior Disorders, Visual Impairments, Hearing Impairments, Asperger's, etc. are exceedingly complex students to work with. Additionally much time is spent	NA	maximum; IEPs must be implemented A change of this nature would have singificant impact on facilities personnel and /or transportation .Implementation of these changes would rquire legislative authorization

		advocating for these students with their regular educators. Exceptional Gifted students remain on an IEP due to the fact that they are AT RISK STUDENTS and therefore should be designated as Level 2 students resulting in a lowered caseload. Profoundly gifted students, multiply labeled gifted students, and Exceptional Gifted students should be included in the Level 2 designation. Level 2 needs for these students should be developed and added to the currently proposed list.		
		P. 77, the waivers to maximum caseload limits need to have two limitations added: number and duration. If a waiver is approved the teacher deserves to know how many students can be added and for how long, before another teacher is hired.	NA	Criteria for submission and approval of waivers will be developed with stakeholder input
		Under Class Size Requirements for Instructional Period (p. 77): The following statement contradicts itself, "All WV Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session." There is no public school or community	A	Accept with amended language

		with natural proportions of 50% of the population disabled. By stating "no more than 10 with disabilities" and a caseload of 20, natural proportions are totally disregarded. My recommendation is to retain the first half of the statement ending with "community". Strike "but with no more than ten..."		
		Integrated classrooms (p. 78): This is a much-needed addition to 2419 but the 30% needs to apply to Level 1 students only. If there are any Level 2 students integrated the percentage needs to drop to 5%. It could only take one Level 2 student to severely impact the education of the rest of the students in that classroom.	A	Accept with amended language ; recommended practice;IEP teams determine services and placements of SWDS including extent of participation in general ed. classroom
		Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, multiply labeled gifted, exceptional gifted): *a markedly modified curriculum with a focus on radical acceleration; *close adult instruction, assistance and/or supervision to include, but not be limited	NA	A change of this nature would have singificant impact on facilities

		to, the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming underachievement; *transition activities that focus on dual enrollment, college or AP level classes prior to high school age.		personnel and /or transportation .Implementation of these changes would rquire legislative authorization
		The statement "Students with Level II needs require a majority of the following to function within a school setting" will have administrators insisting that a student demonstrate 5 out of 9. I recommend that the wording be changed to: "Students with Level II needs require 2 or more of the following…"	A	Accept with amended language
		There is a typing mistake in the per Instructional Period Based on Level of Service chart on p. 80. Since Level I students have fewer service needs the per period maximum should be higher than that of Level II students who have more service needs. So under EC Early Childhood Grades K-4: Level 1 needs should be 10 and Level II needs should be 6 (rather than vice versa as printed).	NA	Current research indicates class size for mastery of reading and math skills

1-12	Diana WInters teacher dwinters@access.k12.wv.us Gihon Elementary School 2000 Belmont Road Parkersburg WV 26101	1.I do not agree with the change in the percentage of special education children that will be assigned to the regular classroom. I also disagree with removing the caseload requirement from speech therapy. There are only so many minutes in a day. I want our speech therapist to provide service in a timely matter addressing the degree of severity.	NR NR	Caseloads have not changed for S/L
1-12	Steve Parsons stmorgan2002@aol.com 4301 10th Ave. Apt.203B Parkersburg WVa 26101	Changing the teacher/student ratio will create many problems in the classroom and with the teachers. First by this change you will lessen the quality of the education. The teachers will not have time to work with each student on a level they need to achieve their goals. IEP's must be followed and written, when will a teacher have time to do this? If a teacher is working one on one, who is working with the other nine students? This brings up a safty issue, when you mix students like this you will have the aggressive and the nonaggressive together. Last year my daughter was choked by another student because the teacher was working with another student. It only takes a second for some of these children to be put in a dangerous situation. How do you preform ABA, PECS, ect. with this many students with only one teacher and one aid? How do you educate	NR	

		this many students with the same number of levels with only one teacher? This is only a few of my conserns for this policy change. I know that what the commity suggested for this change and what was put into this policy are two very different things. You cannot put these teachers and students into this enviroment just to help the budget. If you look down the road five years I'm sure you will see that the good teachers will have left because all they will be doing is babysitting, and no other teachers will want to enter this feild. These kids will be left out. You will also have law suites from students getting hurt and the cost of tring to clean all this up and do whats right		
1-12	Shelia Kay Woods Special Education Aide esjwoods3@frontiernet.net Jefferson County Schools 44 Cleveland St Harpers Ferry WV 25425	I am sending my comments as a parent first off . I have a third grader that I really don't know would be passing if it were not for the help he is now recieving through the special education program. I know that my son does still have a tough time doing the assignments in his regular class of peers and that although his teacher understands this there is only so much she can do for him with all of the other students in this class. I will now comment from my job point of view as a special education aide. I am very happy to help all of the children and teachers that I work with. I feel my job is very important for the extra support I can	NR	

		offer to the regular education teachers. I think it is important for these children to know that we are there to help assist them when they need it. I truly believe that the depend on us. The changes that are about to be made I do believe are not in the best interest of the children. I do not think that the number of special ed students should be raised in the regular ed classes without the support of more help. The regular ed teachers already have a big job by just having 20 children in one room to add those who will also need special help at all different levels is just to much to ask the teachers to even try and do. I also feel that this will put more pressure on some of the children who already feel a little self-consious about not being able to perform as well as the other regular students. I think the numbers are good now and would hate to see this change because of the effect it may have on so many lives. I only have one mor thing to comment on the parts of the special ed adies. I feel that every special ed child has needs that are different from each others and that they need different ways of teaching to meet these needs therefore I feel that it is the aides who have a better hand of being able to assist those children in small groups and/or individually to help these children learn effectively.		

		I thinks that the aides have a better chance of doing this because they may only a few students who they can devote more time for as where the teachers can't do due to the number of children they have just trying to get them through the states requirements for each grade level. I believe that all children need help in learning, but some children just need more and that is what an aide is for. I think the teachers welcome and thank the help the recieve. In closing I am just saying that the loss of aides or the growing of regular classes having more special ed students in them is not what I justify as helping it is going to make the life of a teacher harder and more difficult to enjoy due to the stress of trying to help all when it is not easy to so alone in most cases. I truly believe that our(aides) support is needed. Thanks for hearing my comments and concerns. Shelia Woods		
1-12	Roxanne Staubs Special Education aide Roxannnestaubs@frontiernet.net Jefferson County Schools 126 West 6th Avenue Ranson Wv 25438	Reduction in the ratio of aides to students whom are severly disabled will create an unsafe enviorment for the employee and the student.	NR	Amended language
1-12	Joyce Fisher obxdreamn@citlink.net 1009 Wildrose Lane	Reduction in the ratio of aides to students whom are severly disabled will create an unsafe enviorment for the	NR	Amended language

	Harpers Ferry WV 25425	employee and the student.		
1-12	Lois Ingles Wood County Schools LD/Multicategorical Specialist 1210 13th Street Parkersburg, WV 26101	Chapter 6: Administration of Services: Page 80 – How does duplicated students figure into this? What is the maximum load when in elementary school there are not absolute period of times? Secondary 6 per day you could have 60 students on caseload. Needs to be made clear.	NR	
1-12	Francine DeR? TA Lowry Elementary School Sp. Ed Teacer 103 Shenandoah Jct Rd. Shenandoah Jct. Wv 25443	Sufficinet staff support (teachers and aides to ensure IEP implementation is a concern for all staff and parents. Supports will affect maximum student success.	NR	
1-12	Michael Hughes Teacher mhughes@access.k12.wv.us Hampshire High School HC 71 Box 103-C Capon Bridge WV 26711	Teachers of gifted should have same maximum caseload as teachers of all other exceptionalities (30). They have the same duties, and most are intinerant. Gifted students are as complex as students with most disabilities, and often more so. Modifying curriculum, developing independent studies, assessing, direct teaching, onsulting, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, and trainings take up the same amountg of time preparing for students at either end of the special education spectrum, which should result in equal maximum caseloads.	NA	A change of this nature would have singificant impact on facilities personnel and /or transportation .Implementation of these changes would rquire legislative authorization

		Waivers to maximum caseload limits need to have 2 limitations added: number and duration. If a waiver is approved, the teacher should know how many students will be added, and for how long, before another teacher is hired.	NA	Criteria for submission and approval of waivers will be developed with stakeholder input
		Class Size Requirements (p77): The statement: "Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but no more than 10 students with disabilities per session." In a class of 20, this could result in 50% of the students having disabilities. Retain the first half of the statement, ending with "community." Strike "but with no more than 10...".	A	Accept with amended language
		Integrated Classrooms (p78): the 30% needs to apply to Level 1 students only. If level 2 students are integrated, the percentage needs to drop to 10% or less, depending on severity and effect on the class as a whole. Rephrase "Special Education classrooms for students with disabilities" to "...for students with exceptionalities", so that gifted students who have Level 1 and Level 2 needs will be included.	A	Acept with amended language; recommended best practice; IEP teams determine services and placements

		Change: "Students with Level 2 needs require a majority of the following to function within a school setting" to "...require more than 2 of the following ...". This will avoid the tendency to insist a student demonstrate 5 out of 9.	A	including the extent of participation in general ed. classrooms Accept with amended language
1-12		. 76 add the word "shall" be required to provide assistance to students in response to specific needs	NA	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team. This provision allows equitable distribution of IEP management duties among
		p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities	NA	

				all special educators in a building.
		p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.	A	Accept with amended language
		p. 78 when instructional responsibilities are shared change the word "block" to "period"	NA	Scheduling staff is an administrator responsibility
		P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.	NA	Best practice recommendation
		p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.	NA	Level 1 and 2 refers to the needs of students
		P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change	A	Accept wit amended language

		staff requirements to 1 teacher and 2 additional staff persons P 80 do not base caseloads per instructional class period on the student's level of needs P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away. P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations	NA NA NR NR	Staffing ratios are determined based on student need Reflects federal language
	Roxanne Staubs Special Education aide Roxannnestaubs@frontiernet.net Jefferson County Schools 126 West 6th Avenue Ranson Wv 25438	Students with Level II needs require a majority (DEFINE Majority)of the following to function within a school setting:..... Testing for AYP should be based on	A	Accept with amended language

		PLEPs or true accuracy of progress will never be measurable	NR	
1-12	Catie Bohon Speech-Language Pathologist cbohon@access.k12.wv.us Harrison Co. Bd. of Ed. Rt. 1, Box 109 Monongah WV 26554	WVSLHA should have a committee to come up with a formula for caseload weight as opposed to a straight count of students. Speech Therapists need some protection against being forced to teach in regular education classrooms.	NR	
1-12	Megan Layman Long Term Substitute Teacher Jefferson County Schools 700 D Thomas Lane Martinsburg WV 25401	I wanted to comment specifically on this aspect of the proposition. Reduction in the ratio of aides to students whom are severely disabled will create an unsafe enviornment for the employee and the student. In a crisis situation, working with an inadequate amount of staff could lead to serious safety issues. In addition, ordinary classroom activities are more productive when students with disabilities receive increased one on one assistance, which is only possible with a higher ratio of aides to students.	NR	
1-12	Paula Townsend Speech-Language Pathologist ptownsend26250@yahoo.com Barbour County Schools RR 1 Box 298 Philippi WV 26416	Caseload Waivers (pg. 77) I request exempting Speech Caseloads from waivers. Since the state of WV is in real crisis regarding shortages of SLPs, using waivers could potentially be abused. I feel that there are some very good ways to look at recruitment and retention of SLPs in WV public schools. Providing waivers for some counties would be an "easy out".	NA	Criteria for submission and approval of waivers will be developed with stakeholder

				input
1-12	Greg Cruey Special Education Teacher gcruey@access.k12.wv.us McDowell County Schools Anawalt Elementary School Box 230 Anawalt WV 24808	On page 78, when instructional responsibilities are shared change the word "block" to "period." And in a co-teacher model, staffing considerations should include some minimum quantity of weekly co-planning time. Maximum number of students per instruction period should continue to reflect the current requirements in Policy 2419 126-16-6 Section 6.1.5 and caseloads per instructional class period should not be based on the student's level of needs.	A NA NA	Accept with amended language Within the jurisdiction of district decision making Policy provides administrative flexibility to meet student needs
1-12	Melinda Walton Special Education Director mwalton@access.k12.wv.us Tyler County Schools P.O. Box 25 Middlebourne WV 26149	Consideration needs to be given to caseload limits, both case management and Level II per period caseloads, for SMI/PMI and autistic population. Increasing the caseload for eight to ten for children with developmental delays in a setting is not adequate to meet the needs of children with moderate to severe delays. Additional language needs to be added to allow the use of additional staff.	NA	Caseloads provide a maximum; IEPs must be implemented
1-12	Catie Bohon Speech-Language Pathologist cbohon@access.k12.wv.us Harrison Co. Bd. of Ed.	WVSLHA should have a committee to come up with a formula for caseload weight as opposed to a straight count of students.	NR	

	Rt. 1, Box 109 Monongah WV 26554	Speech Therapists need some protection against being forced to teach in regular education classrooms.		
1-12	James Pretre Pretres@aol.com 42 Trotters Trail Shenandoah Junction WV 25442	First I would like to take exception to the WVDE's anticipation that there will be fewer students eligible for special education services during the next 3 – 5 years. If you look at the current numbers in our Birth to 3 and Pre-K programs you can clearly see that this number will, as it has over the last several years, continue to dramatically increase. I would like to call into question the data analysis that the WVDE used to determine an upcoming decrease. Nationwide the trend over the last several years has shown a continual growth and that is not expected to change. If you look the CDC's numbers for Autism alone, it is quite staggering. Not to mention the tremendous population growth in our area indicates that a decrease is unlikely in any category or classification of students. Perhaps the eastern panhandle is drastically different from other areas of the state, but our needs must be met and our children given the free and appropriate public education they are entitled to. Increasing the number of students that are integrated into our general education classrooms is the right approach, but we do not have the staff to support such an increase. Having our special education	NR NR	Caseloads

		teachers provide and support instruction in the general education classrooms means that we will need even more teachers. We, in Jefferson County, cannot maintain the current level of teacher demand; how are we going to be able increase this need? In our Autism program for example, which has more than 25 students and growing, we have ONE highly qualified teacher. Our county must compete with surrounding states where first year teachers are being offered salaries as much as $13,000 more than WV and that number only grows exponentially with tenured teachers and those who are highly qualified. One neighboring Virginia County is looking to add more than 1000 teaching positions for the 2007-2008 school year. Believe me when I tell you that they will aggressively pursue our teachers. For the 2006-2007 school year this county recruited 48 of our teachers. This is only going to get worse. Raising the maximum number of students per instructional period for Level II Service Needs to 10 is too much for our teachers to manage effectively while providing a quality education to our special needs students. Our teachers are stressed today with current levels and caseloads. Before we make such a large increase in the maximum number I would invite you to spend a day in one of special needs		provide a maximum; IEPs must be implemented

		classrooms so that you can experience first hand what our teachers are faced with. More importantly I feel that our children will suffer the most because the teachers will be unable to provide the quality and quantity of time necessary for our children to make gains. If this goes into effect and my son's classroom is more than doubled in size, I will have him independently tested to gain a starting point then have him retest after a period time of determine if any progress is being made or if as I suspect there will be a regression. "...and without regard to identified disability." This is a very dangerous statement. My son has autism. Although autism does not define who he is or what is capable of achieving our teachers and classroom settings need to be setup to handle the special characteristics, behaviors and needs of his disability. If you, as a teacher, are ill-equipped (not appropriately trained for the area of exceptionality) to handle a child with autism you will not be able to effectively teach that child because you will not know how to reach that child or even communicate with that child. In fact you could harm or put that child in harms way. In our county this school year alone we have had 2 incidences involving NON-highly qualified teachers over seeing		

		different autism classrooms that put a child in harms way or have actually harmed a child. One teacher was removed from the autism program the other has been let go by the county. Are we going to stand by and wait for a child to be seriously injured or for a major lawsuit to occur before the WVDE is willing to address the true problems? The school system needs to know my son has autism so they can effectively provide him with a quality education. It seems evidently clear that the revisions to 2419 are in part not addressing the true problems we have in our Special Education services but rather a lowering of standards and accountability. We are on a very slippery slope.		
1-12	Melissa Given Itinerant Teacher mgiven@kcs.kana.k12.wv.us Kanawha County Schools 848 Alta Road Chas WV 25314	I would like to make a comment regarding the Maximun Number of Sudents per Instructional Period Based on Level of Service. I believe that the ratio for the Level II Service Needs is too high. If you consider the needs listed on p. 79 of this document, it is apparent that these students will need more support than 1: 5, or 2:10. My fear is that counties will hold to this formula, and the instructional services for these students will suffer. There are also times when personal hygiene needs are addressed, and 2 adults are needed to meet these needs.	NA	Caseloads provide a maximum; IEPs must be implemented

		I would also like to address the caseload for Itinerant teachers. Do we fall into the category of "All Other Exceptionalities", which states we would have a class size of 30 per period? Or was this category of service delivery not addressed? I currently have 9 students assigned to my caseload, and I do not know how I could meet the needs of many more students. Thank you for your consideration!		
1-12	Bev Nichols Director of Special Education bnichols@access.k12.wv.us Clay County Schools 242 Church Street Clay WV 25043	(p. 80 Section B) Limiting K-4 Level I to 6 students may increase my staffing needs. Can we use additional staff to increase this number	NR	
1-12	Melissa Gravley teacher missbasket@charter.net school 156 Cayman Drive Beckley wv 25801	Disabilities should be divided and ratios kept low. This must be done to keep teachers highly qualified. There should no more than one to four students in a special education room, five to twenty would be way to many four a teacher to teach.	NA	Services and caseloads are based on needs not disabilities; all teachers must be highly qualified
1-12	James Marks Autism Teacher marksgreg1@verizon.net Berkeley County 1312 W. King Street Martinsburg WV 25401	It certainly is apparent that the trends are going in a direction that is opposite of the benefits to a better quality education for both regular and special student needs. This is indicated in the ratio of special needs students in the regular classroom as well as the limited number of personell that	NR	

		will be assigned for special needs student's. It is also apparent in the case loads that will be permitted in the assignment of designated students to one teacher in the special education environment. More students to fewer teacher with less aides...yep, West Virginia is taking another giant step backwards for our future! Ummm...I wounder if budget might have something to do with it?		
1-12	Kim Fulton Autism Teacher kfulton@access.k12.wv.us Wood County Schools 1511 Division Street Ext Parkersburg WV 26101	As demonstrated in a public hearing in Parkersburg, many of us had great concern in regards to the proposed special ed caseloads. You state that the caseloads standards have been modified to encourage services based on needs of student as opposed to area of exceptionality; however I tend to disagree that the needs of students with Autism would be met. You propose 2 levels (Level 1, Level 2) where a teacher could have up to 10 level 2 students (who are more severe and have multiple needs in all areas vs. only 6 at a time with Level 1 students. In the 12 years I have been teaching Autism do you know how many of my students of Autism would qualify for the Level 1 tier??? Maybe 1 or 2. The majority of my students past and present spend more than 60% of their day with me (even when they are in settings with their peers, many require staff to help facilitate interaction with others and participate in the activity)! It does not make any sense to	NR	

		me that you would propose having a higher caseload for teachers with students who need the most help. No Child Left Behind includes these kids too! To lump all disabilities together regarding caseloads, definitely does not take into the consideration the needs of students in particular those with Autism. It is a different disability than LD, BD and MI. Just as stated in Policy 2419, Autism is a disability that affects verbal and nonverbal communication, social interaction and ADVERSELY affects educational performance. Students are often nonverbal, with little or no way communicating, engage in stemming behaviors, repetitive activities, and are resistive to changes within the environment and daily routine (this includes changes in staff) , as well as sensory needs. Characteristics vary from mild to severe; with most I have had in the last 12 years being severe. In addition to these needs, many students are severely deficit in personal/self help skills such as toileting (many are not potty trained, require schedule and hierarchy of prompts to complete) and feeding (use of utensils, manipulating/opening items, manners, etc), most can not travel throughout the building without supervision. The ramifications of not being able to communicate expressively and/or receptively, often ends in a behavior. Behaviors include but not		

		limited to crying, screaming, self abuse, aggression towards staff, other peers, personal property and just an overall sensory meltdown. It does make me wonder if those proposing the caseload switch, would like to spend a week in a classroom just with current caseloads, then double that experience, (and that might not get you to 10) before deciding this would be better for kids with Autism. You would find that you have little down time, as our kids need to be actively engaged otherwise their time is unproductive, whether that is with academics, readiness skills or leisure activities. All of these areas require structure, schedules (usually visual) and hierarchy of prompts (often they don't know how to play/ interact with toys as intended or each other). I don't consider myself a "babysitter" as some professionals in both regular and special ed has commented of themselves. Regardless of my student's disability and all their unique needs, I have expectations of them, as well as of my staff. Just because they aren't in "reg. ed." or taking the WESTEST, doesn't mean we don't work on anything. Those teachers that "baby-sit" now won't feel the effects, as they will continue to due the same thing-very little. Those like me will continue to work hard at our job but "you and this		

		policy" may eventually force them to leave because they will feel like they are not adequately doing their job.(As it is now most teachers who take an Autism teaching position are not fully certified to start with and have little experience). The amount of work for an Autism teacher with 3-5 kids is tremendous now (well I should say a dedicated teacher) - and I am not even talking about the school responsibilities (IEP, meetings, etc). I mean making PECS (Picture Exchange Communication System) pictures used to help non verbal students communicate needs and wants, making picture/ visual schedules to indicate to the child what is happening next or what the teacher is asking, etc., making modifications to worksheets, activities, or just making workshop materials for more severe students to access readiness skills, preparing multiple levels of academics to teach, writing and making social skills stories (again different stories/activities would be needed for the different needs of the student- it isn't one size fits all ! And that is how this policy is looking!!! The majority of these students do not learn like traditional students, many aspects of their day have to be adapted or modified, they are not paper pencil students, nor do they respond well to traditional rows of desks settings, and large areas with noise and lots of people. This brings me to my		

		next point- classroom setting and structure. Those who read any kind of research regarding students with Autism know that the classroom environment is extremely important to the child's learning and well being. The classroom should consist of academics teaching areas, leisure/play area, individual work stations (each child having their own desk with work and finished boxes), sensory area, calming area, and snack area (if appropriate). My classroom is set up in this way, plus you have to allow for shelving and storage for materials. In no way would this room be able to accommodate the above environment structure and have 6-7 additional kids. Again, you talk about serving the best interest of the student- this would not. Research also shows small group instruction and opportunities to be with their peers enhance their learning and overall well being. Do you consider 10 a small group?? I sure don't and neither did any reg. ed. teacher I talked to, most saying 4-5 was a small group. Title 1 small group instruction- 4 kids at a time!!!!! Reading Resource small group 4-5 kids. And let's not forget these are "reg. ed." kids that just need a little extra help. And you want to put up to 10 children with autism in a class????? If these kids could be in a group that large, then they would be in regular ed.		

		Way too much stimulation, opportunity to mimicking inappropriate behaviors, missed opportunities for communication instruction, praise, etc. Currently, I integrate my students into settings with their peers at appropriate times – this takes a 1:1 ratio with child to help facilitate interaction and participation of that activity, otherwise the child would just sit and stem, be in their own world, they aren't going to initiate social interaction, very few do, without lots of prompting, social skills stories and language, role modeling, etc. Children with autism generally progress more rapidly when they receive carefully designed instruction provided 1:1. My students IEP's are just that, individually designed instruction. While some teaching overlaps, my IEP's are not of the one size fits all. My day is full of differentiated instruction- different levels for different needs. Focus areas of instruction include- academics, readiness skills, communication, play/ social skills, sensory activities, personal independence, and positive behavior supports. Not just reading, writing and arithmetic. Safety is another area of concern with that many children. Again the students I currently have need supervision walking to speech, lunch, playground (recess with peers), their specials- gym, music, library, and bathroom. Supervision is also needed		

		due to student's dietary restrictions, allergic restrictions, putting inedible objects in their mouths (yes, I had a student who displayed pica behaviors (eating inedible objects and he was quick!) 1:5 supervision ration would not be satisfactory, even if you had the best, well trained service personnel (and just as a side note, most service personnel have had little or no experience with Autistic children and those who want to don't have the opportunity because every year they get RIF and I have to start the year off with someone "green" again.) Some autistic children are often aggressive and may injure themselves, peers or items within the room. I have experienced this many times over the last 12 years and again I had less than 10 kids. The most I've had was 7. As I have sat here expressing my concern, it continues to play through my mind of what people are thinking. How could this scenario be best for the children I work with? I realize that the impact would be less on other children with disabilities and that we (Autism) may be the minority, but this policy (caseload proposal) is not what is best for the kids. One of many great articles to read would be by Temple Grandin (well known and respected expert in the Autism community). In the words of Temple Grandin –"I cannot over emphasize the important role that good		

		teachers and therapists play in enabling autistics to leas a fuller life. A good autism program needs dedicated people and should use a variety of treatment methods in combination with an intense, structured environment." In addressing members of the panel Tues. evening Dec 12, I stated that I would be doing the children a disservice if the caseload changed. However, I should have said "That Policy 2419 (caseload proposal) would be a disservice to the children with Autism." It is extremely difficult to write all that I want to inform you about in regards to how this change would affect the students I work with. I really hope that the board takes another look at "lumping" all disabilities together concerning caseload. They are different disabilities, with different needs, and should have different caseload standards.		
1-12	Shelia Kay Woods Special Education Aide esjwoods3@frontiernet.net Jefferson County Schools 44 Cleveland St Harpers Ferry WV 25425	I am sending my comments as a parent first off . I have a third grader that I really don't know would be passing if it were not for the help he is now recieving through the special education program. I know that my son does still have a tough time doing the assignments in his regular class of peers and that although his teacher understands this there is only so much she can do for him with all of the other students in this class. I will now comment from my job point of	NR	

		view as a special education aide. I am very happy to help all of the children and teachers that I work with. I feel my job is very important for the extra support I can offer to the regular education teachers. I think it is important for these children to know that we are there to help assist them when they need it. I truly believe that the depend on us. The changes that are about to be made I do believe are not in the best interest of the children. I do not think that the number of special ed students should be raised in the regular ed classes without the support of more help. The regular ed teachers already have a big job by just having 20 children in one room to add those who will also need special help at all different levels is just to much to ask the teachers to even try and do. I also feel that this will put more pressure on some of the children who already feel a little self-consious about not being able to perform as well as the other regular students. I think the numbers are good now and would hate to see this change because of the effect it may have on so many lives. I only have one mor thing to comment on the parts of the special ed adies. I feel that every special ed child has needs that are different from each others and that they need different ways of teaching to meet these needs therefore I feel that it is the		

		aides who have a better hand of being able to assist those children in small groups and/or individually to help these children learn effectively. I thinks that the aides have a better chance of doing this because they may only a few students who they can devote more time for as where the teachers can't do due to the number of children they have just trying to get them through the states requirements for each grade level. I believe that all children need help in learning, but some children just need more and that is what an aide is for. I think the teachers welcome and thank the help the recieve. In closing I am just saying that the loss of aides or the growing of regular classes having more special ed students in them is not what I justify as helping it is going to make the life of a teacher harder and more difficult to enjoy due to the stress of trying to help all when it is not easy to so alone in most cases. I truly believe that our(aides) support is needed. Thanks for hearing my comments and concerns. Shelia Woods		
1-12	Melissa Given Itinerant Teacher mgiven@kcs.kana.k12.wv.us Kanawha County Schools 848 Alta Road Chas WV 25314	I would like to make a comment regarding the Maximun Number of Sudents per Instructional Period Based on Level of Service. I believe that the ratio for the Level II Service Needs is too high. If you consider the needs listed on p. 79 of this		

		document, it is apparent that these students will need more support than 1: 5, or 2:10. My fear is that counties will hold to this formula, and the instructional services for these students will suffer. There are also times when personal hygiene needs are addressed, and 2 adults are needed to meet these needs. I would also like to address the caseload for Itinerant teachers. Do we fall into the category of "All Other Exceptionalities", which states we would have a class size of 30 per period? Or was this category of service delivery not addressed? I currently have 9 students assigned to my caseload, and I do not know how I could meet the needs of many more students. Thank you for your consideration!	NA NR	Caseloads provide a maximum; IEPs must be implemented
1-12	Beverly McCoy 736-6186	Chapter 6: Administration of Services. B. Adequate Staff – Class Size Requirements for Instructional Period All WV Pre-K classrooms "Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. " – is beyond the requirements of 2520 §9.2 which establishes a ratio of 1 adult to 10 children. Integrated classrooms – "no more than	NR NR	

		30% of the total class enrollment during any single class period in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math." – Impact projections at least 4 teachers in our school. Chapter 6, page 78 – the limitation on the percentage of students with disabilities should apply to all regular education courses, not just those in the core areas.	NA	Limitation is alignment with NCLB reporting requirements
1-12	Regina Mayolo Technical Assistance Specialist rmayolo@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Road Morgantown WV 26505	I work with a number of students who would be classified as Level 1 who need assistive devices and services to achieve their educational goals. Why are these not listed under Level 1 services?	NR	Amended language
1-12	Sharon Leivestad Pre-school Teacher Romney Elementary School Julie Wilson Pre-school Teache Romney Elementary School Lisa Haines Pre-school Teacher Romney Elementary School	After reviewing Policy 2491, We would like to express our concerns on Chapter 6: Administration of Services. As we understand it, this section states: A maximum of 20 students (ages 3 – 5) per	A	Accept with amended language

	Loretta Hott Pre-school Teacher Romney Elementary School	session with no more than 10 of those students with IEPs for Development Delays. That is, 10 special needs per day along with 10 regular students. At this time, we have one class with 7 regular students and 7 special needs students. It is extremely difficult to attend to each child's needs whether they are delayed or not. The majority of the special needs children we get have some form of social behavior problem. Therefore you have to make sure they are treating their classmates properly. (We have had several biters which requires us to never take our eyes off that student for fear another student could get injured. We have had runners with no regard to safety issues. They require all eyes on them during the recess for fear of losing them.) The majority of the development delayed students come in without toileting skills. At least one of us has to attend to their needs which means that person is in the bathroom all day leaving the other to attend to the rest of the class. Just because we have regular students does not mean they act in appropriate ways either. They require a lot of attention		

		because 3 – 5 year olds have no idea how to move from class to lunch, lunch to recess, and recess to class. Even though we don't mind reteaching this everyday, it is very difficult when you have one wanting to go potty, another is running off and a third one is screaming because the biter just took a hunk out of their arm. We recently switched one student for another in our classes. Student A was getting further and further behind because we had so many students in the classroom that we were not able to attend to his needs. Student B, although he still has some problems, was showing signs of improvement in that class, which was a rather small class (only 9 students). The switch starts next week, and we felt that was the only alternative we had. It is a difficult task for 2 staff members to meet the needs of each child at the present time. If this policy goes into place as it is now written, it will increase the caseloads to the point that it will be unfair to the students who require extra help to be on age appropriate levels with their peers. In other classrooms 30% of their class enrollment falls under the special needs category. Unfortunately for our classroom, which is 50% special needs, this has not been the case. It has been very stressful		

		and detrimental for all students in the classroom regular and special needs. Should we continue with the proposed changes, we will truly be defeating the purpose behind the NO CHILD LEFT BEHIND.		
1-12	Beverly McCoy 736-6186	Caseloads: The collapsing of student needs into just 2 categories – level 1 and level 2 – hinders the ability to provide for students' needs on an individual basis. Having caseloads as high as 10 students per teacher for those students with the highest needs will be damaging to students. It has been reported that West Virginia schools have difficulty getting and keeping an adequate number of highly qualified special education teachers. Turnover is reported to be significant. This change is not going to improve the working conditions of teachers working with the students with the most significant needs, and is likely to result in major difficulty recruiting and retaining highly qualified teachers. Increasing the caseloads as proposed is	NR	

		likely to provide a financial incentive for districts to provide special education services in the more restrictive environment of a special education class rather than the regular education environment. The proposed change is likely to dramatically diminish the ability of students with more significant needs to have individualized participation in regular education classes.		
1-12	Name: Denver Drake, Gail Balcourt, Tim Via Organization: Braxton County Schools Title: Principal and Assistant Principals Street Address: 100 Carter Braxton Drive City: Sutton	B. Adequate Staff – ***Class Size Requirements for Instructional Period*** **All WV Pre-K classrooms** "Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. " – is beyond the requirements of 2520 §9.2 which establishes a ratio of 1 adult to 10 children **Integrated classrooms** – "no more than 30% of the total class enrollment during any single class period in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math." – Impact projections from Braxton County Principals indicated that the schools in Braxton County will need 15.5 teachers and 3 aides to implement requirements	NR NR	Already changed-was really accepted p. 81
1-12	Lisa McKinney-Jackson speech-language pathologist	In the matter of caseload waivers - I feel that SLP be exempted from caseload	NA	Criteria for submission

	lisadanj@verizon.net Raleigh Co Board of Education 105 Third Avenue Fayetteville WV 25840	waivers. The reason for this is that we could be expected to see many more students than we have the time to give quality services to. If we are made to have more students than our time permits, they would not get services that they need in the matter of time or quality. Try to find ways to retain slps in the school system instead.		and approval of waivers will be developed with stakeholder input
	Susan Withee PK Special Needs Teacher-Itenerant swithee@access.k12.wv.us Nicholas County Schools 3 Starbuck Road Summersville WV 26651 Carmella S. Crawford Sissonville High Teacher No Name Brenda Koontz Special Education teacher Sissonville Sonja Phillips Special Educator Kanawha County Schools Carla Campbell Educator K-12 Cross lanes Elementary	Chapter 6 - Administration of Services p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . . p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities. p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total	NA NA A	Provision of support personnel is dependent on the needs of the individual student as determined by the IEP team. This provision allows equitable distribution of IEP management duties among all special educators in a building. Accept with amended

	American Federation of Teachers Sissonville High School Todd Chevalier-Regular Vickiy Robb-Reading Specialist Angela White-Paraprofessional Aide David R. Danie(unintelligible)-BD Teacher Unintelligible Becky Eckenrode	classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.		language; recommended best practice; financial impact of the recommendation makes this impractical.
	School: Weimer fax to 558-3741 Suzanne Am Kristie Anderson Kathy Houchins Dolore Dunn Kathy Bishop Julie Clifton Janis G. Priddy Laura Gillis Karen Dillard Kathy Bishop	p. 78 4) When instructional responsibilities are shared change the word "block" to period. 5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning. . 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.	A NA NA	Accept with amended language Scheduling staff is an administrator responsibility Level 1 and 2 refers to the needs of students
	Capital High School – Faxed from 345-5955 on Jan 4 Paula R Kerner- Teacher			
	George Washington HS – Faxed from 344-4947 on December 22 Greg Dodd - Teacher Karen Donathan – Teacher Kathleen Desposito – Teacher Gene Petry – Teacher	p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:	NA	Staffing ratios are determined based on student need

	Hamlin Pre-K – Faxed from 824-3836 on January 4 Kerry A. Bates – English 8 Damion Maynard – Art instructor Doug Smith – Teacher Paul Winters – substitute Teacher Karin Maynard – Science 6, 8 Janet Ward – Teacher Teresa Chapman – Teacher Sheila Brians – math Teacher Ashley Arbaugh – Language Arts Lisa Ding(?) (Unintelligible)- Special Ed Teacher Lisa Chapman – Lang. Arts Teacher (same school) Faxed from 824-3836 on January 10 Laura Heizer – Special Education Teacher Daryl Smith – Teacher Kathryn Price – Aide IV T. Rae McComas – Elementary Art Linda Rocke – Special Ed Teacher 4th/5th Linda Jefferson – Special Ed Aide Jennifer Ro (?) – 1st grade Teacher Judith Cooper – Special ed aide **Harts Middle School** – Faxed from 855-7945 on January 4 Jason Cheek – Special Ed Teacher Unintelligible – math Teacher Reba Thompson – special ed Teacher Gail Vance – Teacher Debra Browning – Teacher	Early childhood reduced to 6 Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons. 8) Do not base caseloads per instructional class period on the student's level of needs.	A NA	Accept with amended language Additional staff person will be added to the integrated classroom The proposed caseloads provide flexibility to administrator in scheduling staff to meet student needs.

	Mildred Napier – special ed Teacher Holly Duncan – Teacher Melinda O(?) – art Kimberly Coll(?) – Science Teacher Amanda D(?) – Lg Art Teacher John Baton Jr – Teacher Jane Nichols – Teacher Ezra (?) – parent Susie McC(?) – Secretary Ethel Flemming – Secretary Lisa Atkins – Nurse Modalina Headley – Cook III Penny Adkins – Sub Cook Lisa Workman – Sub Cook Beth Byrnside – Health Teacher Richard McCann – ALC Debra Skeen – Special Ed Aide Rosa Moore – Special Ed Aide Vannah Hen (?) – Special Ed Aide Eliza Workman – Parent Michelle Smith – Parent Jason R(?) – PE Teacher Delores Lambert – Parent **Jefferson High School** – Faxed from 728-6590 on Jan 11 Name unintelligible – Office Aide Jo Ann Johnston – Aide Jill Baker – Supervisory Aide Name unintelligible – Supervisory Aide Susan Johnson – Sp. Ed. Teacher Tina Hardy – Special Ed Aide Melody Johnson – Supervisory Aide			

	Jamie Kendall – Aide **Liberty High School** – Faxed from 623-3159 on January 9 T. Shriver – Teacher Victoria Tarantino – Business and Journalism Educator Holly Sears – Interpreter Marguerite S Hickman – Teacher Jason Haynes – Math Teacher Ellen Wentz – Teacher Amy Mortenson – Chemistry Teacher Karla Smith – Spanish Teacher Diane Wickland – Teacher Maria Alex – Teacher Amy Howe – Teacher Angelo Capozzi Jr – Teacher Geraldine Newlon – Teacher Katherine Crim – Teacher Barbara Davis – Teacher Amy Miller – Teacher Cathy Hickman – Teacher Dr. Paula Nelson – Teacher Unintelligible – Teacher Leslie Reaser – Teacher Janice Bailey – Aide Amanda Bailey – MI Teacher Roberta Simons – Aide Tamala Hutson – Reading Teacher Damett (?) – Special Education Teacher			

	Lincoln County High School – Faxed from 824-6064 Jan 5 Jacqueline Bannerman – Teacher Cynthia Prunty – Teacher Mary Adkins – Special Education Aide Joan Cox – Special Education Aide Susan Casto – Special Education Teacher Sonda Elkin – Special Education Teacher **Midway Elementary** – Faxed January 2 Loretta Davis – Teachers Aid **Nitro High School** – Faxed from 755-4345 on December 22 Steve Watts – Teacher Joyce Midkiff – teacher (Same School)Faxed from 755-4345 on January 3 Ana Baber **Piedmont** – Faxed from 348-6565 on December 22 Patty Akers – Teacher **Riverside High School** – Faxed from 348-1921 on January Tom Bradley – Teacher Derek Casdorph – Special Education Name unintelligible – Regular Ed teacher **Ruffner Elementary** – Faxed from 348-6565 on December 22 Shaina Riggall – Title I Teacher			

	Scott High School – Faxed from 369-6564 on January 3 Carrena Rouse - Teacher Sissonville High School – Faxed from 348-6565 on December 22 Melinda Dunn – Teacher Elizabeth Taylor – Teacher Elizabeth Thomas – Teacher Vickie Carney – Teacher Susan Harrison – Teacher Debbie D(?) – Teacher Calvin McKinney – Principal Eddie Smolder – Teacher Brooke Smolder – Teacher Jane Schultz – Teacher Nikki Ardman – Teacher Linda Grimmett – Teacher Rebecca McLaughlin – Teacher Carolyn Moss – Teacher Brenda Walker – Special Education Paraprofessional Mary Miller – Counselor Unintelligible Jerry Throckmorton – Teacher Rich Skeen – Special Education Teacher Stephen Mulli? **Spring Mills Middle School** – Faxed from 274-3598 on January 12 Unintelligible Karen Dutterer – Teacher			

	Jennifer Unger – Teacher Karen Criswell – Health/PE Laura Giles-Lord – ESL, Plato Carol Hamilton – Teacher Becky Singer – Teacher LD Teresa Gladwell– Teacher Janet McCrory – Teacher M. Adams – Teacher Pam King – Teacher Kimberley Moore- Guidance Counselor Kim Herman – Teacher Mary Kay Durst – Teacher Golden Cole – LD Math Elice Gregory – Teacher L. Black – Science Teacher Winfield Elementary School – Faxed from 586-5351 on January 9 Sally Sutherland – Autism Teacher David R. Har(?) – Autism Aide Darlene Geyer – 2nd Grade Teacher Holly Chapman – Exceptional Ed Aide Twyla Melton – Teacher Doris Searls – MMI Aide Deborah Yeigh – BD Aide Martha Alexander – Kindergarten Aide April Harper – Special Education Teacher Imogene Ashley – Aide Charles Edwards – Aide Philip Watson – Aide Becky Marakovit – Teacher Dianne Harrah – Aide Benita Holley – Aide			

	Janie Miles – Secretary **WV Service Personnel Association** Frances McCormick – Special Education Aide Misc. (I believe this has been entered) Andrea Alfred – MI High School Teacher Rosemary Jenkins Director of Field Services rjenkins@aftwv.org AFT_WV 1610 Washington ST. E. Suite 200 Charleston WV 25311 Jacqueline Long President jslong@access.k12.wv.us West Virginia School Service Personnel Associaton 1610 Washington Street, E. Charleston WV 25311 RJHS FAX: 304-846-2639 Tel: 304-846-2638 Initials: • SAC • TR • DH			

	• JR • JB RMS Susan Withee PK Special Needs Teacher-Itenerant swithee@access.k12.wv.us Nicholas County Schools 3 Starbuck Road Summersville WV 26651 Janelle Cornell Special Education Teacher daisy_5882@hotmail.com Summersville Elementary 301 Jackson Ave. Summersville WV 26651 Louise Molnar lmolnar@access.k12.wv.us 386 McKees Creek Road Summersville WV 26651 Brandon Tinney Teacher brandon_tinney2003@yahoo.com Nicholas County Schools PO Box 131 Leviasy WV 26676 sherry bostic special ed aide Nicholas co bd of ed			

	175 sherry ln summersville wv 26651 Cynthia Phillips Sp. Educator Teri Merritt Aide Charisse Morris Sup. Aide Berthelia McCormi? Resource Room teacher, Special Education Matherine McClure Reg. ed. inclusion teacher Willis Roy Classroom-Aide Capital High School Rebecca Cochran teacher rebeccacochran@teacher.com Melrose Elementary 464 Courthouse Road Princeton WV 24740 Anonymous Ellen Shapiro Stonewall Jackson Itinerant teacher of Visually Impaired			

		Chapter Seven: Discipline		
11-29	Mrs Meador science teacher	If a student is that much of a problem, then his/her parents should have to keep him/her at home or the individual should be transferred to juvenile facilities where individuals are better trained to handle them! We need not be held captive by the few dangerous individuals that threaten the well being and education of the many that are forced to deal with them! Too many teachers have been disabled by violent individuals and many students have suffered casualties from such violent individuals! This is the reason or one of the main reasons why private schools and home schools have had increasing numbers of people enrolled!	NR	
12-25	denise lough denise_9572@yahoo.com parent 290 pleasant ridge rd webster springs wv 26288	I think are school should deal with the childern over discipline and keep it out of the court syem not unless they broke the safe school act and do it the right way do a board hearing to deal with the child and not the court .	NR	
12-25	mary jean thompson none parent po box 301 cowen wv 26206	make the school go by there policy and keep are childern out of the courts or take are childern in to a board hearing the why it should be done. and are school should do a PBS plan and change it if it don't work.and are school doesn't follow these policy anyway	NR	
1-02	Robyn Fitzsimmons	Page 88 - change "district professional	NA	Consistent

	Assistant Superintendent rlfitzsi@access.k12.wv.us Wetzel County Schools 333 Foundry Street New Martinsville WV 26155	personnel" to "professional personnel".		with IDEA
1-04	Martina Mills Principal 104 Sycamore Ct. Chapmanville WV 25508	After being an educator for 33 years, I have decided to retire. The discipline of Special Education students has finally made my decision. The paperwork required to discipline a special needs student far exceeds what is necessary. This part of the policy is a reverse discrimination on regular education students. The special needs students are not being prepared for the reality of the global work force. All students should be equally accountable for their behavior. This is especially true for Learning Disabled students. NCLB and Special Education policies are and will be detrimental to public education.	NR	
1-04	Margaret F. Shank Principal mfshank@access.k12.ws.us New Martinsville School 20 E. Benjamin Drive New Martinsville WV 26155	Chapter 7: Discipline definitions of a weapon, page 86: Weapon – a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less that 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)). This definition has changed over the	NA	Consistent with IDEA

		years…would citing this create undue procedures if it is changed at a later date? basis of knowledge, page 88 Proposes that if a parent/adult student has "expressed concern to district professional personnel". We would like consideration be given to replacing the terms "professional personnel" with administrative personnel.	NA	Consistent with IDEA
1-07	Name: Greg Furrow Organization: Mercer County Schools Email: Title: Special Education Specialist Address1: 1403 Honaker Avenue Address2: City/State/Zip: Princeton, WV 24740 Role: School System Staff	Thank you for further clarifying "Pattern" of behavior. This has been a source of confusion in the past, and appeared to be quite open to interpretation. It would seem that a subject as potentially volatile as the discipline of a student would best be accompanied by as little ambiguity as possible.	NR	
1-05	RESA 6	**Chapter 7: Discipline** **definitions of a weapon, page 86**: Weapon – a weapon, device, instrument, materia substance, animate or inanimate, that is used for, or is readily capable of causing deat serious bodily injury, except that such a term does NOT include a pocket knife wi blade of less that 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)). This definition changed over the years…would citing this create undue procedures if it is changed later date?	NA	Consistent

		basis of knowledge, page 88 Proposes that if a parent/adult student has "expressed concern with district personnel". We would like consideration be given to replacing the terms "professional personnel" with administrative personnel.	NA	Consistent with federal language	
1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street Kanawha County Board of Education Charleston WV 25302	Chapter 7: Page 85 Section 2 #2: States within ten schools of any decision to change placement…change to" within ten schools days when a change of placement is being considered… If left as any decision it appears and IEP decision has been made as to placement.	NA	Consistent with federal language	
1-08	Name: Sarah VanMeter Organization: Email: Title: Occupational Therapist Address1: Address2: City/State/Zip: Springfield, WV 26763 Role: Professional Support	Basically you can't touch a student if they have an IEP we can't expel them because it is a manifestation of their disability. If the student understands that what they did was wrong they should be held accountable.	NR		
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road Morgantown WV 26505	Behavioral manifestation evaluation should include AT assessments as a means to reduce negative behaviors (see page 85).	NA	AT assessment is included in Chapter Three	

01-11	Lisa Martin Director of Special Education ldmartin@access.k12.wv.us Jackson County Schools P.O. Box 770 Ripley WV 25271	Discipline procedures are always difficult to understand and implement. Given that the anticipated goal of the policy is to be specific enough to stand without corresponding procedures, the policy must provide specific, step-by-step guidance for principals. One area of ambiguity is with the determination of change of placement status [due to a pattern of removals] which may or may not necessitate a manifestation determination review. Page 83: "Whether a pattern of removals constitutes a change of placement will be determined on a case by case basis by school personnel." A specific format for making such a determination, similar to the form/format for MDR, is needed to determine change of placement. Perhaps this could be one two-part form beginning with determination of change of placement and then, if determined to be a disciplinary change of placement, manifestation determination would follow.	NA	Professional development issue; form can be added to the appendix at a later time

Chapter 8: Private School Students				
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	Add E. 4. If a district has not expended for equitable services all of the fund described in the expenditure requirements by the end of the fiscal year, the distric must oblicgate the remaining fundds for sepecial education and related services sto parentally-place privatae school studedtns with disabilities during a carry-over period of one additional year.	A	
1-05	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Rd. Morgantown WV 26505	Do students in private placements or in correctional facilities have access to the assistive devices and services in their IEPS (See page 102)? Who monitors to ensure it is happening? *"Provision of Services" 23 a-e, pages 102-104, describe signed agreements between respective agency officials that clearly identify the responsiblity of each and says these documents must be on file with the Secretary of State's Office. The Secretary of State's Office is unaware of the existence of these documents. The Policy is unclear on how this process will happen or who will be involved in ensuring the policy is followed and when it will be accomplished.	NR	
1-11	Stacy Miller Information Specialist smmiller@hsc.wvu.edu West Virginia AgrAbility 959 Hartman Run Road	Do students in private placements or in correctional facilities have access to the assistive devices and services in their IEPS (see page 102)? Who monitors to ensure it is happening? Provision of services (pages	NR	

	Morgantown WV 26505	102-104) describe signed agreements between respective agency officials that dientify the responsibilties of each and states that such documents must be on file with the Sec. of State's Office. But the SOS office is anaware of the existence of such documentw. How will this process happen and who will ensure that the policy is followed?		
1-12	Beverly McCoy 736-6186	Chapter 8, page 98 – "unreasonableness" reference is vague and not sufficiently informative to parents and others; for the final two items on the page, it is alarming that reimbursement could be reduced under those circumstances. Putting students at significant risk of serious emotional harm is unacceptable	NR	
1-12	Lois Ingles Wood County Schools LD/Multicategorical Specialist 1210 13th Street Parkersburg, WV 26101	Chapter 8: What happens when some of your private schools never participate? Are they still entitled to funds?	NR	

Chapter 9: General Supervision for Performance and Compliance				
12-20	Brenda Isaac Lead School Nurse bcisaac@kcs.kana.k12.wv.us Kanawha County Schools 200 Elizabeth St. Charleston WV 25311	I am glad to see a clearly written prohibition against requiring parents to obtain a physician's order for medication as a condition for attending school. No one in the school system has the qualifications to make that type of a medical diagnosis.	NR	
12-27	Eileen Poling County-wide teacher of gifted epoling@access.k12.wv.us Tucker County Schools 215 Homewood St. Parsons WV 26287	Again, change "disabilities" to "exceptionalities	NA	No reference provided
1-03	Mary S. Glass Teacher of Gifted and Exceptional Gifted mglass@access.k12.wv.us 133 Fayette Street Buckhannon WV 26201	On p. 101, under #5 it should read that "The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for children with exceptionalities in the state" as they also provide guidance on the education of gifted students.	A	Accept with amended language
1-07	Name: L. Gage Organization: parent of gifted student Email: laurel@citynet.net Title: Address1: Address2: City/State/Zip: Capon Bridge, WV 26711 Role: Parent-Family	On p. 101, under #5 it should read that "The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for children with exceptionalities in the state" as they also provide guidance on the education of gifted students.	A	Accepted with amended language

1-12	Janet Gould Teacher of gifted students jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	On p. 101, under #5 it should read that "The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for children with [exceptionalities] in the state" rather than "disabilities" as they also provide guidance on the education of gifted students.	A	Accepted with amended language
1-12	Francine DeR? TA Lowry Elementary School Sp. Ed Teacer 103 Shenandoah Jct Rd. Shenandoah Jct. Wv 25443	(APTA-standardzied test vs. WESTEST)	NR	No specific comment provided

Chapter Ten: Procedural Safeguards				
12-25	mary jean thompson none parent po box 301 cowen wv 26206	keep a check on the schools give parents written notice more then one time before they hold a meeting. and where parents don't have to wait a year or two under disclosure and FERP.	NA	IDEA 2004 300.322 requires districts to provide other means to ensure participation but does not require a second written notice
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	End of seciton 4 add: The parent/adult student must provide written consent for any invited agency representative to attend the IEP team meeting. Section 6, A. add a 5 and 6: 5. and agency representative likely to pay for or provide transition services attend and IEP meeting. 6. Personably indentifiable information is released between officials in the district or residence and the district the private school is located.	A A A	
1-11	Ron Brown Berkeley Co. Schools Director of Sp. Ed 515 W Martin St Martinsburg, WV 25401	p. 119 Change to LEA may pay for IEE. Must pay if parent disagrees and requests an IEE.	A	Accept with amended language

1-11	Melina Danko Information Specialist mdanko@hsc.wvu.edu WVATS 959 Hartman Run Rd Morgantown WV 26505	Section 7A states that "The parent/adult student is entitled to only one IEE at public expense in response to a district evaluation." Does this mean one per year? This is not clear	NR	
1-12	Beverly McCoy 736-6186	The section on IEEs needs to clarify that an IEE is available for each area evaluated by the district, even if the parent cannot find a single site that can do all the evaluations. It also needs to clarify that parents/students are entitled to the IEE for each cycle in which the district conducts an evaluation.	NR	Professional development issues;consistent with federal language

Chapter 11: Dispute Resolution				
11-29	Fran Allen mediator fpallen@earthlink.net Counseling & Wellness Center 936 Market St. Parkersburg WV 26101	Massive undertaking - congratulations. Most of these are minor wording suggestions. At least one is major. Section 2. Mediation The word "confidential" should be added to the first sentence (an informal, non-adversarial, confidential and voluntary process). I also think it might be clearer to use parentheses in that long sentence, and change "called the mediator" to "(the mediator)". The second and third sentences could be more simply put: "Mediation may take place at any time, regardless of the filing of a due process complaint or state complaint." A. Paragraph 2: The opening sentence of this paragraph is certainly true, but I think the phrase "the parties must execute a legally binding agreement that..." might unnecessarily scare off folks who are unsophisticated in their use of language. Saying "the mediator will help the parties execute a legally binding agreement that..." might be better. More serious is the next comment:	A A A	Accepted with amended language Accepted with amended language Accepted with amended language Accepted with amended language

		The second numbered feature of "The agreement" (that it must not be used as evidence in any subsequent due process hearing or civil proceeding) is actually applied to the discussions in a mediation - not the agreement. The agreement itself can be used in court. I would suggest changing number one to read: 1. State that all discussions that occurred during the mediation process will remain confidential, and may not be used as evidence in any subsequent due process hearing or civil proceedings; Then number 3 just becomes number 2.	A	Accepted with amended language
		B. Paragraph 2 I'm sure you mean that mediators must be qualified and trained in effective (not ineffective) mediation techniques. :) Finally,	A	Accepted with edit
		C. Meeting to Encourage Mediation I think this sentence would be more clearly written: When parents and schools choose not to use the mediation process, districts may offer an opportunity to meet, at a time and location convenient to the	A	Accepted with amended language

		parents/adult students, with a disinterested party who: Thank you for the opportunity to comment.		
12-25	denise lough denise_9572@yahoo.com parent 290 pleasant ridge rd webster springs wv 26288	when a parent does a compliant the school shouldn't have time to fix it and it shouldn't that 60 days for the state to investigate.	NA	Consistent with federal language
12-25	mary jean thompson none parent po box 301 cowen wv 26206	parents shouldn't have to wait 60 days when they file complaints because that gives the school time to fix it.	NA	Consistent with federal language
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	Section I: Add "The party requesting a due process hearing may not raise issues at the due process hearing that were not raised in the due process complaint unless the other part agrees otherwise."	A	Accept with amended language
1-04	James Gerl Special Education Law Consultant; hearing officer; jimgerl@yahoo.com Scotti & Gerl 216 South Jefferson Street Lewisburg WV 24901	The beginning of the dispute resolution section does not make it clear that the three processes are not mutually exclusive and that they can be used in combination. There does not appear to be a mechanism whereby parties can enforce a resolution agreement or mediation agreement through the SEA (eg. due process and/ or state complaint). OSEP has specifically allowed for such state procedures. See 71 Federal Register 156 at page 46703 (August 14, 2006); 34 CFR Section 300.357.	A NA	Accept with amended language Consistent with federal language; mechanisms are within the State's jurisdiction

		Section 3L (concerning expedited hearings) appears to be inconsistent with the federal regulations. The time period for disclosure in the final federal regs was changed back to five business days. See 71 Federal Register 156 at page 46725-26 (August 14, 2006).	A	Accept with amended language
		Section 3K (concerning timelines) appears to be inconsistent with the federal regulations. 34 CFR Section 300.515(c) provides that a hearing officer may grant specific extensions of the decision deadline upon motion of a party. The proposed language for Policy 2419 seems to refer to only a single extension.	A	Accept with amended language
		The beginning of Section 3 on Due Process proceedings does not have a concise and fair summary of the due process procedure. Contrast the mediation section. (For example, the language could be: Parents and districts can enforce their rights under the IDEA by requesting a due process hearing before an impartial hearing officer.)	A	Accept with amended language
1-11	Melina Danko Information Specialist mdanko@hsc.wvu.edu WVATS 959 Hartman Run Rd Morgantown WV 26505	Section 7A states that "The parent/adult student is entitled to only one IEE at public expense in response to a district evaluation." Does this mean one per year? This is not clear.	NR	

1-11	Lisa Martin Director of Special Education ldmartin@access.k12.wv.us Jackson County Schools P.O. Box 770 Ripley WV 25271	Prior Written Notice requirements have been addressed by the OSE through training and technical assistance. More specificity is needed here and in other parts of the policy where PWN is referenced with regard to requirements of provision. In addition to required situations; i.e., "before the district proposes or refuses to initiate or change the student's identification, evaluation, educational placement, or provision of FAPE," there also needs to be clarification such as, "when the parent is not in attendance or does not participate."	NA	Implementation/training issue
1-12	Lynn Blackburn Special Educator lblackbu@access.k12.wv.us berkeley county Schools 301 S. Alabama Ave. Martinsburg WV 25401	I keep hearing that a new test is being developed to better meet the needs of our students that don't need alternate assessment-Where is it? and Why is it taking so long to develop? If we as educator were so delayed in providing appropriated services our jobs would be in question. If we are to be teaching state standards then lets assess the students on the standards at their functioning level	NR	
1-12	Melinda Walton Special Education Director mwalton@access.k12.wv.us Tyler County Schools P.O. Box 25 Middlebourne WV 26149	The use of Prior Written Notice requirements needs to be made more clear.	NR	

Glossary				
12-22	Karen Brunicardi Director Of Elementary Schools kbrunica@access.12.wv.us Wood Co. Schools 1210 13th Street Parkersburg WV 26101	Reverse mainstreaming? (not in glossary)	NA	Addressed in Policy 2525
12-26	Dawna J. Parker dawna_p@hotmail.com 55 Beech Lane Madison wv 25130	Eligible Exceptional Students: change "been determined to be" to "been identified as having one of the following exceptionalities", autistic to autism; behavior disordered to an emotional/behavior disorder; blind to blindness and partioally sighted to low vision; mentally impaiared to mental impairment; orthopedically impaired to orthopedic impairment; other health impaiared to other health impairment; specific learning disabled to specific learning disability, preschool special needs to developmental delay and traumatically brain injured to traumatic brain injury and are...	A	Accept with amended language
		In the definition of days change disabilities to exceptionalities	A	Accept with amended language
		Add a definition for RtI	NA	RtI is described in Chapter Four
		ESY: Change Public agency to district for consistency	A	

		General Curriculum: Chanag Instructiona Goals and Objective to Conteny Standards	A	Accept with amended language
		Independent Educational Evaluation: change public agency to district add "based on a list of qualified evaluators provided by the district."	NA	Consistent with IDEA
		Meeting: change public agency to district.	A	Accept with amended language
		Rework entire definition since the current definition does not define meeting, but defines what is NOT a meeting.	NA	Consistent with federal language
		Orientation and Mombility Change "apte or visually impaired" to who are blind or have low vision	NA	Definition consistent with federal regulations
		Placement: Change "for students ages six to twelve to ages six to twenty-one" and make sure developmental delay placements are accurate.	A	Accept with amended language
		Regular Education should be changed to General Education	A	Accept with amended

				language
		Rehab Counselling services only applies to students with disabilities not exceptionalities	A	Accept with amended language
		School Team should be school assistance team	A	Accept and deleted language
		Serious misconduct change regular to general	A	Accept with amended language
		Significantly sub-averagee intelligence: Make consistient wieht AAMR definition (seventy-five or less in consideration of 1 SEM)	A	Addressed in Chapter 4
		Special Education: In WV related services does not include all the service implied...only sp. lang. and voc. ed.	A	Accept with amended language to ensure consistency with federal regulations
		Specially designe instuction: cross out "under this part" and "within the	A	Accept with amended

		jurisdiction of the public agaency" Sweep screening cross out screening in "the utilization of screening tests"	A	language Accept with amended language
12-27	Judi Jones Kanawha Co. Schools Teacher of the Visually Impaired, Itinerant 200 Elixzbeth Street Charleston, WV 25311	What is mastery-no definition listed	NA	Mastery per grade level and content area is defined in Policies 2520.1-2520.17 and 2520.35
12-30	Karen Fragale Principal pfragale@access.k12.wv.us Putnam County Schools Lakeside Elementary 2550 US Rt. 60 Hurricane WV 25526	Define "Mastery	NA	Mastery per grade level and content area is defined in Policies 2520.1-2520.17 and 2520.35
1-04	Paula Kirkwood Speech-Language Pathologist paula.kirkwoo@access.k12.wv.us Harrison County Schools 319 Ash Ave. Clarksburg WV 26301	Add the following statement "Services provided by a qualified Speech-Language Pathologist" at the beginning of the speech therapy definition	A	Accept with amended language
1-04	James Gerl	The definition of "Due Process" in the	A	Accept with

	Special Education Law Consultant; hearing officer; jimgerl@yahoo.com Scotti & Gerl 216 South Jefferson Street Lewisburg WV 24901	glossary is confusing. The definition given relates to the use of the phrase in the U. S. Constitution. In special education, however, the phrase "due process" is generally shorthand for the due process hearing and related proceedings. The glossary should give a concise and fair definition of due process hearing.		amended language. Due process and its related dispute resolution processes are described at length in Chapter 11 of the Policy.
1-03	Jeanne Grimm Program Manager jgrimm@hsc.wvu.edu WV Assistive Technology System 959 Hartman Run Rd. Morgantown WV 26505	Terminology Consistency is lacking in use of the term, "assistive technology devices and services." In some areas of the document, the term is listed under "supplemental aids and services," (see pages 51 and 56) in others it is listed separately (see pages 2 and 68) and in still others, the term is listed under "related services" (see pages 57-58). In some cases, supplemental aids and services (see pages 13 and 51) and related services are cited, but assistive devices and services are not. The terms "accommodations" (see pages 62 and 68) and "adaptive equipment" (see page 79) are also used. Do these terms refer to assistive technology? *Why is it not clear that "assistive devices and services" includes access to information technology, such as hardware, software and peripherals?	NA NR	The definition is consistent with IDEA and is used appropriately as it applies to related services and/or supplemental aids andsrvice in sections of the policy..

1-05	Bonita Hadox SLP bhadox@access.k12.wv.us Marion County Schools 200 Gaston Ave. Fairmont WV 26554	ADD to the definition of Speech/language therapy services: SERVICES PROVIDED BY A QUALIFIED SPEECH/LANGUAGE PATHOLOGIST WHICH INCLUDE.....	A	Accept with amended language
1-05	Carol Stephenson Speech Language Pathologist cstephen@access.k12.wv.us Marion County SLP 11 Diana Dr. Fairmont WV 26554	Services provided by a qualified Speech/Language Pathologist	A	Accept with amended language
1-05	Angela Madia Harrison County Schools Special Education Resource Teacher 408 E.B. Saunders Way Clarksburg, WV 26301	**Glossary.** ***Page 139 Audiology, Page 154***	A	Accept with amended language
		Psychological Services & Page 159	NA	The services listed can be provided by a variety of other professionals.
		Speech Language Pathology Services include wording to reflect qualification for provision of services (i.e. Audiologist, School Psychologist & Speech and Language Pathologist) as noted in the reference to Occupational Therapy (p.150) and Physical Therapy (p.152).	A	Accept with amended language

1-05	BJ Gilbert LD teacher 324 Warrior Trail Summrsville WV 26651	Add a definition for mastery	NA	Mastery per grade level and content area is defined in Policies 2520.1-2520.17 and 2520.35
1-07	Name: L. Gage Organization: parent of gifted student Email: laurel@citynet.net Title: Address1: Address2: City/State/Zip: Capon Bridge, WV 26711 Role: Parent-Family	Add the terms "duplicated" and "unduplicated" to the glossary with understandable definitions. These are terms I've run across as a teacher and didn't understand. ("I" being my son's teacher)	NA	Not included in current policy
1-07	Sandra Boggs Sp.Ed. Director sboggs@kcs.kana.k12.wv.us Kanawha County Schools 200 ELizabeth Street Kanawha County Board of Education Charleston WV 25302	Question: Under co-teaching does the special education teacher that is co-teaching have to be HQT or just the teacaher of record is required to be HQ if only general educator introducing new concepts?	NR	
1-09	Yvonne Santin Director of Special Education ysantin@access.k12.wv.us Wood County Schools 1210 Thirteenth Street Parkersburg WV 26101	Include reverse mainstream classrooms as an entry.	NA	Addressed in 2525
1-11	Nancy M. Laughlin	Speech therapy services: provided by a	A	Accepted

	Speech Therapist, Marion County nancymlaughlin@yahoo.com 2 Sands Drive Fairmont WV 26554	licensed or certified speech/language pathologist		with amended language
1-12	RONALD BRUNT 187-A Rutledge Road Charleston, WV 25311 Community member Sarah Kendall Kanawha County Schools School Psychologist Beth Fouty Young Kanawha County Schools School Psychologist Marianne Forbes Educational Specialist c/o Capital Community Education Kanawha County Board of Education c/o Capital Community Education 200 Elizabeth Street Charleston, WV 25311 Professional Support Staff Mary Jane Kendall 10 Maple Lane Elkview, WV 25071	Glossary – add a definition for "mastery"	NA	Mastery per grade level and content area is defined in Policies 2520.1-2520.17 and 2520.35

1-12	. Pamela Adkins Brush Jefferson County Schools Speech Pathologst 44 Lacosta Blvd Martinsburg, WV 25405	Add Speech language pathology services provided by a qualified speech pathologist	A	Accept with amended language
1-12	Greg Cruey Special Education Teacher gcruey@access.k12.wv.us McDowell County Schools Anawalt Elementary School Box 230 Anawalt WV 24808	There needs to be a clear, quantifible definition of mastery.	NA	Mastery per grade level and content area is defined in Policies 2520.1-2520.17 and 2520.35
1-12	Lisa McKinney-Jackson speech-language pathologist lisadanj@verizon.net Raleigh Co Board of Education 105 Third Avenue Fayetteville WV 25840	Please add the wording "speech language services provided by a qualified speech-language pathologist". This makes our definition equal with OT and PT definitions. The students that we see deserve to have a qualified SLP delivering their speech, fluency, language, and voice therapy needs.	A	Accept with amended language
1-12	Sharon Clagett Speech Pathologist Sharonclagett@hotmail.com 941 Farms Drive Fairmont WV 26554	Physical Therapy is defined as "Services provided by a qualified physical therapist." Occupational therapy is defined as "Services provided by a qualified occupational therapist, which include . . ." SPEECH LANGUAGE PATHOLOGY SERVICES HAS NO EQUIVALENT	A	Accept with amended language

		STATEMENT. "SERVICES PROVIDED BY A QUALIFIED SPEECH PATHOLOGIST" IS NOT IN THE GLOSSARY.		
1-12	Janet Gould Teacher of gifted students jgould@access.k12.wv.us Hampshire County Schools HC-71, Box 103C Capon Bridge WV 26711-9505	Add the terms "duplicated" and "unduplicated" to the glossary with understandable definitions. These are terms I've run across as a teacher and didn't understand	NA	Not addressed in policy
1-12	Linda Nelson	On p. 156 of the glossary in the proposed revisions to Policy 2419, I believe that "regular" needs to be removed from the definition of Serious Misconduct so it is clear that students with disabilities may be removed from school for the listed infractions if no relationship is found between their disability and the misconduct during the manifestation determination meeting.	A	Accept with amended language
1-12	Paula Townsend Speech-Language Pathologist ptownsend26250@yahoo.com Barbour County Schools RR 1 Box 298 Philippi WV 26416	In the Glossary, regarding the definition of "Speech-Language Pathology" (pg. 159), I request adding the wording "Speech-Language services provided by a qualified speech-language pathologist". This would provide consistent wording with regard to the definitions for Occupational Therapy and Physical Therapy. I also believe that those students receiving Speech/Language Pathology	A	Accept with amended language

		services do indeed deserve a qualified professional to deliver such services		
1-12	Lynn C. Adams Special Educator jmhannah@hardynet.com Capon Bridge Elementary HC 63 Box 2250 Romney WV 26757	I am unfamiliar with the terms "duplicated" and"unduplicated". As a teacher with a Masters and 30 years of experience, I assume that others might also need clarification of this term.	NA	Not addressed in policy
	No Name Brenda Kontz Special Education teacher Sissonville Sonja Phillips Special Educator Kanawha County Schools Carla Campbell Educator K-12 Cross lanes Elementary Sherrill Morris MI Educator-McKinley Middle School American Federation of Teachers Rebecca Cochran teacher rebeccacochran@teacher.com Melrose Elementary 464 Courthouse Road	Policy 2419 1) Add a definition for "Mastery"		Mastery per grade level and content area is defined in Policies 2520.1-2520.17 and 2520.35

	Princeton WV 24740 **Sissonville High School** Todd Chevalier-Regular Vickiy Robb-Reading Specialist Angela White-Paraprofessional Aide David R. Danie(unintelligible)-BD Teacher Unintelligible **Sissonville High** **Capital High School** – Faxed from 345-5955 on Jan 4 Paula R Kerner- Teacher Special Educators and General Education Teachers of Capital High Janis M Brown, Service Aide III Carl Clark Theresa Clark Treva Woodso?, Autsim Mentor Diane Ferguson Walter Hancock, Mentor David Gray, Concerned Parent Judy Fishe? Tenna Gray Joseph Rose, Aide Ron Ellis, Paraprofessional ?, Heasley C. Michael Carr Brian S. Slappe Shelly Tredway Cadaris B. Woods Jan Pell			

	No name No name **George Washington HS** – Faxed from 344-4947 on December 22 Greg Dodd - Teacher Karen Donathan – Teacher Kathleen Desposito – Teacher Gene Petry – Teacher **Hamlin Pre-K** – Faxed from 824-3836 on January 4 Kerry A. Bates – English 8 Damion Maynard – Art instructor Doug Smith – Teacher Paul Winters – substitute Teacher Karin Maynard – Science 6, 8 Janet Ward – Teacher Teresa Chapman – Teacher Sheila Brians – math Teacher Ashley Arbaugh – Language Arts Lisa Ding(?) (Unintelligible)- Special Ed Teacher Lisa Chapman – Lang. Arts Teacher (same school) Faxed from 824-3836 on January 10 Laura Heizer – Special Education Teacher Daryl Smith – Teacher Kathryn Price – Aide IV T. Rae McComas – Elementary Art Linda Rocke – Special Ed Teacher $4^{th}/5^{th}$ Linda Jefferson – Special Ed Aide			

	Jennifer Ro (?) – 1st grade Teacher Judith Cooper – Special ed aide **Harts Middle School** – Faxed from 855-7945 Jason Cheek – Special Ed Teacher Unintelligible – math Teacher Reba Thompson – special ed Teacher Gail Vance – Teacher Debra Browning – Teacher Mildred Napier – special ed Teacher Holly Duncan – Teacher Melinda O(?) – art Kimberly Coll(?) – Science Teacher Amanda D(?) – Lg Art Teacher John Baton Jr – Teacher Jane Nichols – Teacher Ezra (?) – parent Susie McC(?) – Secretary Ethel Flemming – Secretary Lisa Atkins – Nurse Modalina Headley – Cook III Penny Adkins – Sub Cook Lisa Workman – Sub Cook Beth Byrnside – Health Teacher Richard McCann – ALC Debra Skeen – Special Ed Aide Rosa Moore – Special Ed Aide Vannah Hen (?) – Special Ed Aide Eliza Workman – Parent Michelle Smith – Parent Jason R(?) – PE Teacher Delores Lambert – Parent			

	Jefferson High School – Faxed from 728-6590 on Jan 11 Name unintelligible – Office Aide Jo Ann Johnston – Aide Jill Baker – Supervisory Aide Name unintelligible – Supervisory Aide Susan Johnson – Sp. Ed. Teacher Tina Hardy – Special Ed Aide Melody Johnson – Supervisory Aide Jamie Kendall – Aide **Liberty High School** – Faxed from 623-3159 on January 9 T. Shriver – Teacher Victoria Tarantino – Business and Journalism Educator Holly Sears – Interpreter Marguerite S Hickman – Teacher Jason Haynes – Math Teacher Ellen Wentz – Teacher Amy Mortenson – Chemistry Teacher Karla Smith – Spanish Teacher Diane Wickland – Teacher Maria Alex – Teacher Amy Howe – Teacher Angelo Capozzi Jr – Teacher Geraldine Newlon – Teacher Katherine Crim – Teacher Barbara Davis – Teacher Amy Miller – Teacher Cathy Hickman – Teacher Dr. Paula Nelson – Teacher Unintelligible – Teacher			

	Leslie Reaser – Teacher Janice Bailey – Aide Amanda Bailey – MI Teacher Roberta Simons – Aide Tamala Hutson – Reading Teacher Damett (?) – Special Education Teacher **Lincoln County High School** – Faxed from 824-6064 Jan 5 Jacqueline Bannerman – Teacher Cynthia Prunty – Teacher Mary Adkins – Special Education Aide Joan Cox – Special Education Aide Susan Casto – Special Education Teacher Sonda Elkin – Special Education Teacher **Midway Elementary** – Faxed January 2 Loretta Davis – Teachers Aid **Nitro High School** – Faxed from 755-4345 on December 22 Steve Watts – Teacher Joyce Midkiff – teacher (Same School) Faxed from 755-4345 on January 3 Ana Baber **Piedmont** – Faxed from 348-6565 on December 22 Patty Akers – Teacher **Riverside High School** – Faxed from 348-1921 on January			

	Tom Bradley – Teacher Derek Casdorph – Special Education Name unintelligible – Regular Ed teacher **Ruffner Elementary** – Faxed from 348-6565 on December 22 Shaina Riggall – Title I Teacher **Scott High School** – Faxed from 369-6564 on January 3 Carrena Rouse – Teacher Tina Webb **Sissonville High School – Faxed from 348-6565** on December 22 Melinda Dunn – Teacher Elizabeth Taylor – Teacher Elizabeth Thomas – Teacher Vickie Carney – Teacher Susan Harrison – Teacher Debbie D(?) – Teacher Calvin McKinney – Principal Eddie Smolder – Teacher Brooke Smolder – Teacher Jane Schultz – Teacher Nikki Ardman – Teacher Linda Grimmett – Teacher Rebecca McLaughlin – Teacher Carolyn Moss – Teacher Brenda Walker – Special Education Paraprofessional Mary Miller – Counselor Unintelligible			

	Jerry Throckmorton – Teacher Rich Skeen – Special Education Teacher **Spring Mills Middle School** – Faxed from 274-3598 on January 12 Unintelligible Karen Dutterer – Teacher Jennifer Unger – Teacher Karen Criswell – Health/PE Laura Giles-Lord – ESL, Plato Carol Hamilton – Teacher Becky Singer – Teacher LD Teresa Gladwell– Teacher Janet McCrory – Teacher M. Adams – Teacher Pam King – Teacher Kimberley Moore- Guidance Counselor Kim Herman – Teacher Mary Kay Durst – Teacher Golden Cole – LD Math Elice Gregory – Teacher L. Black – Science Teacher **Winfield Elementary School – Faxed from 586-5351 on January 9** Sally Sutherland – Autism Teacher David R. Har(?) – Autism Aide Darlene Geyer – 2nd Grade Teacher Holly Chapman – Exceptional Ed Aide Twyla Melton – Teacher Doris Searls – MMI Aide Deborah Yeigh – BD Aide Martha Alexander – Kindergarten Aide			

	April Harper – Special Education Teacher Imogene Ashley – Aide Charles Edwards – Aide Philip Watson – Aide Becky Marakovit – Teacher Dianne Harrah – Aide Benita Holley – Aide Janie Miles – Secretary **WV Service Personnel Association** Frances McCormick – Special Education Aide Misc. (I believe this has been entered) Andrea Alfred – MI High School Teacher Ruth Conley, Associate Professor			
	Rosemary Jenkins Director of Field Services rjenkins@aftwv.org AFT_WV 1610 Washington ST. E. Suite 200 Charleston WV 25311 **School: Weimer fax to 558-3741** Suzanne Am Kristie Anderson Kathy Houchins Dolore Dunn Kathy Bishop Julie Clifton			

	Janis G. Priddy Laura Gillis Karen Dillard Kathy Bishop **Sissonville High School** Debbie Bailey - Autism Mentor Harry Lark (not intellible) – Teacher Barbara Oliver Becky Eckeknrode – Teacher Aide Stephen L Mulli (unintelligible) - teacher Elizabeth Riggall – Special Education teacher No Name Todd Chevalier – regular ed teacher Vickie Robb - Reading Specialist Angela White - Paraprofessional Aide David R. Danie(unintelligible) - BD Teacher Unintelligible PP **Sissonville High School** Carmella S. Crawford - Teacher Annette Olencheck – PE Teacher Larry Jones - Teacher Megg Britt – Teacher Amy Little - Regular Education Laura Bowles – Counselor Lisa E. Cline Lincoln County High School Gloria Prichard - Supervisory Aide Gerald Prichard - Welding Teacher Vina Mae Elles - Super. Aide IV			

	Valley High School Kay Lecke Judy Buckland Donna Johnson John Bond Cynthia Craffey Kathy Jones Nina Mae Elles Marty Thacker Carla Davis Dupont Middle Rebecca Hill Teacher Joseph Mc ? Special Ed. Teacher Kay ? Principal John McGinnis English tchr Ann Nunnery Sp. Ed. Teacher Pam Arbogast Sp. Ed. Teacher LaFonda Belmon? Sp. Ed Teacher Sharon Lopez Sp. Ed. teacher Dreama Bodkin Teacher Sally Pennweton Teacher Denise Smithson Teacher			

	Nicholas P. Belmont Teacher (math) Robert Webb Teacher Shea Wells H.S. Art Susan Kincaid Teacher Lori Atkins HOST Teacher Diance B ?nd SS teacher Jeff Eads SS Teacher Linda Snyder SSt Teacher Maggie OBrien Darle McClure Schott High heal Derek – Special Ed Teacher Riverside High School Fax from 348-1921 **Riverside High School** Regular Education Teacher Faxed from 348-1921 Cynthia Prunty - Teacher Lincoln County High School Faxed from 824-6064			

	Mary Adkins – Special Education Aide Lincoln County High School Faxed from 824-6064 Loretta Davis – Teachers Aide Midway Elementary Susan Casto – Severe/Profound Teacher Lincoln County High School Faxed from 824-6064 Deloris Lambert - Parent Harts Middle School Faxed from 855-7945 Eliza Workman Harts Middle School Parent Faxed from 855-7945 Megg Britt Sissonville High Teacher			

Acronyms				
1-08	Trina Britcher Itinerant Vision Teacher trbritcher@aol.com Harrison County Board of Education PO Box 1370 Clarksburg, WV 26301	THANK YOU!	NR	
1-09	teddy alderman 310 nelson ave summersville wv 26651	we need to leave this alone	NR	
1-09	stephen alderman 310 nelson ave summersville wv 26651-1241	continue with the requirements the way they are	NR	
1-12	Andrea Ellis Speech Language Pathologist azellis@yahoo.com 16 River Avenue Buckhannon WV 26201	I would like to see qualified professionals (speech-language pathologists only) working with students with speech-language impairments. Our students deserve qualified professionals delivering services. A "regular" substitute teacher provided services to my caseload some 12 years ago while I was on maternity leave. The majority of those students whom I added to my caseload that year, just prior to my leave, did not correct as readily (and some not at all) and I feel it was because an unqualified teacher was used as a substitute.	NR	
1-12	Bev Nichols Director of Special Education bnichols@access.k12.wv.us Clay County Schools	Very helpful.	NR	

	242 Church Street Clay WV 25043			

STATE BOARD POLICY CHECKLIST (Revised 4/07)



Originator: _____

Policy Number: _____

Policy Name: _____

ADOPTION CYCLE

Please note that a policy will not be posted on the Department's web site unless accompanied by a completed Checklist. This Checklist must accompany the above-stated policy throughout this cycle.

NOTICE: **All policies must be formatted and maintained in WORD**

POLICY MUST BE SUBMITTED TO LEGAL SERVICES FOR REVIEW TWO WEEKS PRIOR TO PRE-BOARD

Person Responsible	Date Completed and Initials		Task to be Completed
Originator	**If revising a policy, please maintain a copy of the policy with strike-throughs and underscores.**		
1. Originator	Originator	H Deskins VHarris	Obtain Checklist from web page and submit the following to: ☐ Executive Summary ☐ *Policy (Clean copy--no strike-throughs or underscores.) ☐ Signed Fiscal Note ☐ Comment Summary and Completed Comment Log to: ❑ Heather Deskins, Room 362, for Content Review (initial____) ❑ Virginia Harris, Room 351, for Format Review (initial ___) **Please contact Virginia if changes are being recommended as a result of comments received.**
2. Originator	Originator	Div. Rep.	Submit 5 copies (white paper, duplexed, collated and stapled) of the abovestated information, in the order listed, to the appropriate Division Asst. Superintendent/ or other Division representative for **Pre-Board** review. Upon approval Originator is notified by Division Asst. Superintendent or designee.
3. Originator	Originator	Vharris	Following Pre-Board approval, the above-stated information, in the order listed,is posted as a .pdf file to the Department's network W drive. Please contact your Division Asst. Superintendent or designee if you have questions regarding posting to the W drive.
4. Originator (These three tasks must be completed on the same day.)	Originator	VHarris	Following the Board meeting Originator will be notified of the Boards action regarding the policy. Upon notification of Board approval please provide Virginia <u>two (2) copies</u> (**single-sided** on white paper - clipped not stapled) of the following in the order listed below to be fled with the Secretary of State's Office: ☐ Executive Summary ☐ Policy ☐ Signed Fiscal Note ☐ Comment Summary and Log with *original comments attached. (Only the original comments are required for filing purposes ~ please do not make a second copy unless you wish to maintain a copy for your file.) ☐ <u>TWO disk or CD copies</u> of POLICY ONLY in WORD and as a .pdf file. A policy becomes effective 30 days from the date it is filed with the Secretary of State's Office unless otherwise specified. **Filings usually occur on the Friday following the Board meeting.** ***=The Secretary of State's Office requires that the original comments be submitted as single sided originals, free of staples or other debris (i.e. sticky notes, flags, etc.) and in chronological order. Please contact Virginia for proper protocol regarding the submission of original comments.**
	Originator	VHarris	Please provide the completed Checklist to Virginia when delivering the abovestated copies. You will be contacted to assist with the mailing of the policynotice. (Labels and envelopes will be provided.)
	Vharris	Fibanez	The policy is provided to Fernando Ibanez for posting to the Departments website.

It is the responsibility of the Originator to verify that the policy, as posted on the website, is correct.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, November 28, 2006 5:41 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-11-28 17:41:04)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Laura Fullen
Organization: Lumberport Middle School
Email: lfullen@verizon.net
Title: 7th grade science teacher
Address1: 440 W. Philadelphia Ave.
Address2:
City/State/Zip: Bridgeport, WV 26330
Role: Teacher
Posted: 2006-11-28 17:41:04
Posted from IP: 72.84.42.98

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Chapter 6 should also include a definition section that explains in detail the job responsibilities of the regular classroom teacher and the special education teacher when they both are assigned to teach the same inclusion class. As things stand now, I, the regular education teacher, do everything! I leave the building with a bulging briefcase and hours of work to complete at home, while the special educator leaves the same building empty handed. Is this the way that inclusion is supposed to be? Maybe I should get an endorsement in special education so that I'm footloose and fancyfree after 3 P.M. I'm extremely frustrated as you can tell. This is an issue that needs to be addressed now! If inclusion is done correctly, it is a wonderful educational experience for all concerned. Please don't leave this decision for principals to decide. That is a huge mistake. Good inclusion practices need to be mandated and enforced by the West Virginia Department of Education.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, November 28, 2006 5:57 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-11-28 17:56:46)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Pam Shreve
Organization:
Email: pshreve1954@verizon.net
Title:
Address1: 1317 Stephenson Avenue
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Community Member
Posted: 2006-11-28 17:56:46
Posted from IP: 72.65.154.168

Comments for section 126-16-1 General

I realize that this might save the state money, but what a dis-service to the kids! Do you understand what Autism is? Does the "No Child Left Behind" policy not apply to these children? Each child requires a specialized individual curriculum to meet their individual needs. To increase classroom size from 4 to 10 is appalling and inhumane. There's not a lot of Autistic teachers around and you're going to make it so the ones we do have will have a very tough and unpleasant task.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : ___Angela Madia _____ Organization: Harrison County Schools

Title: Special Education Resource Teacher

Street Address: 408 E.B. Saunders Way
Clarksburg, WV 26301

Please check the box below that best describes your role.

Professional Support Staff

COMMENTS/SUGGESTIONS
Robin, I am forwarding additional comments they are noted in red. Thanks Angela Madia
§126-16-1. General.
§126-16-2. Purpose.
§126-16-3. Incorporation by Reference.
§126-16-4. Summary.

Chapter 5: Individualized Education Programs. ✓

Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days. Recommend a return to 10 days.

Chapter 6: Administration of Services. ✓

Recommendation: For clarity, Chapter 6 should include the current 2419 caseloads regulations in addition to the ones that will be effective in July 2009

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Chapter 10: Procedural Safeguards.

Chapter 11: Dispute Resolution.

Glossary. Page 139 Audiology, Page 154 Psychological Services & Page 159 Speech Language Pathology Services include wording to reflect qualification for provision of services (i.e. Audiologist, School Psychologist & Speech and Language Pathologist) as noted in the reference to Occupational Therapy (p.150) and Physical Therapy (p.152).

Acronyms and Abbreviations.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

Chapter 2: Child Find.
Section B, Page 9; SAT is a regular education initiative (Policy 2510) therefore eliminate this section from th Policy

Chapter 3: Evaluation/Reevaluation.
Section B, Page 14; Clarify the reevaluation process for Gifted students…. For students with giftedness, a reevaluation must be conducted during the eighth grade year to determine eligibility for exceptional gifted. C considering the reevaluation process for individual not having a disability

Chapter 4: Eligibility.
Section A, Page 24-25; Autism Utilizing the DSM-IV Criteria for Autism (1) and (2) the student is diagnos as having a disorder in the autism spectrum as Eligibility criteria this is confusing and problematic.
Section A, Page 25 (2) diagnosed by a ….or a licensed psychologist Consider the addition of School Psychologist within this section. The Educational/training level of the School Psychologist is equivalent to th training of a Licensed Psychologist, or eliminate the Licensed Psychologist and leave it with the medical fiel

Section K, Page 32; OHI Clarification regarding criteria for OHI (4) … adversely affects educational performance – clarification regarding criteria for adversely affects education performance – this appears to b left to subjective interpretation --- what constitutes adequate educational performance (i.e. mastery of conter standards and objectives, formal and or informal assessment). Reference to comprehensive evaluation is not noted within the criteria for eligibility within this category.

Section L, Specific Learning Disability – I would like to complement the department on the explanation of th Tiered Instruction/Intervention section and development of the RtI process and language.
Page 38 Evaluation Components Paragraph 2 – eliminate the paragraph since the purpose of the comprehensi evaluation is stated in Chapter 3, Page 12 it is not necessary to repeat this information within this section.
Eligibility makes references to eligibility for special education & related services. Childrer are eligible for sp. Ed. services. Related services are determined by the IEP team. Recommendation: remove references to "and related services" throughout Chapter 4. Eligibility.

There is a mismatch in the RTI section of the policy. On p. 36, it is stated that "Tier 2 interventions are implemented for a period of eight to twelve weeks but could be longer depending on student progress toward benchmarks". On p. 38, documentation of "Rate o Learning" is noted as "Progress monitoring data collected before, during and after the provision of at least two rounds of Tier 2 supplemental instruction." Recommendation: Change the description of Tier 2 to match the documentation section (require at least two rounds of Tier 2)

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, November 29, 2006 1:05 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-11-29 13:05:12)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mrs Meador
Organization:
Email:
Title: science teacher
Address1:
Address2:
City/State/Zip: ,
Role: Teacher
Posted: 2006-11-29 13:05:12
Posted from IP: 129.71.112.35

Comments for section 126-16-1 General

If you want changes implemented, the state ought to fund those changes so that small schools are not further handicapped by trying to comply to standards and burdening the already struggling individuals with even more responsibility with no compensation for the additional efforts!
Yes, us teachers did not become members of this profession for the money, but there is a limit to the abuse that we are willing to endure!
"Put your money where your mouth is!"
If you want all these exceptional changes, then send the personnel and funds to cover your ideas!

Comments for section 126-16-2 Purpose

Send funds to implement changes!!!
Send funds to implement changes!!!
Don't leave small districts dangling!!!

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Fund these changes if you value them!
Do NOT further handicap small schools because ultimately it is the students who will suffer!!!

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

If a student is that much of a problem, then his/her parents should have to keep him/her at home or the individual should be transferred to juvenile facilities where individuals are better trained to handle them!
We need not be held captive by the few dangerous individuals that threaten the well being and education of the many that are forced to deal with them!
Too many teachers have been disabled by violent individuals and many students have suffered casualties from such violent individuals! This is the reason or one of the main reasons why private schools and home schools have had increasing numbers of people enrolled!

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, November 29, 2006 1:19 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-11-29 13:19:19)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Fran Allen
Organization:
Email: fpallen@earthlink.net
Title: mediator
Address1: Counseling & Wellness Center
Address2: 936 Market St.
City/State/Zip: Parkersburg, WV 26101
Role: Community Member
Posted: 2006-11-29 13:19:19
Posted from IP: 207.69.137.202

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution ✓

Massive undertaking - congratulations.
Most of these are minor wording suggestions. At least one is major.

Section 2. Mediation
The word "confidential" should be added to the first sentence (an informal, non-adversarial, confidential and voluntary process). I also think it might be clearer to use parentheses in that long sentence, and change "called the mediator" to "(the mediator)".

The second and third sentences could be more simply put: "Mediation may take place at any time, regardless of the filing of a due process complaint or state complaint."

A. Paragraph 2: The opening sentence of this paragraph is certainly true, but I think the phrase "the parties must execute a legally binding agreement that..." might unnecessarily scare off folks who are unsophisticated in their use of language. Saying "the mediator will help the parties execute a legally binding agreement that..." might be better.

More serious is the next comment:

The second numbered feature of "The agreement" (that it must not be used as evidence in any subsequent due process hearing or civil proceeding) is actually applied to the discussions in a mediation - not the agreement. The agreement itself can be used in court. I would suggest changing number one to read:

1. State that all discussions that occurred during the mediation process will remain confidential, and may not be used as evidence in any subsequent due process hearing or civil proceedings;

Then number 3 just becomes number 2.

B. Paragraph 2

I'm sure you mean that mediators must be qualified and trained in effective (not ineffective) mediation techniques. :)

Finally,

C. Meeting to Encourage Mediation

I think this sentence would be more clearly written: When parents and schools choose not to use the mediation process, districts may offer an opportunity to meet, at a time and location convenient to the

parents/adult students, with a disinterested party who:

Thank you for the opportunity to comment.

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, November 30, 2006 11:17 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-11-30 11:16:36)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sharon Duncan
Organization: Hamilton Jr. High School, Wood County , WV
Email: sydwords@yahoo.com
Title: Autism Mentor/Paraprofessional
Address1: 92A Washington Gardens
Address2:
City/State/Zip: Washington, WV 26181
Role: Service Personnel
Posted: 2006-11-30 11:16:36
Posted from IP: 168.216.100.37

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I am an Autism Mentor/Paraprofessional working in Wood County , WV . The school that I work at is Hamilton Jr. High, located in Parkersburg , WV . I am writing about my concerns with policy 2419 (Regulations for the Education of Students with Exceptionalities). The policy revision is massive, and its ramifications are very concerning to me, as well as others that work in the autism education field, and the parents of children with autism.

I may need to interject what characteristics you could observe in a student with autism:

Self injurious behaviors
Need for restroom training
Need for individualized curriculum and instruction
Grave communication deficits (many being nonverbal)
Lack of social skills and life skills
Being aggressive toward others
Security issues (darting from the classroom)
Loud, intrusive outbursts

In particular concern, are the staff/student ratio that will be imposed if this policy is put into place. At this time we can have a ratio of 4 students to one highly qualified teacher, and one autism mentor. The proposed policy revision will increase our caseload to a ratio of 10 students to one teacher and possibly 1 aide. The thought of this increase is alarming to both educators, as well as parents. We also know that the revision does not call for the increase in square footage in the classroom to incorporate the increased new student ratios. At this moment our room is approximately 500 square feet.

Our needs differ from that of a regular classroom setting. We currently have occupational therapy and physical therapy equipment that also occupy our space, as well as quiet areas and rest areas. What would our classroom look like with the addition of 6 students? I'm afraid that our classroom would be reduced to only behavior management, with little emphasis put on education, and living and social skills training.

There is an explosion of newly diagnosed students with autism. Those of us that love the autism population, feel overwhelmed with the very thought of this classroom size increase. I mentioned the possible policy revision to a parent of one of my most severe students. She was not even aware of the possibility of this occurring. I fear that this may be "ramrodded" through the WV Department of Education, for whatever reason, without knowledge of the parents or educators.

It is imperative that those of us who care for these students, advocate in any manner that we can. What can you,
the WV Department of Education, do to see that this population of students receives the proper care and education that they deserve? I'm not sure in what direction I should go next. Could you please help me with this cause, as well as channel me in the proper route I need to take. One more thing, would a member of your staff be available to attend a public hearing that will take place December 12 at 6:30 pm, Jefferson Elementary Center, 1103 Plum Street , Parkersburg , WV. Many of these meetings have already occurred throughout West Virginia, without our knowledge, or the parents' knowledge, so time is working against us. Thank you so much for your time and interest in this matter.

Sincerely yours,
Sharon Duncan-Autism Mentor

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, November 30, 2006 2:56 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-11-30 14:55:35)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Rick White
Organization:
Email: eagle310@verizon.com
Title:
Address1: POB 543
Address2:
City/State/Zip: Point Pleasant , WV 25550
Role: Teacher
Posted: 2006-11-30 14:55:35
Posted from IP: 168.216.30.22

Comments for section 126-16-1 General

Regular education teachers are becoming more involved in the entire process. They need to adhere to the Privacy policies of Confdentially of record and copies of the IEPs they are provided. They need lockable file cabinets for their copies. The SAT team also need to follow a set of privacy guidlines.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The new method of eligbility determination for SLD allows for those who are determined to identify a child as SLD to place undue pressure on others in the IEP team to vote in agreement with them for placement. We currently have a lot of pressure to identify students as SLD when using tests results.

Secondly the Eligibility process seems to include a lot more paper work from the regular teacher. These regular teachers look over the time line and can see that more than half the year can be taken collecting data and administrating testing with no placement options. These teachers begin weighting the optenins of doing extra things in their classrooms and not spending the time filling out forms and keeing data and just let the students problems be passed on to the next teacher.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 06, 2006 9:10 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-06 21:10:00)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Brenda Lester
Organization:
Email: blester2@verizon.net
Title:
Address1:
Address2:
City/State/Zip: ,
Role: Teacher
Posted: 2006-12-06 21:10:00
Posted from IP: 141.153.60.121

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

The adult to student ratio especially in K-5 combination grades and moderate/severe/or Profound and or Autism Level 11, needs to be improved. Many reading levels combined with outbursts of behaviors by others decreases attention to learning when the support staff must stop partner teacheing and deal with one student. That leaves the teacher trying to teach 2-3 levels at one time to children who can bearly stay on task with one-to-one adult prompting. Possibly a flosting paraprofessional to deal with severe behavior problems and/or one tutoring the rest of the day among 2-3 Special Education Classrooms within the school so the teacher and classroom assigned paraprofessional can maintain the routine of instruction for everyone else. Most Severe and Pround and Low functioning autistic children require one=to-one during iunstruction and seatwork to be successful.

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 06, 2006 10:34 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-06 10:33:59)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Brenda Lester
Organization:
Email: blester2@verizon.net
Title: Special Education Teacher
Address1: 1964 Longmeadow Dr.
Address2:
City/State/Zip: Charleston, WV 25320
Role: Teacher
Posted: 2006-12-06 10:33:59
Posted from IP: 168.216.71.3

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

The ratio of student to teae

need to be increased functiona

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The maximum caseloads are to high for the Level II functioning children in our schools. The old caseloads needed to be reduced prior to this even for Level I students. Mrs. Lester

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 06, 2006 10:37 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-06 10:37:06)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mrs. Price
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role: Professional Support
Posted: 2006-12-06 10:37:06
Posted from IP: 168.216.71.3

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The maximum caseloads are very high for the Level II functioning children. The old caseloads need to be reduced prior even for Level I students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 06, 2006 2:06 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-06 14:06:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name:
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role: Teacher
Posted: 2006-12-06 14:06:07
Posted from IP: 168.216.69.142

Comments for section 126-16-1 General

Chapter 4 - Eligibility

p.34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p.35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms - change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

Early childhood reduced to 6
Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 06, 2006 2:41 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-06 14:41:26)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Brenda Koontz
Organization:
Email: bkoonta@kcs.kana.k12.wv.us
Title: Special Education Teacher
Address1: 173 Legg Star Rt
Address2:
City/State/Zip: Sissonville, WV 25320
Role: Teacher
Posted: 2006-12-06 14:41:26
Posted from IP: 168.216.102.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p. 34 1) Under the RTI model there needs to be timelines added to each tier.
2) Additional staff needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs...
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms - change from no more than 30% to 20% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teaching model staffing considerations shall include a minimum of weekly co-teaching.
6) Special Education classrooms for students with disabilities. Delete section of Level I and Level II.
p. 80 7) Maximum number of students per instructional period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5
8) Do not base caseloads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add definition for "Mastery"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 06, 2006 4:21 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-06 16:20:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Rob Mancuso
Organization: Hancock Co Schools & West Liberty State College
Email: rmanc@comcast.net
Title: SLP
Address1: 104 Lisa Court
Address2:
City/State/Zip: Weirton, WV 26062
Role: Professional Support
Posted: 2006-12-06 16:20:54
Posted from IP: 24.3.39.8

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

(Hi to Robin Bolling!) The proposed criteria for speech articulation disorders is too restrictive and will exclude students who need such special ed. services! Criteria used for voice disorders should be similar for articulation: i.e., calls attention to itself,

is inappropriate to age and gender, causes speaker and/or listener concern. Why so specific with artic but not voice? Is this to cut caseloads around the state? To address the SLP shortage? What is the motive here? This will not IMPROVE our services...only make them of lower quality! Research is replete with studies that show that even a mild artic problem will cause a negative impact on a speaker. The consequences are delayed in the person's later life and are not always present at a younger age! I have a former student in my college course who came into the field of Speech-Lang Path because the schools failed to address her (what they called) "mild" articulation disorder...a mild lisp. It impacted her s!
o much that she chose the field to major in so she could correct her own speech as well as help others. She broke down into tears when I confronted her about her speech saying, "Why didn't my parents make me take speech therapy???" Also, severity is a dynamic label...it changes over time...a certain artic disorder can become more severe simply because the person gets older and is further from the developmental norms! The term "adversely affects educational performance" does not mean it must impact the student's grades or even their social life presently. According to ASHA, simply having an articulation disorder alone constitutes "adversely affects educational performance" because speech skills are a "basic skill" and are thus a part of "educational performance." This is backed up by the Federal Dept. of Education (see ASHA's packet on "adversely affects educational performance". Call them and they will send it in an email attachment like they did for me! Students shou!
ld not only be enrolled in articulation therapy if they are be!
ing ridi
culed or are reluctant to speak in class or if it affects their reading/spelling (see Appendix B in the proposed revision of Policy 2419). These conditions are too restrictive. The federal law's intent was NOT to be too restrictive of any special education services needed...and this includes those with articulation disorders. Why are you stating "moderate" and "severe?" This is not a measurement that can be put in stone! Take this wording out of the proposed criteria, please! Kathy Knighton should know better than that, so run this by her. I have been in the schools for over 30 years and also adjunct teach at a college undergrad SLP program. I teach courses in Phonetics and in Artic/Phonological Disorders. Trust me...there is something off with the proposed criteria! It needs to be re-worked and get the input of other SLPs so that our students around the state are not unfairly and unethically denied the necessary services they have a right to!

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 07, 2006 1:16 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-07 13:15:40)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Melissa Zink
Organization: Brook County Schools
Email: mzink@access.k12.wv.us
Title: Speech/Language Pathologist
Address1: 1098 Jefferson Street
Address2:
City/State/Zip: Follansbee, WV 26037
Role: Teacher
Posted: 2006-12-07 13:15:40
Posted from IP: 168.216.161.118

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The Criteria For Articulation/Phonology Disorder, Line 3 that states the following: Speech intelligibility id determined to be moderately or severely impaired. I do not agree with this statement. Without the ability to service students with all articulation

disorders would be unethical. Also children that have a mild fluency disorder would not allowed to be serviced, I also disagree with this statement.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 08, 2006 10:16 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-08 10:15:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sonja Phillips
Organization: Kanawha County Schools
Email: skphillips@kcs.kana.k12.wv.us
Title: special educator
Address1: 275 Elk River Rd.
Address2:
City/State/Zip: Clendenin, wv 25045
Role: Teacher
Posted: 2006-12-08 10:15:48
Posted from IP: 168.216.27.101

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p.34 1) Specific timelines need to be included for moving between the tiers. The timelines also need to be written such that student attendance is part of the requirement: "30 school days in which the student is in attendance and has received instruction in his

current Tier" as an example.

2) Additional staff will be required in order to implement this program fully.

p.35 3) Under Tier 3, add the word "shall" to the statement "necessitate a comprehensive evaluation to determine the needs for special education and related services".

4) Provisions need to be made for the RTI program implementation at upper level grades for late referrals for whatever reason (transfer, late appearance of discrepancy in achievement, etc).

p. 39 5) The comment "does not necessarily constitute additional paperwork requirements" is inane. Of course the RTI will increase paperwork requirements for the teachers. Educators must be given additional time and resources in order to manage the paperwork - especially at the elementary levels where the bulk of the RTI documentation responsibilities will fall.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
p. 76 1) Add the word "shall" to "be required to provide assistance to students in response to specific needs..."

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms - change from no more than 30% to 25% of the total classroom enrollment during any signle regular education class period shall include stduents with disabilities, excluding communication disorders.

p. 78 4) When instruction responsibilities are shared change the word "block" to period.

5) In a co-teaching model, staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instructional period - Continue with the requirements in current Policy 2419 126-16-6 section 6.1.5 with the following exceptions: * Early childhood reduced to 6; * special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base case loads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

1) Add a definition for "Mastery" - this term is used in several places but a definition to include criterion-referenced evaluation tools needs to be included.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 08, 2006 10:25 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-08 22:24:38)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Tina Hunter
Organization:
Email: thehunters@wirefire.com
Title:
Address1: Rt. 1 Box 55
Address2:
City/State/Zip: Ravenswood, WV 26164
Role: Parent-Family
Posted: 2006-12-08 22:24:38
Posted from IP: 65.78.217.29

Comments for section 126-16-1 General

At this time I only wish to make a general comment about the 2419 policy. I am the mother of an autistic child who requires Level II instruction as outlined in your policy. If there could be up to ten students requiring his same level of instruction with only one special education teacher and one other individual there would be absolutely no reason for him to be in the public school system. How can you expect this potential student teacher ratio to be appropriate when as with most autistic children it is difficult for one person to provide the general care and supervision required on a daily basis at home let alone in public. I predict multiple complaints and legal actions taken if this portion of the policy isn't addressed. I, personally, will not stand for it. My taxes pay for your salaries and my child is not currently supported my Medicare or Medicaid or any government funded organization. We provide him with private insurance and my husband and I both work full !
time. If I have to quit my job and keep my child at home due to inadequate staffing at school then, shame on all of you!!!!!!!

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

12/08/06

ENTERED

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

RECEIVED
DEC 14 2006
By

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Stephanie Ferrell Organization: Jefferson Primary, Brooke County

Title: LD Specialist

Street Address: 1098 Jefferson Steet

City: Follansbee State: WV Zip: 26037

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☑ Teacher
- ☐ Service Personnel
- ☑ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS	√
§126-16-1. General. As a parent and educator of a child who had a lateral and frontal lisp, I find it neglegent on the part of the State of WVA to even consider dropping articulation therapy from the duty of the speech-language therapist. My daughter received excellent therapy from a school speech/lang. therapist. Within one year, her artic problem was corrected. Now lets go further - within five years, all students are to strive 100% on the WesTest but it isn't important for these same students to pronounce their sounds correctly which is vital for oral communication. Explain that to a parent!	

12/08/06

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. Eligibility needs to stay the same! Children need to speak sounds at age appropriate times. It is easier to correct an articulation error at a younger age. Adults have the bad habits so ingrained in their brain that it is almost impossible to correct inappropriate sounds as an adult. The students in West Virginia do not need to stick out even more because they don't talk right.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Saturday, December 09, 2006 10:43 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-09 10:43:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carla Campbell
Organization: Cross Lanes Elementary
Email: carla4040@aol.com
Title: Educator K-12
Address1: 5103 Jason Drive
Address2:
City/State/Zip: Cross Lanes , WV 25313
Role: Teacher
Posted: 2006-12-09 10:43:07
Posted from IP: 205.188.117.13

Comments for section 126-16-1 General

My suggestions as follows:

Chapter 4 - Eligibility

p.34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p.35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the

requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

Early childhood reduced to 6
Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Saturday, December 09, 2006 11:41 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-09 11:41:18)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Christine Smith
Organization: Green Bank Elem.-Middle School
Email: one4cranberry@hotmail.com
Title: teacher of the gifted
Address1: HC 64 Box 189
Address2:
City/State/Zip: Hillsboro, WV 24946
Role: Teacher
Posted: 2006-12-09 11:41:18
Posted from IP: 129.71.136.74

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The caseload maximum for teachers of the gifted is set at forty-five, which is too high if one hopes to provide quality services for gifted students. Many teachers who serve this population administer individual achievement tests for reevaluation and identification purposes, which often take more than two hours each. Along with updating all the Special Education forms and keeping informed of the changing procedures, these teachers frequently go beyond the call of duty to provide challenging and stimulating activities for these students. Thirty-five students per teacher would be a more reasonable maximum to help teachers deliver quality service to this most promising group of students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Saturday, December 09, 2006 4:17 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-09 16:16:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sherill Morris
Organization: Kanawha County Schools teacher (McKinley)
Email: slmorris@kcs.kana.k12.wv.us
Title: MI Educator - McKinley Middle School
Address1: 3000 Kanawha Terrace
Address2:
City/State/Zip: St. Albans, WV 25177
Role: Teacher
Posted: 2006-12-09 16:16:49
Posted from IP: 152.163.100.203

Comments for section 126-16-1 General

This area is fine.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Timelines need to be added at each tier to ensure procedures are kept and met in a timely manner.

Additional staff is going to be needed to fully implement the RTI model

Under Tier 3, add the word "shall" necessitate a comprehensive evaluation to determine the needs . . .

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Add the word "shall" be required to provide assistance to students in response to specific needs . . .

Under maximum case management assignments, change 30 to 20 for teachers of all other exceptionalities. The maximum case management should be changed to 20 for all exceptionalities.

Integrated classrooms: Change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

When instructional responsibilities are shared, change the word "block" to period.

In a co-teacher model staffing, considerations shall include a minimum of weekly co-planning.

Regarding Special Education classrooms for students with disabilities: Delete this section of Level I and II.

Maximum number of students per instructino period - continue with the requirements in current policy except:

reduce early childhood to 6
Special education pre-K with typical peers
change staff requirements to 1 teacher and 2 additional staff persons.

Do not base caseloads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add a definition for Master.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, December 10, 2006 8:13 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-10 20:12:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Robert G. Bartlett
Organization:
Email: rbartle@access.k12.wv.us
Title:
Address1: 912 Caldwell Street
Address2:
City/State/Zip: McMechen, WV 26040
Role: Teacher
Posted: 2006-12-10 20:12:56
Posted from IP: 151.205.34.237

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I work in a self-contained classroom for students with Autism. Until this year, I had worked in a classroom comprised of students with Mental Disabilities and students with Autism, having had a many as 11 students, self-contained. Having worked with a classroom of multiple disabilities and my current class of only Autism, I can personally attest to the effectiveness of our smaller, disability-targeted class. Students with Autism are taught in a completely different style than students with other disabilities. Present national incidence of Autism is 1 in 166 births. With these mammoth numbers nationally, one can see the benefit of instruction designed to meet the needs of these students. Having had the opportunity to work with multiple disabilities, I am now seeing the benefits of the smaller caseload. Students with Autism often deal with many sensory issues and a classroom designed to meet the needs of these unique individuals may not meet the needs of every student wit!
h disabilities.

I thank you for the opportunity to comment on this important issue and hope that much consideration is given to the students who so desperately need access to specialized programs and teachers.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 11, 2006 11:21 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-11 11:21:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Rosemary Jenkins
Organization: AFT_WV
Email: rjenkins@aftwv.org
Title: Director of Field Services
Address1: 1610 Washington ST. E.
Address2: Suite 200
City/State/Zip: Charleston, WV 25311
Role: Business-Industry
Posted: 2006-12-11 11:21:16
Posted from IP: 68.185.109.141

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
1. Under the RTI model there needs to be timelines added at each tier.2.Additional staff is needed to fully implement the model. 3.Who conducts the screenings? 4. Time is needed for regular and special educators to collaborate and design interventions. 5. Under Tier 3

add the word "shall" necessiate a comprehensive evaluation. 6. Professional development is needed in progress monitoring. 7.The comment,"does not necessarily constitute additional paperwork requirements" when are teachers suppose to document and generate reports when elementary teachers only get a 30 minute planning period?

Comments for section Chapter 5: Individualized Education Programs
---
Excusal provision-How much notification is provided to the teacher that he/she has been "excused" from a meeting? When is the "in lieu of attendance report due?

Comments for section Chapter 6: Administration of Services

1.Add the word "shall" be required to provide assistance to students in response to specific needs. 2. Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities. 3. Intergrated Classrooms- Change from no more than 30% to 20% of the total classroom enrollment during any single regular core subject class shall include students with disabilties excluding communication disorders. 4. When instuctional responsibilties are shared with a regular teacher change the word "block" to period. 5. In a co-teaching midel staffing considerations shall include a minimum of weekly co-planning. 6. Special education classrooms for students with disabilities, delete this section of identifying students as level I or level II. 7. Maximum number of students per instruction period-Continue with the current requirements in Policy 2410,126-16-6 section 6.1.5 with the following exceptions: early childhood reduced to 6 and special education pre-K with typical p!
eers change staff requirements to 1 teacher and 2 additional staff persons. 8. Do not base caseloads per instuctional period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add a definition for Mastery.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 11, 2006 4:07 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-11 16:06:39)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Martha Mullins
Organization: Kanawha County Schools
Email: MHMULLINS@kana.kcs.k12.wv.us
Title: Itinerant Teacher of Exceptionally Gifted
Address1: P.O. Box 168
Address2:
City/State/Zip: Saint Albans, WV 25177
Role: Teacher
Posted: 2006-12-11 16:06:39
Posted from IP: 168.216.103.83

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I would suggest that the caseload for services of Exceptionally Gifted students (grades 9-12) more carefully reflect the amount of time required to appropriately serve these students. Often I communicate with as many as (sometimes) 10 persons per student on a weekly basis, as well as the time involved in actually meeting and working with that student. While serving these needy students in close proximity to other needy students would be efficient, geography in West Virginia doesn't assist in that regard. If only one or two schools were involved the ease would be greatly increased. I am currently serving 44 students in seven different high schools. That is like having seven different jobs, starting with "where do I park at this school?" and on to the different school schedules (block/regular/modular), grading periods, and styles of each different high school. That means there are seven teams of administrators, seven different faculties to learn and establish rapport with in !
order to facilitate a working relationship on behalf of the students. I believe that for an exceptionally gifted itinerant teaching job that requires regular/frequent and significant communication with a student's regular educators, meetings with the student on a regular or intermittent basis, managing documentation of all of these events, the caseload should reflect these service issues. I feel that if the itinerant part of a job were truly taken into consideration, there would be some caveats in place. For examble, if a teacher served 3 schools, regulations could reduce the caseload to 40, not 45. If serving 4 to 5 schools, it could reduce the caseload to 35, and if serving 6 or more schools, further reducing the caseload to 30, or perhaps even 25. I truly feel that this would ensure that the students who have these potential avenues for excellence, but at the same time have all of these identified and documented stumbling blocks, would have the advocacy and certified tea!
cher experience availabe to mitigate for them and encourage as!
much su
ccess as is possible for these exceptionally gifted students. Please limit what is expected of itinerant services.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax

Capital High School
1500 Greenbrier Street
Charleston, West Virginia 25311

Phone: (304) 348-6500
Fax: (304) 348-6509

To: WV Dept of Special Ed

Fax No.: 304-558-3741

Date: 12-21-06

From: Special Educators & General Ed teachers of Capital High

Pages: 20

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Sandra M. Brown
School Capital High
Position Service Aide III

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Carl Clark
School Capital High
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Theresa Clay

School Capital

Position Teachers (Sp. Ed)

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

January 10
4:15

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Treva Woodson
School Capital
Position Autism Mentor

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Diane Ferguson
School Capital
Position English 9, 1

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Walter Hancock

School CAPITAL

Position Mentor

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name David Gray

School

Position Concerned Parent

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Judy Tashe
School Capital HS
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Jenna Gray
School Capital
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Joseph Rose

School CHS

Position Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Ron Ellis
School Capital H.S. Mentor
Position Paraprofessional

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Measley

School Capital 45

Position Resource Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name C Michael Carr

School Capital

Position Speech Path.

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Brian S. Slappe

School Capital High School

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Shelly TReadway

School Capital High

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Cedar B Woods

School Capital High

Position Educator

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name_____

School_____

Position_____

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name_____

School_____

Position_____

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 11, 2006 4:23 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-11 16:22:33)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Debra Elmore
Organization: Fayette County Schools
Email: ddcarte@access.k12.wv.us
Title:
Address1: Rt 3 Box 494
Address2:
City/State/Zip: Fayetteville, WV 25840
Role: Teacher
Posted: 2006-12-11 16:22:33
Posted from IP: 68.185.109.141

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

There needs to be timelines at each tier of the RTI model.

Additional staffing is needed in order to adequately implement the RTI model.

It should be understood who would be conducting the screenings.

Add the word "shall" necessitate a comprehensive evaluation (page 35 Tier 3)

The comment "does not necessarily constitute additional paperwork requirements" should read SHALL NOT constitute additional paperwork requirements. Those of us on the elementary schedule do not have the luxury of more than 30 minute planning periods to document and generate reports.

Comments for section Chapter 5: Individualized Education Programs
---
Excusal provision should have a specific notification period to inform the teacher that (s)he has been excused from the meeting.

There should be a timeline for the "In Lieu of Attendance" report.

Comments for section Chapter 6: Administration of Services

Page 76 add the word "shall be required to provide assistance to the students in response to specific needs....

Maximum case management assignments should read 20 for teachers of all other exceptionalities.

pg. 78 Change the word "block" to period

There should be no less than weekly co-planning in co-teaching situations.

Page 80 Continue with the current Policy 2419 requirements for maximum number of students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Define "mastery"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 12, 2006 7:52 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-12 07:52:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Robert Bobbera
Organization:
Email: rbobbera@access.k12.wv.us
Title:
Address1: PO BOx 129
Address2:
City/State/Zip: Gilbert, WV 25621
Role: Parent-Family
Posted: 2006-12-12 07:52:16
Posted from IP: 168.216.67.208

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Change the maximum case management to 20 for teachers of all other exceptionalities.

In Integrated Classrooms, change from 30% to 25% the total classroom enrollment during any single regular class period.

Change the word block to period when discussing instructional responsibilities.

Keep the same numbers in the current policy for maximum number of students per instructional period.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 12, 2006 11:21 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-12 11:20:40)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mary Tinney
Organization: Nicholas County Schools
Email: marywvu@yahoo.com
Title: Speech therapist
Address1: PO Box 131
Address2:
City/State/Zip: Leivasy , WV 26676
Role: School System Staff
Posted: 2006-12-12 11:20:40
Posted from IP: 168.216.63.9

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

PLEASE EXPLAIN TO ME HOW THE NEW PROPOSED REVISIONS OF
POLICY 2419 IN THE AREA OF ELIGIBILITY CRITERIA FOR SPEECH PROBLEMS
(ARTICULATION, VOICE, AND FLUENCY) IMPROVES OR AT LEAST MAINTAINS THE

QUALITY OF SERVICES WE HAVE BEEN OFFERING UP TO THIS POINT FOR STUDENTS WHO NEED SUCH SERVICES! CONVINCE ME THAT THE PROPOSED CHANGES ARE IN THE BEST INTEREST OF ALL STUDENTS WHO NEED SPEECH (NOT LANGUAGE) THERAPY.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 9:08 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 09:07:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Teresa L. Moore
Organization:
Email: tmoore5723@charter.net
Title:
Address1: 309 36th st
Address2:
City/State/Zip: Vienna, WV 26105
Role: Parent-Family
Posted: 2006-12-13 09:07:48
Posted from IP: 75.108.64.25

Comments for section 126-16-1 General

This change that you want to make is the cruelest thing I have ever heard. It is another attempt to save money and not do what is best for these students. Anyone who is considering this change needs to visit a classroom with these students and you can see that the 4:1 ratio needs to stay the way it is. These students need special attention, if more students are in the classroom, the teachers are not going to be able to do their jobs effectively and the safety of the students will be in jeopardy. It is time that you do what is right for these children and keep the 4:1 ratio.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 10:54 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 10:53:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Ruth Conley
Organization: Shepherd University
Email: rconley@shepherd.edu
Title: Associate Professor
Address1: 310 N King St
Address2:
City/State/Zip: Shepherdstown, WV 25401
Role: Teacher
Posted: 2006-12-13 10:53:53
Posted from IP: 68.236.254.10

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---

p.34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

Early childhood reduced to 6
Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

---

1) Add a definition for "Mastery"

Comments for section Acronyms and Abbreviations

ENTERED

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Amanda Moler Organization: /

Title: Special needs teacher

Street Address: 1786 Rosemar Rd

City: Vienna State: WV Zip: 26105

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS

§126-16-1. General.

[redacted] I am concerned about configuration issue. this policy could ~~can~~ cost personal issues - I do not want to see ade losing job,

RECEIVED
DEC 19 2006
By

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Please put caseload consideration back in. This will eliminate the loss of aides
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

RECEIVED
DEC 18 2006
By

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 12:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 12:33:50)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kay Bowling
Organization: Waverly Elementary School
Email: kmbowlin@access.k12.wv.us
Title: Principal
Address1: 422 Virginia Street
Address2:
City/State/Zip: Waverly, WV 26184
Role: Principal
Posted: 2006-12-13 12:33:50
Posted from IP: 168.216.57.17

Comments for section 126-16-1 General

This policy is not clear in many areas - there is no way to compare what we're doing with what you're expecting, so how do know what it means. Please explain in clearer and more specific terms before you implement something no one understands.

Comments for section 126-16-2 Purpose

We need more education on what you're trying to do. No one can understand what you're adding or changing.

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

This puts unfair restrictions and MORE PAPERWORK on overloaded school teams.

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Psychologists should NOT be determining eligibility of autism. This should remain in the realm of doctors/psychiatrists.
P26,30 Why are deaf and hard of hearing separated?
P27 Three year olds should not given a life name tag.

Comments for section Chapter 5: Individualized Education Programs
---
Timelines for transferring students should not rule needed services. Many time it takes schools longer to locate and send files.

Comments for section Chapter 6: Administration of Services

Can't really understand how this relates to current procedures, but caseloads seem much larger. Need much more info to understand this.
P77-79 Don't overload PK rooms when children are just learning how to adjust to school
Level I and II are not separated in elementary school - don't understand what is meant here - we don't teach by instructional periods

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 2:10 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 14:09:50)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mary Frances Starsick
Organization: Marion County Schools
Email: francie@starsick.com
Title: Speech Therapist
Address1: Rural Route 3 Box 146
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2006-12-13 14:09:50
Posted from IP: 168.216.230.78

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I have great concern about the new Eligibility Critera to qualify to receive Speech Therapy Services under the Articulation Disorders category. It is too restrictive. Some children have noticable articulation errors that do not necessarily impact educational

performance. However, consideration must be given to the long-term repercussions associated with poor speech. This could ultimately influence their social status, emotional well- being, preceived intelligence, as well as limiting employment opportunities. Several years ago, while doing some research, I found this quote that suports my statements. I would assume that it did come from a lawsuit. It reads: "It should be noted that a student with a speech or language impairment does not necessarily have to be manifesting academic problems in order to be considered eligible to receive related services under the IDEA. Effective oral communication is regarded as a skill basic to academic performance" (Applestin, 1987). Pl!
ease allow us as Speech Pathologists to help these children who exhibit articulation errors that are not considered developmentally appropriate and may never develop without intervention, even though these errors are not impacting education. What would your first impression be of a new interviewee who said: "It's weawy gweat to finawy meet you"? Would you want him/her to represent your company? What good is his academic performance now?

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 2:32 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 14:31:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jacqueline Long
Organization: West Virginia School Service Personnel Associaton
Email: jslong@access.k12.wv.us
Title: President
Address1: 1610 Washington Street, E.
Address2:
City/State/Zip: Charleston, WV 25311
Role: Service Personnel
Posted: 2006-12-13 14:31:53
Posted from IP: 168.216.255.220

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Addidtional staff is needed to fully implement the RTI model.
p. 35 3) Under Tier 3 and the word "shall" necessitate a comprehensive evaluation to

deterime the needs for special education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
p. 76 1) Add the word "shall" be required to provide assistance to students in response to specifis needs...
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalitites.
p. 78 3) Integrated Classrooms-change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
6) Special Education classrooms for students with disabilities. Delte this section of Level I and II.
p. 80 7) Maximum number of students per instruction period - Countint with the requirements in current policy 2419 126-16-6 Section 6.1.5 with the following exceptions:
Early childhood reduced to 6
Special education pre-K with typical peeps change staff
requirements to 1 teacher and 2 additional staff persons.
8) Do not base caseloads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
1) Add a definition for "Mastery"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 2:38 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 14:37:36)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kelli Whytsell
Organization: Calhoun Board of Education
Email: kwhytsel@access.k12.wv.us
Title: Preschool Teacher
Address1: 448 Hatties Run Road
Address2:
City/State/Zip: Grantsville, W.V. 26147
Role: Teacher
Posted: 2006-12-13 14:37:36
Posted from IP: 168.216.24.28

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

I would like to comment on the Special Education Pre-K. I feel the maximum limits for case management assignments and class size requirements for Instructional period are too high for this age. The maximum number of special education pre-k students is increasing from 8 to 10, and from a caseload of 16 to 20. When you combine the Universal Pre-k 2525 students this brings the class size to 20 preschool students. I feel that given the age and the fact that we serve all disabilities the limit should be no more then that of Level 1 service needs a maximum of 6 students per session. With a class of 20 students one teacher and one aid, can't meet the developmental needs of the students in the class. To provide quality Pre-K classrooms you need to limit the number of students per class. This year I have more students in my classes then Kindergarten and First grade teachers in my school. The maximum for Special Education Pre-k classes should be 6 students per session, and a!
maximum of 15 students per session with no more than 6 of those students with IEP's.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 13, 2006 2:38 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-13 14:37:36)

<<< No Message Collected >>>

ENTERED

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Sarah E. Gaines Organization: Citizens for the Youth of Roane Co, Beacon Christian

Title: "No Child Left Behind" Watch Committee / Treasurer

Street Address: 2506 Lenore St

City: Parkersburg State: WV Zip: 26101

Please check the box below that best describes your role.

☐ School System Superintendent	☐ School System Staff	☑ Parent/Family
☐ Principal	☐ Teacher	☐ Business/Industry
☐ Professional Support Staff	☐ Service Personnel	☑ Community Member

COMMENTS/SUGGESTIONS

[redacted]**-16-1. General.** I mandate testing for all students for the Educational equities to receive State and Federal funding for "No Child Left Behind". Blacks and Low income are not tested at present. I wonder why?

RECEIVED
DEC 19 2006
By

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

RECEIVED
DEC 1 8 2006
By

ENTERED

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Karen Edgell Organization: Marion Co. Schools

Title: School Psychologist

Street Address: 200 Gaston Ave.

City: Fairmont State: WV Zip: 26554

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☒ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

RECEIVED
DEC 13 2006
By

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. See Attached
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

RECEIVED
DEC 1 8 2006
By

Ch[redacted]y

Under Definitions and Eligibility Criteria pages 24 and 25 concerning Autism; #2: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician or licensed psychologist."

In West Virginia, school psychologists are employed by school systems as support staff in the education of children. These professionals must be certified by the WV Department of Education and this certification process includes documentation of competencies. All school psychologists receive training in developmental disabilities including the diagnosis and treatment of autism. The proposed statement appears to exclude school psychologists from the eligibility determination process when these individuals are highly qualified in the diagnosis of many childhood disorders including autism. I suggest that the phrase "or school psychologist" be added to Statement #2 under Category Autism subsection A.

RECEIVED
DEC 1 8 2006
By

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 11:18 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 11:18:20)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: jennifer hoffman
Organization: ohio county schools
Email: jen-hoffman@comcast.net
Title: speech therapist
Address1: 137 glen hollin dr
Address2:
City/State/Zip: wheeling, wv 26003
Role:
Posted: 2006-12-14 11:18:20
Posted from IP: 168.216.157.98

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I feel strongly that just like modern medicine is, speech therapy should be preventative, not reactive. If we are unable to enroll students with mild-mod speech intelligibility deficits, we are missing the boat. These deficits left untreated are like cancer and

chances are will only get worse. NO CHILD LEFT BEHIND.....well with more stringent criteria, we are leaving so many children behind.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 12:52 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 12:51:36)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sheryl Long
Organization: Ohio County Schools
Email: slong@access.k12.wv.us
Title: SLP
Address1: 3700 Wood St.
Address2:
City/State/Zip: Wheeling, WV 26003
Role: Teacher
Posted: 2006-12-14 12:51:36
Posted from IP: 168.216.193.53

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Please remove #3 Speech intelligibility is determined to be moderately or severely impaired. It doesn't take into account the students who fall into the normal to mild range according to a normed test. Students with frontal or lateral lisps whose employment

opportunities would be hindered or judged "poor" by an employer or people they may come into contact with.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 12:59 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 12:58:42)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Lance Sutherland
Organization: WVEA
Email: tsutherl@access.k12.wv.us
Title: Teacher
Address1: 109 Woodside Terrace
Address2:
City/State/Zip: Hurricane, WV 25526
Role: Teacher
Posted: 2006-12-14 12:58:42
Posted from IP: 168.216.86.129

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I teach an elementary BD class and increasing caseload size isn't the way to go. I have kindergarten students, I have fifth graders, I have people who can read, people who can't and you want to add two to four more students to an already difficult situation. I don't think you have thought this through. I've always believed that we are here for the students, with the case size growing, I'll be nothing more than a glorified babysitter. You aren't thinking of the kids or their educational needs, I feel these new regulations are fueled more by money and a reduction in personnel. I am here in the classroom, I feel I know what is going on, so please reconsider the class size. Eight students is a stretch in elementary. There's just to much of an age gap, and to add more students would make it worse.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 1:52 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 13:51:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Ellen Schuetz, MS CCC/SLP
Organization: Ohio County Schools
Email: eschuetz@access.k12.wv.us
Title: Speech/Language Pathologist
Address1: Madison Elementary School
Address2: 90 Zane St.
City/State/Zip: Wheeling, WV 26003
Role: Professional Support
Posted: 2006-12-14 13:51:51
Posted from IP: 168.216.199.75

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I am concerned with the proposed new regulations requiring students to have a moderate to severe disability only, to qualify for Articulation Therapy. While I work with the preschool population now, I have many students who score in the normal range at the single

word level on articulation tests. However, their carryover of correct production of these sounds into connected speech is extremely poor, and they are completely unintelligible in connected speech. To look at the score on an articulation test, one would wonder why they were even enrolled in therapy, but 1 minute of conversation would answer your question. Also, when working with some older children, who may only have one sound in error, especially if that sound is the /r/ or vowel-r phoneme - the distortion can be of the magnitude that it colors the overall intelligiblity of the child's speech, often making it very difficult to understand him. This can be extremely detrimental to an older child, and self-esteem!

suffers greatly. These children would probably not be eligible for services under the new guidelines. Often children in the regular education population are the ones who suffer the most, yet have the most oppurtunity for professional careers. To hear a person with an articulation disorder this day in age is not acceptable, and is a very poor relection on our profession and the schools in general.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 2:00 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 13:59:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kenda Williams MS CCC/SLP
Organization: Hancock County Schools
Email: klwill40@yahoo.com
Title: Concerns on Policy 2419 regarding SLP services
Address1: 4876 Veterans BLVD Apt 11
Address2:
City/State/Zip: New Cumberland, WV 26047
Role: School System Staff
Posted: 2006-12-14 13:59:53
Posted from IP: 168.216.200.97

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
1. Comparing the present Policy 2419 eligibility criteria for articulation disorders with the proposed Policy, the present policy lists more restrictive criteria that would deny some students articulation therapy that they would need and have a right to.

2. The proposed Policy specifies severity requirements for articulation disorders, stating only "moderate" or "severe" articulation/phonologic disorders would qualify students. Research strongly shows that students with even mild articulation disorders are judged more negatively by peers and other listeners.

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "Teacher's perceive students with speech and language disorders as poorer performers in the classroom than their normal peers" (p. 5). They further state that "Even mild articulatory disorders result in negative attitudes from peers toward persons with one or more misarticulations" (p. 7)

3. Assigning a severity rating to an articulation disorder involves a matrix of variables and is not a simple process of using some standard score conversion from an administered test! Variables such as the number of sounds in error, the types of errors (substitutions, omissions, distortions, additions), the consistency of errors, the underlying cause (organic/physical versus developmental/faulty learning), which sounds are in error (vowels affect intelligibility more than do consonants and certain consonants occur more frequently than others in speech), the social/emotional concern or effects it has on the speaker himself or his listeners (peers, teachers, parents), the impact it has on the student's functioning both in and outside of the school (how handicapping it is) should all be considered. Further, severity labels are not stagnant for a child because as time passes, the perception of the problem can cause it to be judged more negatively or severely as the child move!
s further and further away from the limits of the developmental norms (i.e., a lisp on the /s/ sound may be judged as "mild" for a particular child but, if left untreated, that same lisp in the same child during adolescence or adulthood might later be judged more severely due to poor listener tolerance for such defects in the speech of older speakers. They will have less job opportunities as they could make a negative impression during the job interview process. Research clearly supports this.

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state:

The presence of a speech disorder can significantly reduce the number of job possibilities. Even if the actual job has a low communication demand, the potential employee with the deficient articulation may not be able to speak well enough during the interview to avoid rejection. Many people, including employers, associate disordered or different speech with ignorance, incompetence, and even lack of intelligence. In this highly verbal society, persons may be judged, or misjudged, more by their type of speech than by any other factor or combination of factors (p.5).

4. Most young students will not experience negative social penalty for their articulation disorders in the present moment. But if left untreated, such penalties will occur in their future, affecting even occupational opportunities and social interactions as well as emotional aspects like self-esteem.

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that " The effects of an articulatory disorder may not be readily apparent to the listener, but they could have far- reaching repercussions on the person's social-emotional well-being, occupation and of course, interpersonal relations." (p. 3). The authors further state: "If social-emotional problems develop because of deficient articulation, then speech-language pathologists have a great responsibility for alleviating such disorders early in a child's life" [emphasis added] (p. 4).

5. Delaying services until such penalties can be documented can be disastrous because:

(a) not all episodes of ridicule or penalties are identifiable, as some or all may occur

when the speaker is not present; (b) delaying therapy until later causes the incorrect speech patterns to become more resistant to change as the faulty speech patterns have been used over a longer period; and (c) older students often are more reluctant to be singled out by attending speech therapy services and so either refuse services or are unmotivated to work on their speech.

6. Assigning severity ratings is not a strongly reliable process. Clinicians (SLPs) show variation in their subjective judgments of severity ratings. It is suggested that the severity requirements in the proposed criteria be removed, as severity ratings cannot be reliably agreed upon. Speech severity ratings for students should be formulated on a case-by-case basis rather than utilizing some mathematical formula or using some "blanket" definition of severity to be applied to all students who have speech disorders.

7. The phrase "adversely affects educational performance" does not equal "adversely affects academic achievement," yet some professionals equate the two. The U.S. Dept. of Education, Office of Special Education, has clarified this about speech disorders: students should not be denied speech-language pathology services if they do not demonstrate a concomitant academic problem. The intent of the IDEA is not to be so restrictive as to deny students with speech disorders the right to special education services based on their achievement in school. The existence of a speech disorder in and of itself, regardless of academic achievement, can determine that such disorder does indeed adversely affect educational performance. Good speaking skills, in and of themselves, are considered to be a basic educational skill.

8. Further, the term "adversely affects educational performance" needs to be clarified in that if a speech disorder has been diagnosed, the presence of this condition, in and of itself, satisfies the required "adversely affects educational performance" criterion. (Refer to ASHA's document "Adversely Affects Educational Performance" Policy 1980-2002; Nothing Has Changed," by Stan Dublinske, which addresses this very issue.) (Go to this link to read this document: http://www.asha.org/about/membership-certification/divs/adverselyaffects.htm)

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "in a preschool classroom, children with articulation impairments initiated interactions with peers less frequently than did their normal speech and language peers" (p. 6).

9. Appendix B in the proposed Policy uses restrictive language in defining "adversely affects educational performance." If such conditions would be necessary to be present to qualify a student for speech therapy services, then many students in need of such services would be denied services they have a right to receive. I suggest to either delete the Appendix B, or to include a condition such as "Others can notice the student's speech errors and can identify them as being atypical for that student's age or developmental level." Furthermore, Appendix B, if not deleted, should also state that any but not all of these conditions must be present.

10. The proposed standard score requirement in the criteria causes problems as well. There are a variety of standardized articulation tests and many vary in the number of speech sounds tested and the types of scores obtained and the speech context in which the child is tested. For example, most tests assess a child's speech during the production of isolated words. Some students perform more accurately at this level as opposed to the complex task of continuous connected speech such as conversation. Some students' speech accuracy and intelligibility breaks down significantly at higher levels of communication, resulting in a test score that underestimates the student's level of severity or involvement. Some students already receiving services are working beyond the isolated-word level, where they are now accurate, but continue to use their incorrect speech patterns during spontaneous connected speech. Furthermore, for such students already enrolled in services, during the!
re-evaluation process, a typical single-word test would not accurately reflect a child's present problem. Therefore, a derived standard score on such a test would be misleading or inaccurate.

11. Articulation tests differ on the number of speech sounds that they test. Some popular tests fail to assess vowels and other tests omit certain consonants or they test sounds in

only certain words whereas a student may make errors on words that were not tested. The possible problem with this, again, would be the a standard score could be misleading as compared to what the student is really unable to do during everyday speaking situations.

12. It is respectfully suggested that the proposed criteria be rewritten as follows:

(page 43)

Definition of Articulation/Phonology Disorder:

An articulation/phonology disorder exists when the incorrect production of speech sounds or when the current sound patterns and the rules governing their combinations:

1. interfere with communication;
2. draw unfavorable attention to the speaker;
3. adversely affect the speaker or listener; or
4. are inappropriate to the age and gender of the speaker.

Eligibility Criteria for Articulation/Phonology Disorder

An eligibility team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

1. At least two procedures are used to assess the student, one of which involves standardized measures.
2. Application of developmental norms verifies that speech sounds may not develop without intervention.
3. The student's disability adversely affects educational performance.
4. The student needs special education. (Speech/language therapy can be special education or a related service.)

Note: (The proposed criterion of severity level should be deleted.)

13. The writing of such more restrictive policy which would cause some students who have speech problems to be denied treatment is in direct conflict with the Code of Ethics which all ASHA-certified SLPs are obliged to follow. Thus, it would place SLPs in a very challenging position of (1) break the policy and follow ethical guidelines or (2) follow the policy and practice unethically. This, certainly, would be considered to be a "no win" position for all conscientious SLPs in the state.

As referenced above, you can see theses concerns are based on the most current research available.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 2:04 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 14:03:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kenda Williams MS CCC/SLP
Organization: Hancock County Schools
Email: klwill40@yahoo.com
Title: Concerns on Policy 2419 regarding SLP services
Address1: 4876 Veterans BLVD Apt 11
Address2:
City/State/Zip: New Cumberland, WV 26047
Role: School System Staff
Posted: 2006-12-14 14:03:49
Posted from IP: 168.216.200.97

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
1. Comparing the present Policy 2419 eligibility criteria for articulation disorders with the proposed Policy, the present policy lists more restrictive criteria that would deny some students articulation therapy that they would need and have a right to.

2. The proposed Policy specifies severity requirements for articulation disorders, stating only "moderate" or "severe" articulation/phonologic disorders would qualify students. Research strongly shows that students with even mild articulation disorders are judged more negatively by peers and other listeners.

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "Teacher's perceive students with speech and language disorders as poorer performers in the classroom than their normal peers" (p. 5). They further state that "Even mild articulatory disorders result in negative attitudes from peers toward persons with one or more misarticulations" (p. 7)

3. Assigning a severity rating to an articulation disorder involves a matrix of variables and is not a simple process of using some standard score conversion from an administered test! Variables such as the number of sounds in error, the types of errors (substitutions, omissions, distortions, additions), the consistency of errors, the underlying cause (organic/physical versus developmental/faulty learning), which sounds are in error (vowels affect intelligibility more than do consonants and certain consonants occur more frequently than others in speech), the social/emotional concern or effects it has on the speaker himself or his listeners (peers, teachers, parents), the impact it has on the student's functioning both in and outside of the school (how handicapping it is) should all be considered. Further, severity labels are not stagnant for a child because as time passes, the perception of the problem can cause it to be judged more negatively or severely as the child move!
s further and further away from the limits of the developmental norms (i.e., a lisp on the /s/ sound may be judged as "mild" for a particular child but, if left untreated, that same lisp in the same child during adolescence or adulthood might later be judged more severely due to poor listener tolerance for such defects in the speech of older speakers. They will have less job opportunities as they could make a negative impression during the job interview process. Research clearly supports this.

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state:

The presence of a speech disorder can significantly reduce the number of job possibilities. Even if the actual job has a low communication demand, the potential employee with the deficient articulation may not be able to speak well enough during the interview to avoid rejection. Many people, including employers, associate disordered or different speech with ignorance, incompetence, and even lack of intelligence. In this highly verbal society, persons may be judged, or misjudged, more by their type of speech than by any other factor or combination of factors (p.5).

4. Most young students will not experience negative social penalty for their articulation disorders in the present moment. But if left untreated, such penalties will occur in their future, affecting even occupational opportunities and social interactions as well as emotional aspects like self-esteem.

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that " The effects of an articulatory disorder may not be readily apparent to the listener, but they could have far- reaching repercussions on the person's social-emotional well-being, occupation and of course, interpersonal relations." (p. 3). The authors further state: "If social-emotional problems develop because of deficient articulation, then speech-language pathologists have a great responsibility for alleviating such disorders early in a child's life" [emphasis added] (p. 4).

5. Delaying services until such penalties can be documented can be disastrous because:

(a) not all episodes of ridicule or penalties are identifiable, as some or all may occur

when the speaker is not present; (b) delaying therapy until later causes the incorrect speech patterns to become more resistant to change as the faulty speech patterns have been used over a longer period; and (c) older students often are more reluctant to be singled out by attending speech therapy services and so either refuse services or are unmotivated to work on their speech.

6. Assigning severity ratings is not a strongly reliable process. Clinicians (SLPs) show variation in their subjective judgments of severity ratings. It is suggested that the severity requirements in the proposed criteria be removed, as severity ratings cannot be reliably agreed upon. Speech severity ratings for students should be formulated on a case-by-case basis rather than utilizing some mathematical formula or using some "blanket" definition of severity to be applied to all students who have speech disorders.

7. The phrase "adversely affects educational performance" does not equal "adversely affects academic achievement," yet some professionals equate the two. The U.S. Dept. of Education, Office of Special Education, has clarified this about speech disorders: students should not be denied speech-language pathology services if they do not demonstrate a concomitant academic problem. The intent of the IDEA is not to be so restrictive as to deny students with speech disorders the right to special education services based on their achievement in school. The existence of a speech disorder in and of itself, regardless of academic achievement, can determine that such disorder does indeed adversely affect educational performance. Good speaking skills, in and of themselves, are considered to be a basic educational skill.

8. Further, the term "adversely affects educational performance" needs to be clarified in that if a speech disorder has been diagnosed, the presence of this condition, in and of itself, satisfies the required "adversely affects educational performance" criterion. (Refer to ASHA's document "Adversely Affects Educational Performance" Policy 1980-2002; Nothing Has Changed," by Stan Dublinske, which addresses this very issue.) (Go to this link to read this document: http://www.asha.org/about/membership-certification/divs/adverselyaffects.htm)

In the text Clinical Management of Articulatory and Phonologic Disorders by Mary E. Gordon-Brennan & Curtis E. Weiss (Copyright 2007 Lippincott Williams and Wilkins) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "in a preschool classroom, children with articulation impairments initiated interactions with peers less frequently than did their normal speech and language peers" (p. 6).

9. Appendix B in the proposed Policy uses restrictive language in defining "adversely affects educational performance." If such conditions would be necessary to be present to qualify a student for speech therapy services, then many students in need of such services would be denied services they have a right to receive. I suggest to either delete the Appendix B, or to include a condition such as "Others can notice the student's speech errors and can identify them as being atypical for that student's age or developmental level." Furthermore, Appendix B, if not deleted, should also state that any but not all of these conditions must be present.

10. The proposed standard score requirement in the criteria causes problems as well. There are a variety of standardized articulation tests and many vary in the number of speech sounds tested and the types of scores obtained and the speech context in which the child is tested. For example, most tests assess a child's speech during the production of isolated words. Some students perform more accurately at this level as opposed to the complex task of continuous connected speech such as conversation. Some students' speech accuracy and intelligibility breaks down significantly at higher levels of communication, resulting in a test score that underestimates the student's level of severity or involvement. Some students already receiving services are working beyond the isolated-word level, where they are now accurate, but continue to use their incorrect speech patterns during spontaneous connected speech. Furthermore, for such students already enrolled in services, during the!
re-evaluation process, a typical single-word test would not accurately reflect a child's present problem. Therefore, a derived standard score on such a test would be misleading or inaccurate.

11. Articulation tests differ on the number of speech sounds that they test. Some popular tests fail to assess vowels and other tests omit certain consonants or they test sounds in

only certain words whereas a student may make errors on words that were not tested. The possible problem with this, again, would be the a standard score could be misleading as compared to what the student is really unable to do during everyday speaking situations.

12. It is respectfully suggested that the proposed criteria be rewritten as follows:

(page 43)

Definition of Articulation/Phonology Disorder:

An articulation/phonology disorder exists when the incorrect production of speech sounds or when the current sound patterns and the rules governing their combinations:

1. interfere with communication;
2. draw unfavorable attention to the speaker;
3. adversely affect the speaker or listener; or
4. are inappropriate to the age and gender of the speaker.

Eligibility Criteria for Articulation/Phonology Disorder

An eligibility team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

1. At least two procedures are used to assess the student, one of which involves standardized measures.
2. Application of developmental norms verifies that speech sounds may not develop without intervention.
3. The student's disability adversely affects educational performance.
4. The student needs special education. (Speech/language therapy can be special education or a related service.)

Note: (The proposed criterion of severity level should be deleted.)

13. The writing of such more restrictive policy which would cause some students who have speech problems to be denied treatment is in direct conflict with the Code of Ethics which all ASHA-certified SLPs are obliged to follow. Thus, it would place SLPs in a very challenging position of (1) break the policy and follow ethical guidelines or (2) follow the policy and practice unethically. This, certainly, would be considered to be a "no win" position for all conscientious SLPs in the state.

As referenced above, you can see theses concerns are based on the most current research available.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 2:36 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 14:35:32)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jana Tabor
Organization: HJK Elementary School
Email: janatabor72@msn.com
Title: preschool special needs teacher
Address1: 803 Kaiser Ave
Address2:
City/State/Zip: Ravenswood, WV 26164
Role: Teacher
Posted: 2006-12-14 14:35:32
Posted from IP: 168.216.91.216

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

The policy should state that it is "mandatory" to make exceptions to the number of students in a preschool classroom be less depending on the severity of disabilities. It would be impossible to serve 20 children in a classroom that has one or more autistic children, children with physical handicaps, behavior disorders, etc. with just one teacher and aide. Most school boards only see that money is involved; this leads to children not receiving a quality education and turns us into glorified babysitters. Most children who qualify for preschool services are not labeled with a disability when they begin. Most autistic children are not labeled until after the age of 3 when they have already been enrolled in the program. This makes it difficult for us to set limits, when the diagnosis has not been made. The NAEYC is reviewing the possiblity of lowering ratios and group sizes based on research. Our state is considering increasing the rations based on what research???
I hope and pray you take these comments into consideration.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 5:17 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 17:17:09)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Robert Sadler
Organization: Wood County Schools
Email: RSadler53@hotmail.com
Title: Teacher-Grade 5
Address1: 1562 Suzanne Circle
Address2:
City/State/Zip: Belpre, OH 45714
Role: Teacher
Posted: 2006-12-14 17:17:09
Posted from IP: 75.108.22.113

Comments for section 126-16-1 General

If this policy continues as written, it will prove disastrous to Autism students. To change the Teacher/Student Ratio from 1 to 4 to 1 to 10 will cause many autistic students to be "left behind" as well as cause great frustration for the dedicated teachers in this program. Who came up with this new ratio? Obviously, someone who has been out of the real world classroom for so long they have forgotten all about teaching students. As a veteran of 27 years in Wood County Schools and a former principal for 8 years who returned to the classroom this year, I strongly urge the WVDE to not enact the policy changes for autism as proposed. Listen to those in the trenches (and the parents) and fix this before it becomes a problem and a very real PR nightmare. Thank you.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 5:17 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 17:17:09)

<<< No Message Collected >>>

Rob Mancuso

The following is a list of my concerns for Proposed Policy 2419 and SLP Services

1. Comparing the present Policy 2419 eligibility criteria for articulation disorders with the proposed Policy, the present policy lists more restrictive criteria that would deny some students articulation therapy that they would need and have a right to.

2. The proposed Policy specifies severity requirements for articulation disorders, stating only "moderate" or "severe" articulation/phonologic disorders would qualify students. Research strongly shows that students with even mild articulation disorders are judged more negatively by peers and other listeners.

In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss (**Copyright 2007 Lippincott Williams and Wilkins**) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "Teachers perceive students with speech and language disorders as poorer performers in the classroom than their normal peers" (p. 5). They further state that "Even mild articulatory disorders result in negative attitudes from peers toward persons with one or more misarticulations" (p. 7)

3. Assigning a severity rating to an articulation disorder involves a matrix of variables and is not a simple process of using some standard score conversion from an administered test! Variables such as the number of sounds in error, the types of errors (substitutions, omissions, distortions, additions), the consistency of errors, the underlying cause (organic/physical versus developmental/faulty learning), which sounds are in error (vowels affect intelligibility more than do consonants and certain consonants occur more frequently than others in speech), the social/emotional concern or effects it has on the speaker himself or his listeners (peers, teachers, parents), the impact it has on the student's functioning both in and outside of the school (how handicapping it is) should all be considered. Further, severity labels are not stagnant for a child because, as time passes, the perception of the problem can cause it to be judged more negatively or severely as the child moves further and further away from the limits of the developmental norms (i.e., a lisp on the /s/ sound may be judged as "mild" for a particular child but, if left untreated, that same lisp in the same child during adolescence or adulthood might later be judged more severely due to poor listener tolerance for such defects in the speech of older speakers. They will have less job opportunities as they could make a negative impression during the job interview process. Research clearly supports this.

In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss (**Copyright 2007 Lippincott Williams and Wilkins**) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state:

> The presence of a speech disorder can significantly reduce the number of job possibilities. Even if the actual job has a low communication demand, the potential employee with the deficient articulation may not be able to speak well enough during the interview to avoid rejection. Many people, including employers, associate disordered or different speech with ignorance, incompetence, and even lack of intelligence. In this highly verbal society, persons may be judged, or misjudged, more by their type of speech than by any other factor or combination of factors (p.5).

4. Most young students will not experience negative social penalty for their articulation disorders in the present moment. But if left untreated, such penalties will occur in their future, affecting even occupational opportunities and social interactions as well as emotional aspects like self-esteem.

In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss (**Copyright 2007 Lippincott Williams and Wilkins**) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that " The effects of an articulatory disorder may not be readily apparent to the listener, but they could have far- reaching repercussions on the person's social-emotional well-being, occupation and of course, interpersonal relations." (p. 3). The authors further state: "If social-emotional problems develop because of deficient articulation, then speech-language pathologists have a great responsibility for alleviating such disorders *early in a child's life"* [emphasis added] (p. 4).

5. Delaying services until such penalties can be documented can be disastrous because:

   (a) not all episodes of ridicule or penalties are identifiable, as some or all may occur when the speaker is not present; (b) delaying therapy until later causes the incorrect speech patterns to become more resistant to change as the faulty speech patterns have been used over a longer period; and (c) older students often are more reluctant to be singled out by attending speech therapy services and so either refuse services or are unmotivated to work on their speech.

6. Assigning severity ratings is not a strongly reliable process. Clinicians (SLPs) show variation in their subjective judgments of severity ratings. It is suggested that the severity requirements in the proposed criteria be removed, as severity ratings cannot be reliably agreed upon. Speech severity ratings for students should be formulated on a case-by-case basis rather than utilizing some mathematical formula or using some "blanket"

definition of severity to be applied to all students who have speech disorders.

7. The phrase "adversely affects educational performance" does not equal "adversely affects academic achievement," yet some professionals equate the two. The U.S. Dept. of Education, Office of Special Education, has clarified this about speech disorders: students should *not* be denied speech-language pathology services if they do not demonstrate a concomitant academic problem. The intent of the IDEA is not to be so restrictive as to deny students with speech disorders the right to special education services based on their achievement in school. The existence of a speech disorder in and of itself, regardless of academic achievement, can determine that such disorder does indeed adversely affect educational performance. Good speaking skills, in and of themselves, are considered to be a basic educational skill.

8. Further, the term "adversely affects educational performance" needs to be clarified in that if a speech disorder has been diagnosed, the presence of this condition, in and of itself, satisfies the required "adversely affects educational performance" criterion. (Refer to ASHA's document "Adversely Affects Educational Performance" Policy 1980-2002; Nothing Has Changed," by Stan Dublinske, which addresses this very issue.) (Go to this link to read this document: http://www.asha.org/about/membership-certification/divs/adverselyaffects.htm)

   In the text *Clinical Management of Articulatory and Phonologic Disorders* by Mary E. Gordon-Brennan & Curtis E. Weiss (**Copyright 2007 Lippincott Williams and Wilkins**) in Chapter 1 (titled "Significance of Articulation and Phonology and Their Disorder), the authors state that "in a preschool classroom, children with articulation impairments initiated interactions with peers less frequently than did their normal speech and language peers" (p. 6).

9. Appendix B in the proposed Policy uses restrictive language in defining "adversely affects educational performance." If such conditions would be necessary to be present to qualify a student for speech therapy services, then many students in need of such services would be denied services they have a right to receive. I suggest to either delete the Appendix B, or to include a condition such as "Others can notice the student's speech errors and can identify them as being atypical for that student's age or developmental level." Furthermore, Appendix B, if not deleted, should also state that any but not all of these conditions must be present.

10. The proposed standard score requirement in the criteria causes problems as well. There are a variety of standardized articulation tests and many vary in the number of speech sounds tested and the types of scores obtained and the speech context in which the child is tested. For example,

most tests assess a child's speech during the production of isolated words. Some students perform more accurately at this level as opposed to the complex task of continuous connected speech such as conversation. Some students' speech accuracy and intelligibility breaks down significantly at higher levels of communication, resulting in a test score that underestimates the student's level of severity or involvement. Some students already receiving services are working beyond the isolated-word level, where they are now accurate, but continue to use their incorrect speech patterns during spontaneous connected speech. Furthermore, for such students already enrolled in services, during the re-evaluation process, a typical single-word test would not accurately reflect a child's present problem. Therefore, a derived standard score on such a test would be misleading or inaccurate.

11. Articulation tests differ on the number of speech sounds that they test. Some popular tests fail to assess vowels and other tests omit certain consonants or they test sounds in only certain words whereas a student may make errors on words that were not tested. The possible problem with this, again, would be the a standard score could be misleading as compared to what the student is really unable to do during everyday speaking situations.

12. It is respectfully suggested that the proposed criteria be rewritten as follows:

(page 43)

Definition of Articulation/Phonology Disorder:

An articulation/phonology disorder exists when the incorrect production of speech sounds or when the current sound patterns and the rules governing their combinations:

1. **interfere with communication;**
2. **draw unfavorable attention to the speaker;**
3. **adversely affect the speaker or listener; or**
4. **are inappropriate to the age and gender of the speaker.**

Eligibility Criteria for Articulation/Phonology Disorder

An eligibility team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

1. **At least two procedures are used to assess the student, <u>one of which involves standardized measures</u>.**
2. **Application of developmental norms verifies that speech sounds may not develop without intervention.**

3. **The student's disability adversely affects educational performance.**
4. **The student needs special education. (Speech/language therapy can be special education or a related service.)**

Note: (The proposed criterion of severity level should be deleted.)

13. The writing of such more restrictive policy which would cause some students who have speech problems to be denied treatment is in direct conflict with the *Code of Ethics* which all ASHA-certified SLPs are obliged to follow. Thus, it would place SLPs in a very challenging position of (1) break the policy and follow ethical guidelines or (2) follow the policy and practice unethically. This, certainly, would be considered to be a "no win" position for all conscientious SLPs in the state.

As referenced above, you can see these concerns are based on the most current research available.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 9:17 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 21:17:15)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Aimee Kincaid
Organization:
Email: akncd70@yahoo.com
Title:
Address1: 3709 12th Avenue
Address2:
City/State/Zip: Vienna, WV 26105
Role: Parent-Family
Posted: 2006-12-14 21:17:15
Posted from IP: 72.64.23.114

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

As a parent of a 10 year-old Autistic child, I worry about my childs safety in the current 4:1 classroom. Not to mention if that ratio is increased to the proposed 10:1 ratio. I often feel as if my child does not get enough instructional time now because of the diversions in the classroom now. I can only imagine what it would be like with more children and various difficulties. My family spent a year in Tampa, Florida in hopes that the resources there would be better for his disabilities. We returned to Wood County in despair. Due to the overcrowding there my son started to regress. My husband and I will spare no cost and will go to the end of the earth for our children. Currently the incidence of autism is 1 in 166. And unfortunately West Virginians are not exempt. With Autism on the forefront right now and legislation passing in the House and Senate for research and education. West Virginia is trying to cutback on funding for education. West Virginia currently !
claims to be "Open for Business". What would happen to business in WV if more families of children with Autism are forced to leave the state for quality education? Gone would be fundings, tax revenue and possible other sources of income for the state. I hope that Policy 2419 is reconsidered and our children are given the opportunities they truly deserve.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 14, 2006 10:37 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-14 22:36:52)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: David Bierkortte
Organization: Parent
Email:
Title:
Address1: 116 north 18th street
Address2:
City/State/Zip: Wheeling, WV 26003
Role: Parent-Family
Posted: 2006-12-14 22:36:52
Posted from IP: 67.165.103.242

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

As a parent of a child with autism I am concerned with the proposals on page 75 and 76 which would allow the combination of students with autism with students with other multiple disabilities in the same classroom. The idea of combine students and larger classroom caseloads does not work! Keep the classrooms specific to the students and their needs. The state needs to look at other ways to save $$$$.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

=== COVER PAGE ===

TO:

FAX: 913045583741

FROM: RJHS

FAX: 3048462639

TEL: 3048462638

COMMENT:

RECEIVED
DEC 14 2006
By

POLICY 2419

AFT RECOMMENDED COMMENTS

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
DEC 14 2006
By

RMS

=== COVER PAGE ===

TO: _____

FAX: 913045583741

FROM: RJHS

FAX: 3048462639

TEL: 3048462638

COMMENT:

RECEIVED
DEC 14 2006
By

POLICY 2419

AFT RECOMMENDED COMMENTS

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
DEC 14 2006
By

SAC
RMS

POLICY 2419

AFT RECOMMENDED COMMENTS

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

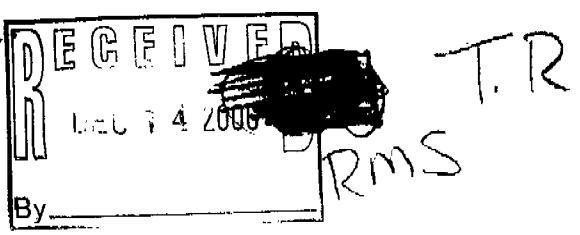
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery



T.R

RMS

POLICY 2419

AFT RECOMMENDED COMMENTS

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
DEC 14 2006
By

DH
RMS

=== COVER PAGE ===

TO: _____

FAX: 913045583741

FROM: RJHS _____

FAX: 3048462639

TEL: 3048462638

COMMENT:

RECEIVED
DEC 14 2006
By_____

POLICY 2419

AFT RECOMMENDED COMMENTS

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

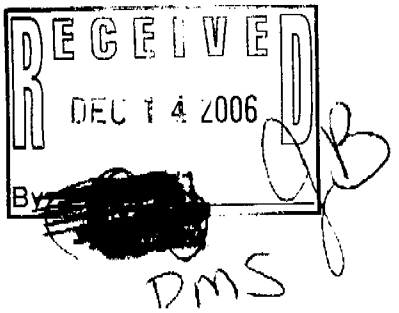
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"



POLICY 2419

Name Suzanne Ams

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

ENTERED

RECEIVED
DEC 14 2006
By

POLICY 2419 Name Kristie Anders

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

ENTERED

RECEIVED
DEC 14 2006
By

POLICY 2419 Name Kathy Houchins

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

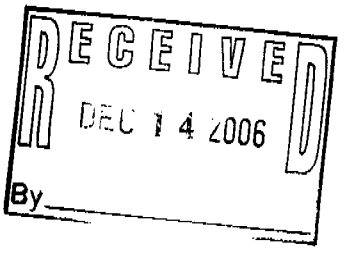
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"



ENTERED

POLICY 2419 RECOMMENDED COMMENTS

Name Delores Shaw
School Weimer
558-3741

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

ENTERED

RECEIVED
DEC 14 2006
By

POLICY 2419 Name Kathy Bishop

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
DEC 14 2006
By

ENTERED

12/11/2006 16:15 3047220206 WEIMER ELEM PAGE 01
3047220206

POLICY 2419 Name Karen Dillard

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Karen Dillard 12/13/

ENTERED

RECEIVED
DEC 14 2006
By

POLICY 2419 Name Julie Clifton

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

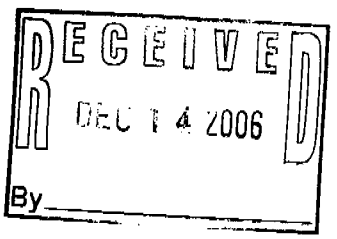
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"



ENTERED

POLICY 2419 Name Janis G Riddy

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

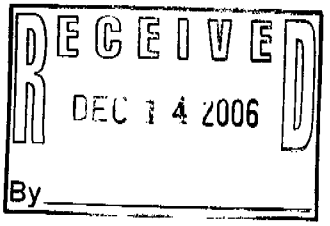
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"





POLICY 2419 Name Laura Gillis

RECOMMENDED COMMENTS School Weimer

558-3741

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

ENTERED

RECEIVED
DEC 14 2006
By

POLICY 2419

AFT RECOMMENDED COMMENTS

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

✓

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
DEC 19 2006
By

Chapter 6

ENTERED

My name is Larry Stinn, Director of Federal Programs for Calhoun County Schools. Together with my superintendent, Ron Blankenship, I request that two items in [redacted] be reconsidered:

1) First, on p. 78, in the section on **Class Size Requirements for Instructional Period** it is stated in the paragraph on Integrated Classrooms that "the percentage SWD . . . receiving specially designed instruction in general education settings . . . (shall be) no more than 30% of the total class enrollment during any single class period in the four core academic subjects."

   Calhoun County Middle-High School currently has three core classes in which approximately 30% SWD's are enrolled: one at 28%, one at 29% and the third at 32%.

   This provision might make it necessary to hire an additional teacher. In a small county like Calhoun, this would put us in a deficit situation, which is illegal. Distributing students to other classes creates significant scheduling problems if it is even possible given staff cutbacks resulting from our diminishing enrollment. We are increasingly being put in the position of having to choose which law or regulation we will violate.

   We request that this provision be removed, or at a minimum, that the percentage be raised to 40%.

2) Second, in the table at the top of p. 80 titled **Maximum Number Students per Instructional Period Based Level of Service,** 6 students is set as the maximum for students with Level I Service Needs in grades K-4.

   In one of Calhoun County's elementary schools there is a special education class with 6 students. One student with disabilities transferring from another county or state would put us in the position of violating this requirement with similar consequences. It might make it necessary to hire another teacher which would put us in a deficit situation.

   We applaud the emphasis on services being based on students' level of need, but maintain that the current limit of 8 students per period is reasonable for students with Level I needs. We request that the limit be raised from 6 to 8.

RECEIVED
DEC 1 9 2006
By

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 1:30 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 13:30:19)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Celeste Marshall
Organization: Ohio County Schools
Email: cmarshal@access.k12.wv.us
Title: Speech Pathologist
Address1: West Liberty Elementary
Address2:
City/State/Zip: Wheeling, WV 26003
Role: School System Staff
Posted: 2006-12-15 13:30:19
Posted from IP: 168.216.243.230

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Re: eligibility for speech therapy services- Even students with mild or mild to moderate articulation disorders are impacted in the areas of socialization,participation in extracurricular activities, and future career opportunities. We cannot exclude these

students from receiving services. Also, a score on a single word level articulation test is not reflective of intelligibility in running conversational speech.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 1:38 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 13:37:55)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Steven G. Hayes
Organization: Mercer County Early Learning Center
Email: sghayes@access.k12.wv.us
Title: principal
Address1: 821 Broadway St.
Address2:
City/State/Zip: Princeton, WV 24740
Role: Principal
Posted: 2006-12-15 13:37:55
Posted from IP: 168.216.16.50

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I have concerns over the ratios of Regular/Special Needs students which will be allowed in each classroom. I am concerned about the amount of paperwork which is required through Creative Curriculum as well as the IEP process. Teachers without Sp Ed training will be serving special needs students which will meet much resistance from educators. I do not believe that this configuration will best serve the needs of all of our students. As an administrator I am already hearing from parents of regular ed students who do not want their children educated in the same classrooms as students with severe disabilities (ie feeding tubes, diaper changes, etc.). What consideration is being given to the extent of the disability?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 2:39 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 14:39:21)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mary Ann Kurz
Organization: Ohio County Schools
Email: mkurz@access.k12.wv.us
Title: Speech/Language Pathologist
Address1: 16 Pinewood Drive
Address2:
City/State/Zip: Wheeling, WV 26003
Role: Teacher
Posted: 2006-12-15 14:39:21
Posted from IP: 168.216.141.186

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Remove Item#3, "Speech intelligibility is determined to be moderately to severely impaired,"on page 43 under Eligibility Criteria for Articulation/Phonology Disorder.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 2:47 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 14:47:00)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Cindy Weppler
Organization: BCS
Email: bethwep@cs.com
Title: SLP
Address1: WPS-15th and Main
Address2:
City/State/Zip: Wellsburg, WV 26070
Role: Teacher
Posted: 2006-12-15 14:47:00
Posted from IP: 168.216.144.65

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I feel you need to look at the eligibility for articulation and leave as is-it would be a detriment to not let us be discretionary in our eligibility...this would only help to impact the middle school caseloads in the long run

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:08 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:08:11)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Linda Reber
Organization: Putnam County Schools
Email: lreber@access.k12.wv.us
Title: Speech Language Pathologist
Address1: 203 Highlands Rd
Address2:
City/State/Zip: Hurricane, WV 25526
Role: Professional Support
Posted: 2006-12-15 12:08:11
Posted from IP: 168.216.95.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I am concerned about the tenor of the language in the revision concerning eligibility for the Speech Language Impaired program and believe revisions need to be made to correct the following:

"Speech intelligibility is determined to be moderately or severely impaired" degree of severity considerations for eligibility for Speech Language Impaired Programs should not be the determining factor. According to IDEA degree of need does not exclude a student from receiving services. Research has documented that students with mild articulation disorders are affected adversely, and these students are entitled to speech services under IDEA. Denying them appropriate Speech Language services violates their rights to FAPE. According to Page 43 of the proposed revisions of "Articulation/Phonology Disorder" - "incorrect productions of speech sounds .... MAY interfere with intelligibility" implying hat intelligibility does not have to be a factor when making a student eligible for speech servies ("Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with intelligibility.")

I am also concerned about waivers for speech caseloads. How will this impact shortages of SLPs? What kind of documentation will be required to prove "adversely affects educational performance"? What will be the SLP's role in RTI?

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:31 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:30:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Karen Edgell
Organization: Marion County Schools
Email:
Title:
Address1: 200 Gaston Avenue
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2006-12-15 12:30:49
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under Definitions and Eligibility Criteria pages 23 and 25 concerning Autism; #2: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician or licensed psychologist."

In West Virginia, school psychologists are employed by school systems as support staff in the education of children. These professionals must be certified by the WV Department of Education and this certification process includes documentation of competencies. All school psychologists receive training in developmental disabilities including the diagnosis and treatment of autism. The proposed statement appears to exclude school psychologists from the eligibility determination process when these individuals are highly qualified in the diagnosis of many childhood disorders including autism. I suggest that the phrase "or school psychologist" be added to Statement 32 under Category Autism subsection A.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Duplicate

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:33 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:32:57)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Larry Stinn
Organization: Calhoun County Schools
Email: lstinn@access.k12.wv.us
Title: Director of Federal Programs
Address1: HC 89 Box 119
Address2:
City/State/Zip: Mt. Zion, WV 26151
Role: Professional Support
Posted: 2006-12-15 12:32:57
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Together with my superintendent, Ron Blankenship, I request that two items in Chapter 6 be considered:

1. First, on p. 78, in the section on Class Size Requirements for Instructional Period it is stated in the paragraph on Integrated Classrooms that "the percentage SWD…receiving specially designed instruction in general education settings…(shall be) no more than 30% of the total class enrollment during any single class period in the four core academic subjects." Calhoun County Middle –High School currently has three core classes in which approximately 30% SWD's are enrolled: one at 28%, one at 29% and the third at 32%. This provision might make it necessary to hire an additional teacher. In a small county like Calhoun, this would put us in a deficit situation, which is illegal. Distributing students to other classes creates significant scheduling problems if it is even possible given staff cutbacks resulting from our diminishing enrollment. We are increasingly being put in the position of having to choose which law or regulations we will violate. We request that this provi!
sion be removed, or at a minimum, that the percentage be raised to 40%.
2. Second, in the table at the top of p. 80 titled Maximum Number Students per Instructional Period Based Level of Service, 6 students is set as the maximum for students with Level 1 Service Needs in grades K-4. In one of Calhoun County's elementary schools there is a special education class with 6 st6udents. One student with disabilities transferring from another county or state would put us in the position of violating this requirement with similar consequences. It might make it necessary to hire another teacher which would put us in a deficit situation. We applaud the emphasis on services being abased in students' level of need, but maintain that the current limit of 8 students per period is reasonable for students with Level 1 needs. We request that the limit be raised from 6 to 8.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:38 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:38:25)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sarah E. Goines
Organization: Coy Bacon Christian Outreach
Email:
Title:
Address1: 2506 Lenore Street
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Parent-Family
Posted: 2006-12-15 12:38:25
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Mandate testing for all students for the educational counties to receive state and federal funding for "No Child Left Behind" Blacks and Low-income are not tested at present. I wonder why??

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
Outreach Educational program for Blacks and Low-income whites what the state of WV plans are???

Comments for section Chapter 2: Child Find

Why they have not received the attention to regain self-esteem and the reason they have gone from Principal Honor Roll to drop outs??

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:44 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:43:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Amanda Moler
Organization: Wood County
Email:
Title: Special Needs Teacher
Address1: 1786 Rosemar Road
Address2:
City/State/Zip: Vienna, WV 26105
Role: Teacher
Posted: 2006-12-15 12:43:53
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I am concerned about configuration issue. This policy could cost personnel issues - I do not want to see aide losing job. Please put caseload consideration back in. This will eliminate the loss of aides.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:46 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:45:39)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Stephanie Ferrell
Organization: Jefferson Primary Brooke County
Email:
Title: Teacher
Address1: 1098 Jefferson Street
Address2:
City/State/Zip: Follansbee, WV 26037
Role: Teacher
Posted: 2006-12-15 12:45:39
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

As a parent and educator of a child who had a lateral and frontal lisp, I find it negligent o the part of the state of WVA to even consider dropping articulation therapy from the duty of the speech language therapist. My daughter received excellent therapy from a school speech/language therapist. Within one year her artic problem was corrected. Now lets go further - within five years, all students are to strive 100% on the WesTest but it isn't important for these same students to pronounce their sounds correctly which is vital for oral communication. Explain that to a parent!

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Eligibility needs to stay the same. Children need to speak sounds at age appropriate times. It is easier to correct an articulation error at a younger age. Adults have the bad habits so ingrained in their brain that it is almost impossible to correct inappropriate sounds as an adult. The students in West Virginia do not need to stick out even more because they don't talk right.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 1:06 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 13:06:08)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kristie Anderson
Organization: Weimer Elementary
Email:
Title:
Address1: 3040 Kanawha Terrace
Address2:
City/State/Zip: St. Albans, WV 25177
Role: Teacher
Posted: 2006-12-15 13:06:08
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---

p. 34
1. Under the RTI model there needs to be timelines at each tier.
2. Additional staff is needed to fully implement the RTI model. A caseload limit is needed

for the number of students with interventions an educator will be expected to serve.
3. Who conducts the screenings?
p. 35
4. Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5. Professional development in progress monitoring needs to be provided.
p. 38
6. The comment "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Comments for section Chapter 5: Individualized Education Programs
---
p. 51
1. Excusal provision – How much notification is provided to the teacher that he/she ahs been "excused" from a meeting? When is the "In Lieu of Attendance" report due?

Comments for section Chapter 6: Administration of Services
---
p.76
1. Add the word "shall" be required to provide assistance to students in response to specific needs…
p. 77
2. Under maximum case management assignments change 30 to 20 for teachers of all exceptionalities.
p. 78
3. Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorder.
4. When instructional responsibilities are shared change the word "block" to period.
5. In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
6. Special education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80
7. Maximum number of students per instruction period – continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8. Do not base caseloads per instructional class period o the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

---

1) Add a definition for "Mastery"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 15, 2006 12:53 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-15 12:52:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Suzanne A
Organization: Weimer Elementary
Email:
Title:
Address1: 3040 Kanawha Terrace
Address2:
City/State/Zip: St. Albans, WV 25177
Role: Teacher
Posted: 2006-12-15 12:52:51
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p. 34
1. Under the RTI model there needs to be timelines at each tier.
2. Additional staff is needed to fully implement the RTI model. A caseload limit is needed

for the number of students with interventions an educator will be expected to serve.
3. Who conducts the screenings?
p. 35
4. Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5. Professional development in progress monitoring needs to be provided.
p. 38
6. The comment "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Comments for section Chapter 5: Individualized Education Programs
---
p. 51
1. Excusal provision – How much notification is provided to the teacher that he/she ahs been "excused" from a meeting? When is the "In Lieu of Attendance" report due?

Comments for section Chapter 6: Administration of Services
---
p.76
1. Add the word "shall" be required to provide assistance to students in response to specific needs…
p. 77
2. Under maximum case management assignments change 30 to 20 for teachers of all exceptionalities.
p. 78
3. Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorder.
4. When instructional responsibilities are shared change the word "block" to period.
5. In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
6. Special education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80
7. Maximum number of students per instruction period – continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8. Do not base caseloads per instructional class period o the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, December 17, 2006 7:12 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-17 19:11:44)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sandra Laird
Organization:
Email: slaird4335@charter.net
Title:
Address1: 203 Maple Dr.
Address2:
City/State/Zip: Williamstown, WV 26187
Role: Parent-Family
Posted: 2006-12-17 19:11:44
Posted from IP: 75.108.18.119

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I am very concerned about the proposed change in staffing from a current 4:1 student to teacher ratio for children on the autism spectrum to a 10:1 ratio. My son is currently receiving services due to a diagnosis of Asperger Syndrome. He participates in the regular education classroom part of the time and receives services in the autism classroom part of the time. Even with the current staffing at his school, he is not receiving the level of instruction he needs in social skills training and organizational skills (both very weak areas for him), leaving a difficult decision for us about placement next year (he will be in 7th grade). I really don't see how his autism teacher would cope with having 6 more children added to his caseload. Since my son is considered "high functioning" and does spend a good part of the day in the regular ed classroom, I think if the autism room had 6 more potentially "lower" functioning students, my son would be forgotten altogether. In reali!
ty, my son does not function at the level most people suppose (he is just more verbal than the "typical" autistic child, so this is misleading). He is prone to outbursts, and his organizational skills (handling keep tracking of assignments, e.g.)is almost non-existant.

Almost all children on the autism spectrum have some level of rigidity with daily routines and some form of sensory disorder (for my son, this is more associated with smells and touch than with sounds). This can often lead to meltdowns. What happens if one child out of the ten in the room has a meltdown? How can one teacher be expected to handle this while all the students are kept safe?

I think I understand, in theory, what you are trying to do by basing the staffing needs on individual student needs rather than exceptionality. I am also a teacher, so I understand more about the system than the average parent probably does. However, I have been dealing with the system as my son's sole advocate for the past 8 years, and I have become suspicious about the real motive behind changes in wording about staffing. I have been tricked more than once in the wording of an IEP, and I have been misled about the level of services my son would receive. I am very concerned that this proposed change just leaves another loophole for this type of deception.

Thank you for reading my comment.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Debbie Bailey
School Sissonville High
Position Autism Mentor

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Henry Lantz

School Sissonville HS

Position Teacher (LT)

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Barbara Oliver
School Sissonville HS
Position Special Educator

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

CONSIDER THE DROPOUTS!

304.558.3741

Name Becky Eckenrode

School Sissonville High

Position Teacher aide

Deadline: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Stephen L. Mull

School Siss. H.S.

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Elizabeth Riggall
School Sissonville HS
Position Teacher Special Ed.

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

All exceptionalities have their own unique method of instruction. This cannot be jeopardized

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Claire

School Sum H. ft Schools

Position V.P.

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Todd Chevalier

School Sissonville High

Position Reg. Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Dec 18 06 04:10p Sissonville High 348 6565 p.1

348 6565

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Vicky Robb

School Sissonville H.S.

Position Reading Specialist

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Angela White

School Sissonville

Position Paraprofessional

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name David R. Danie

School Sissonville HS

Position BD Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1 5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 18, 2006 1:56 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-18 13:55:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kylea Strope
Organization: Ohio Co. Schools
Email: kstrope@access.k12.wv.us
Title: Speech Language Pathologist
Address1: Viking Drive
Address2:
City/State/Zip: Warwood, WV 26003
Role: Professional Support
Posted: 2006-12-18 13:55:54
Posted from IP: 168.216.141.42

Comments for section 126-16-1 General

I work as a Speech Language Pathologist in the Ohio Co. School system. We have 13 SLP's in the county and we all agree that changing the eligibility criteria based on "severity" of an articulation/phonology disorder is not in the best interest of the state. There are many students who do well on testing because most test at the single word level and when speaking in conversation, can be very unintelligible. This cannot necessarily be documented on a standardized test. Plus unless you yourself have had a communication disorder, even mildly, you don't know what it is like to function in the elementary school level. Kids can be cruel. We are adults now and maybe we don't rememberwhat it was like to be that young, but it's all where out self-esteem starts developing and having a communication disorder can be detrimental to self-esteem developing fully and healthy. And even though we might not be able to remember what it was like back then, just think of the impression and!
judgements you make when you first meet an adult with a speech disorder. You judge their intelligence and educational level. You judge their social economic status. Most speech disorders are best resolved at an early age and articulation and phonology is the simplest disorder that exists in speech and lanugage therapy. Why not work on things early and make the students sound intelligent so they won't be ridiculed later.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Who determines severability? The actual professional in communication disorders (SLP) or a Board of people who have never worked in the field? Whose to say that an simple frontal or lateral /s/ is not severe when the student is being picked on every day and pushed down

so much that they begin to develop a poor self esteem and when asking for help are told that it's not that important? How do yo tell them that they speak fine when they can hear that they sounds totally different and can see how people look at them different. How do you tell that student they don't qualify for services and speech therapy when they later become involved in drugs or commit suicide due to always being judged and never being good enough?

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

A person or child who has an articulation/phonological disorder should be elligible for services in the middle of 1 st grade for all sounds for possible early dismissal in grade school.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 18, 2006 9:47 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-18 09:46:47)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Clinton Riffe.
Organization: Cabell County Schools
Email: rcriffe@access.k12.wv.us
Title: Special Education Teacher
Address1: 845 Fourth Avenue
Address2: Apt. 502
City/State/Zip: Huntington , WV 25701
Role: Teacher
Posted: 2006-12-18 09:46:47
Posted from IP: 168.216.44.59

Comments for section 126-16-1 General

It seems to me that public policy is moving increasingly close to abandoning the needs of disabled children. The idea of more fully integreating special education children into regular education settings is a good one; but indiscriminate, blanket inclusion is inappropriate and destructive to the needs of children in both regular education and special education. I believe most COMPETENT teachers in this state know this; and, frankly, I believe most competent administrators know it too. The only ones who favor reckless, indiscriminate inclusion are bureaucrats whose only concern is making their debits and credits equal. My biggest complaint with Policy 2419 is that it fails to reign in an inclusion initiative that is too broad, too unrestrained, and too dangerous to the education of children. It seems that some of the administrative "higher ups" have concluded that the effort to educate disabled children is futile and too expensive. This policy of surrender and aband!
onment is a DISGRACE that should have never been implemented to begin with.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under the RTI model, there should be timelines added at each tier. Additional staff is needed to fully implement the RTI model.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Add the word "shall" . . . be required to provide assistance to students in response to specific needs...

Case management should be much lower than 30.

The ratio of disabled children to the total number in any integrated class should be much lower than 30 percent--more like 10-15 percent. This is making it harder on regular education teachers for 1 reason: Policy makers hope to include more children and use the fewest number of special education team teachers as possible. In the end, the ones who will suffer most are the children, because they will receive fewer special services. Regular education teachers will also suffer, since there are limited numbers of special education teachers available with who to "team teach". Finally, special education teachers will suffer, as we will be relegated to glorified teachers' aids, and our employment in any WV school system will be optional. We will ultimately be the first to receive RIF letters and transfers.

Instructional responsibilites should be changed from "blocks" to PERIODS.

If we are expected to truly team teach, teachers need to be afforded team planning.

Special education classrooms need to be provided so that children for whom total inclusion is not appropriate can be served most effectively.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

The term MASTERY needs to be defined.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 18, 2006 11:33 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-18 11:32:50)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Patricia Ratliff
Organization: Kanawha County Schools
Email: PRATLIFF@kcs.kana.k12.wv.us
Title: Speech Pathologist
Address1: 900 Helene Street
Address2:
City/State/Zip: St. Albans, WV 25177
Role: School System Staff
Posted: 2006-12-18 11:32:50
Posted from IP: 168.216.120.246

Comments for section 126-16-1 General

It appears that revisions will adversely affect those students who have one or two articulation errors. In my 30 years of experience as a speech pathologist, I can attest that it will be a lifelong detriment to those children who exhibit incorrect articulation of "any" speech sound. For example,children who incorrectly produce /s/, /r/, /l/, or /th/ sounds exhibit reduced intelligibility, are subject to peer ridicule, and create, albeit false, an impression of not being as "bright" as children without articulation errors. If a child cannot say, for example,a correct /r/ sound (which by the way has a minimum of 8 different nuances of production), and is one of the most frequent sounds in our speech production, and one of the most difficult sounds to remediate even with speech therapy, this child will sound like this: "The wed woostul wan down the woad"; Pahk the caw in the guhage; The fahmul has a dawee fahm". Please do not prevent any child from having access to speech t!
herapy. You will be limiting their future possibilities economically, socially, and emotionally.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 11:48 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 11:48:00)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: GINA MCGHEE
Organization:
Email: RTMCGHEE@CHARTER.NET
Title:
Address1: 110 KAREN WAY
Address2:
City/State/Zip: DANIELS, WV 25832
Role: Parent-Family
Posted: 2006-12-19 11:48:00
Posted from IP: 75.111.163.16

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

A SCHOOL PSYCHOLOGIST SHIULD BE INCLUDED IN THE DIAGNOSES PROCESS OF CHILDREN WITH DISABILITIES

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

MORE THAN 4 STUDENTS / TEACHER IN ONE CLASSROOM WOULD CREATE AN UNSAFE ENVIROMENT FOR THE CHILDREN

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 11:37 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 11:36:55)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: BRIAN WALL
Organization:
Email: BWALL2@CHARTER.NET
Title: PARENT
Address1: 901 MAXWELL
Address2:
City/State/Zip: BECKLEY, WV 25801
Role: Parent-Family
Posted: 2006-12-19 11:36:55
Posted from IP: 75.111.163.16

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

SCHOOL PSYCHOLOGISTS SHOULD BE ABLE TO DIAGNOSE

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

CHILDREN WITH DIFFERENT DISABILITIES SHOULD BE KEPT SEPERATE WITH NO MORE THAN 4STUDENTS/TEACHER

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 11:44 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 11:43:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: JAMES SHREWSBERY
Organization:
Email: JESINS@CHARTER.NET
Title: PARENT
Address1: PO BOX 125
Address2:
City/State/Zip: GHENT, WV 25843
Role: Parent-Family
Posted: 2006-12-19 11:43:56
Posted from IP: 75.111.163.16

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

DOCTORS SHOULD NOT BE THE SOLE PERSON TO DIAGNOSE DISABILITIES SCHOOL PSYCHOLIGISTS SHOULD BE INCLUDED IN THE DIAGNOSES PROCESS

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

CHILDREN WITH DIFFERENT DEGREES OF DISABILITIES SHOULD BE IN DIFFERENT CLASSROOMS WITH A 4 OR LESS STUDENTS/TEACHER RATIO

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 10:34 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 10:34:06)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kathy Wall
Organization: Raleigh County Schools
Email: kwall@access.k12.wv.us
Title: Low Incidence Specialist
Address1: 901 Maxwell Hill Rd.
Address2:
City/State/Zip: Beckley, WV 25801
Role: Professional Support
Posted: 2006-12-19 10:34:06
Posted from IP: 168.216.16.50

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The number 2 applies to who can diagnosis disorders. It is crucial that a licensed SCHOOL psychologist be the one who evaluates and diagnoses a disability that applies to EDUCATIONAL PERFORMANCE! They are the EXPERTS in education! Many times doctors and

psychiatrists will ask US educators for our opinion plus doctors often do not use formal appropriate educational evaluations

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Page 80 speaks about level of service needs. A minimum staffing ratio of 1:5 for a level 2 stucent with autism is far too much. Even the current 1:4 ratio is very hard to gain minimal progress with a student with needs in all those areas of behavior, academic, social, and communication areas. The nature of the disability of autism makes working cooperatively with others in even small groups difficult. Often new skills have to be introduced one-on-one in order to establish new skills for this is difficult with this disability. The minimum should never go below 3 or 4 students to one teacher so inclusion and integration could be accessible to those students with the appropriate amount of support since generalization and inclusion is often difficult by the nature of the disability. 2419 IS finally making INCLUSION ACCESSIBLE FOR ALL so in order to provide the same access for our students with behavioral, communicative, and social needs, there has to be support in order for it t!
o be successful.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 8:10 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 08:10:24)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carol Sabatino
Organization: Ohio County Schools
Email: csabatin@access.k12.wv.us
Title: Speech/Language Therapist
Address1: Madison School
Address2: 91Zane Street
City/State/Zip: Wheeling, WV 26003
Role: School System Staff
Posted: 2006-12-19 08:10:24
Posted from IP: 168.216.253.253

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a Speech/language therapist for the past thirty-five years, I have seen many changes in special education, Some good some not so good. I do not agree with the proposed guideline that qualifies a student for articulation therapy. The rating of Moderate will not address

the students that have an obvious speech impairment. When meeting a person for the first time we notice two things: How they look and how they speak. If we are preparing WV students to be our future leaders I would hope that their articulation skills would be appropriate for the task. I am totally against the Moderate rating for eligibility. It should be removed from the eligibility guidelines.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 12:45 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 12:44:55)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jo Eichberger
Organization: Putnam County Schools
Email: jeichber@access.k12.wv.us
Title: Speech/Language Pathologist
Address1: 101 McClure Drive
Address2:
City/State/Zip: Scott Depot, WV 25560
Role: Professional Support
Posted: 2006-12-19 12:44:55
Posted from IP: 168.216.87.28

Comments for section 126-16-1 General

I have serious concerns regarding the proposed changes to Policy 2419. Many students who now receive services will not qualify according to the new guidelinew. More consideration is also needed in reference to IDEA regarding dgree of severity when determining eligibility for exceptionality. Even students with mild articulation errors are adversely affected within the classroom setting in terms of their phonic skills, oral classroom activities, and social interaction among their peers. These students are entitled services under IDEA. I hope that this is not how the speech/language therapists shortage is being handled by reducing the number of students being served on each caseload. Thank you, Jo Eichberger (Putnam County)

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 19, 2006 1:28 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-19 13:28:20)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Gretchen Carter
Organization: Raleigh County Schools
Email: MIGretchenWV@yahoo.com
Title: special education teacher
Address1: P.O. Box 1240
Address2:
City/State/Zip: Coal City, WV 25823
Role: Teacher
Posted: 2006-12-19 13:28:20
Posted from IP: 168.216.66.238

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I strongly disagree with the revisions that are up for adoption in chapeter six. By dividing our students into only two levels this is doing away with their individuality. I've taught every exceptionality recognized by the state of WV. If you now decide to lump all children, with the exception of those whom are mildly mentally impaired into one level, this will hinder our abilities as teachers to meet the needs of those students who's needs are greatest. As the needs of the students become more complex, they require more individual instruction, not less. By increasing the caseloads to the 20 of the most needy children in one classroom, you will guarantee that their individual needs cannot be met. It simply cannot be done. This would require additional personnel in these classrooms, not less. We as educators must met the students were they are. That cannot be done with a class size of 20 of the most needy children. We as educators have an obligation to make sure "no ch!
ild is left behind". By passing and enacting the new revisions to 2419 this will ensure that students of low incidence populations, those who are moderately, severely and profoundly mentally impaired and those who have autism will be left behind. This will not move the students of WV forward but backward. The only way to ensure that our children receive a quality education, which all children are entitled to, is to keep our classrooms small, ensure that we can have the additional support we need, so that we meet all children's needs. In addition, by "warehousing" low incidence populations again this will require additional certifications for already overburdened special education teachers if they have multiple exceptionalities in their classrooms. As it is now we already pay for all our certifications and degrees we take.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Carmella S. Crawford
School Sissonville High
Position Teacher
Carmella S Crawford

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

304.558.3741

Name Lisa E. Cline

School SCMid.

Position TBI Teacher Spec Ed.

Line: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period -- Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Annette Oleschuk

School Sissonville High

Position P.E./Health

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name LARRY JONES

School SISSONVILLE H.S.

Position TEACHER

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 9:25 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 09:24:42)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Christine Acord
Organization: Woodrow Wilson High School
Email: cacord@access.k12.wv.us
Title: Sp. Ed. Teacher
Address1: 400 Stanaford Rd.
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2006-12-20 09:24:42
Posted from IP: 168.216.84.149

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Chapter 4, page 25, #2 Needs to say the school psychologist can diagnose

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Chapter 6,Caseloads Needs to say no more than 5. It says up to 20 with additional staff.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 12:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 12:34:18)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Wendy Conley
Organization: Hancock County Schools
Email: wconley@access.k12.wv.us
Title: Speech-Language Pathologist
Address1: 444 N. 20th St.
Address2:
City/State/Zip: Weirton, WV 26062
Role: School System Staff
Posted: 2006-12-20 12:34:18
Posted from IP: 168.216.147.27

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The new policy states stricter guidelines that really do a disservice to students that exhibit a mild articulation disorder. These guidelines need to be reworded to state that not ALL of the following criteria must be met. The word ALL is very restrictive and does

not allow for students that have mildly disordered articulation to receive services. These students deserve to have the chance to speak without errors. These guidelines will force children to wait until their mild disorder becomes a moderate to severe to receive therapy. This section of the policy as it currently is stated is the better alternative for students. As a parent and a professional I think if the new policy that is recommended is put in place, the state of West Virginia will be doing a great disservice to those students that exhibit a mild disorder of articulation. If they receive remediation when their disorder is mild this will likely mean a greater success rate, less social ridicule, and improve !
self-esteem. We can not leave those children behind they deserve the right to an appropriate education.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 1:03 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 13:02:30)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Denise Jones
Organization: Harrison County Schools
Email: drjones@access.k12.wv.us
Title: Speech-Language Pathologist
Address1: Lumberport Middle School
Address2: Rt 1 Box 2
City/State/Zip: Lumberport, wv 26386
Role: Professional Support
Posted: 2006-12-20 13:02:30
Posted from IP: 168.216.213.182

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Duplicate

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a public school speech-language pathologist, it saddens me to think only those children with moderate to severe speech delays will be eligible to recieve services. I believe it is in the best interest of all involved to leave our eligibility criteria alone. It is

sickening to think of these kids going through life unable to pronounce certain sounds because they were denied the right to speech therapy services. This would, in my opinion, keep many from taking full advantage of their "free and appropriate" education.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 1:36 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 13:35:36)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Drema Skeens
Organization:
Email: crowderfam4@yahoo.com
Title: parent
Address1: 214 Sycamore St
Address2:
City/State/Zip: Ravenswood, wv 26164
Role: Parent-Family
Posted: 2006-12-20 13:35:36
Posted from IP: 75.108.80.36

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

In reference to the needs of Austistic and S/P students: Students with level II needs---

As a parent I am greatly concerned that increasing the class size to 10 with one aide the needs of the students are no longer of interest. By increasing class size, these students will not be receiving the level of care that they are entitled to. As a parent of a child who is deaf/blind, non-ambulatory, and nonverbal, I am very concerned that my child will not receive the appropriate attention she deserves. I am a firm believer in "all students can learn", and if the class size increases, these children will suffer the consequences. Please reconsider doing this in a class where my child needs 1:1 attention 100% of her day. Please consider the needs of the children. The teachers are already stretched to their limit not only physically, but with all paperwork and assessments. If they have a larger class they will have less time to work with their students and will end up spending a large amount of time on "things", rather than what matters most...my child/our children.
!
Thank you for taking the time to receive my comment and thank you for taking my child into consideration.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 1:41 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 13:41:22)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Brenda Isaac
Organization: Kanawha County Schools
Email: bcisaac@kcs.kana.k12.wv.us
Title: Lead School Nurse
Address1: 200 Elizabeth St.
Address2:
City/State/Zip: Charleston, WV 25311
Role: School System Staff
Posted: 2006-12-20 13:41:22
Posted from IP: 168.216.16.50

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

I am concerned that the increased emphasis on cognitive performance as the primary indicator of need for services will force some severely physically health impaired students out of the system and cause them to lose essential services. Physical health conditions that have a significant impact on a student's ability to learn need to be given serious consideration in the evaluation process.

Comments for section Chapter 4: Eligibility

I think there needs to be a mandated list of, at least, a minimum of catagories of people who must be at the Eligibility meeting. In addition to school personnel and parents this should include any school related service provider, such as the certified school nurse, who may be providing services or making recommendations.

Comments for section Chapter 5: Individualized Education Programs

---

I would like to see a stronger statement about including certified school nurses and other school health providers as a part of the IEP team whenever there is a health problem or even a suspected health problem. Too often decisions are made by those without the expertise to make such decsions. This has caused things to go into the IEP which are not only unsafe and inappropriate but may actually go against WV Code.

Comments for section Chapter 6: Administration of Services

Flexibility for staff can be a good thing as long as there are specific and measurable indicators. Leaving this to subjectivity could be very detrimental.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

I am glad to see a clearly written prohibition against requiring parents to obtain a physician's order for medication as a condition for attending school. No one in the school system has the qualifications to make that type of a medical diagnosis.

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 1:55 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 13:55:16)

<<< No Message Collected >>>

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 1:55 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 13:55:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Susan Withee
Organization: Nicholas County Schools
Email: swithee@access.k12.wv.us
Title: PK Special Needs Teacher-Itenerant
Address1: 3 Starbuck Road
Address2:
City/State/Zip: Summersville, WV 26651
Role: Teacher
Posted: 2006-12-20 13:55:16
Posted from IP: 168.216.102.6

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
1. Under the RTI model there needs to be timelines added at each tier.(p. 34)
2. Additional staff is needed to fully implement the RTI model.
3. Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine

the needs for special education and related services.(p. 35)

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
1. Add the word "shall" be required to provide assistance to students in respponse to specific needs...(p. 76)
2. Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.(p. 77)
3. Integrated Classrooms-change from no more that 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorder.(p. 78)
4. When instructional responsibilities are shared change the word "block" to period.(p. 78)
5. In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.(p. 78)
6. Special Education classrooms for students with disabilities. Delete this section of Level I and II.(p. 78)
7. Maximum number of students per instruction period-Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5.with the following exceptions: Early childhood reduced to 6, Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.(p. 80)
8. Do not base caseloads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add a definition for "Mastery."

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 20, 2006 2:47 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-20 14:47:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sue McKenzie
Organization: Mercer Cty early Learning Ctr.
Email: smck@frontiernet.net
Title: Teacher - Preschool Sp. Needs
Address1: 821 Broadway St.
Address2:
City/State/Zip: Princeton, WV 24712
Role: Teacher
Posted: 2006-12-20 14:47:07
Posted from IP: 168.216.80.129

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

If every 4 year old classroom has special ed. children enrolled, then the teacher should be certified in special education. Theroretically, preschool sp. ed. teachers could have 10 sp. ed and 10 regular ed. 4 yr. olds in a classroom and then 10 more IEP's in another classroom. That adds up to 20 IEP's and Creative curriculum notes and reports for 20 students, also. That is entirely too much for one person if you expect any teaching to occur. Also, the special ed. teacher would not have any time for helping the reg. ed. teacher implement her IEP's.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

Name Meg Britt

POLICY 2419 Sissonville High School 3rd 5

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Amy Little

School SHS

Position Regular Educatio

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Laura Bowles
School Sissonville Hi
Position Counselor

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposc to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 8:23 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 08:22:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Judd Ashcraft
Organization: North Marion High School
Email: tashcraf@access.k12.wv.us
Title: principal
Address1: 1 North Marion drive
Address2:
City/State/Zip: Farmington, WV 26571
Role: Principal
Posted: 2006-12-21 08:22:51
Posted from IP: 168.216.171.155

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

The cap on the number of SWD students enrolled in one co-teaching class situation will cause our school to employ two additional teachers. This will almost destroy our school goal of 80% inclusion in two years. It also places us in a bind when a new SWD moves in to our school.

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 1:39 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 13:38:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Fuller David Richardson, Ph.D.
Organization: Wood County Schools
Email: fdrichar@access.k12.wv.us
Title: Assistant Principal
Address1: 3501 cadillac Drive
Address2:
City/State/Zip: Parkersburg, WV 26105
Role: Principal
Posted: 2006-12-21 13:38:54
Posted from IP: 168.216.109.208

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Chapter 6: My concern is how many students that a teacher can have in a classroom. At our school we have 2 very special autism students and 2 separate autism classes. This has provided HJHS with a safe and productive learning environment. We certainly have have our moments with each separate child but our staff has responded in a very professional manner.

To put 10 in one classroom with one Autism teachers, let say this with our 2 students at HJHS would be a tragedy!!!!!!!! At all times we must look at the needs of the individual students not simply numbers.....You are very welcome to come to our school in Wood Count and observe prior to your vote then you can judge for yourself.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 2:06 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 14:05:34)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Wayne Jenkins
Organization: Wood County Schools
Email: wjenkins@access.k12.wv.us
Title: teacher
Address1: 2322 Broad St.
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Teacher
Posted: 2006-12-21 14:05:34
Posted from IP: 168.216.124.242

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

How do you expect teacher to be effective with the ratio you are proposing? How do you expect the other students to function? Will they be safe if one child goes into a crisis behavior? Have you heard autism classrooms? How can any student concentrate with that level of noise and distraction? These students need less disruptive environments, not more disruption that a normal classroom. Why does common sense seem to disappear when trying to help students and why do you not use the knowledge of first hand participates ... the teachers of these special students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 2:17 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 14:16:35)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Julie Handley
Organization: Vienna Elementary
Email: jghandle@access.k12.wv.us
Title: Prinicpal
Address1: 29 Doolin Drive
Address2:
City/State/Zip: Williamstown, WV 26187
Role: Principal
Posted: 2006-12-21 14:16:35
Posted from IP: 168.216.76.3

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Caseload requirements are too large. There is no way that an autism teacher can have that many students on her caseload. These children require a tremendous amount of support and have so many different problems.

ALL of the caseloads are too high!!!!!!!!!!

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 3:29 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 15:29:25)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Valerie O\'Dell
Organization:
Email: vodell@access.K12.wv.us
Title:
Address1:
Address2:
City/State/Zip: Parkersburg, wv 26150
Role: Teacher
Posted: 2006-12-21 15:29:25
Posted from IP: 168.216.36.199

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Autism should stay 4 students per caseload.

LD works at current caseload as well. To give students enough attention, it is important to keep caseloads reasonable.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 4:13 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 16:12:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: David Pierotti
Organization: Wood County Schools
Email: dapierotti@hotmail.com
Title: Mr. Pierotti
Address1: 2200 Gihon Rd.
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Teacher
Posted: 2006-12-21 16:12:51
Posted from IP: 168.216.121.185

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The policy is very vague in parts, particularly when it comes to caseloads and number of students per class size for instructional period. These pages are numbered 78, 79, 80, and 81.

When the WVDE looked at Wood County Schools, as well as the rest of the state, some of schools did not make adequate yearly progress (AYP). Most of the schools did not meet the academic requirements in special education cell. Now when the state is looking to make changes to the special education policy 2419, they are looking at raising the maximum number of students in the classroom. How do they expect students to meet the academic requirements in special education, when they thin out the amount of one on one time a teacher can give a student when you put more students in the same physical sized classroom?

Some special education classes are affected more then others. For example the Autism class size would change from four level II students to ten level II students. This is more than doubling the current class size maximum. This would not only cause housing and square footage issues for students, but this would also take us out of compliance with physical instructional space needed in a class. With the number of adults needed for more severe/intense effected students would put the staff and students on top of each other. For most, if not all intense Autism students the area they need for personal space is almost three times the normal amount of space. I know that Autism population is growing but more then doubling the number of students in a class is not the way to correct the problem of staffing them with highly qualified teachers and mentors.

Here is a little more detail on how we classify a student with severe/intense Autism. In addition to having a significant disability in communication and social skills, the student also has a significant cognitive disability and or other health impairments, which in turn most often leads to behavior issues. Here are some of the characteristics you could observe in a student with severe/intense autism:

- Self-injurious behaviors (biting , hitting , scratching, bang head)
- Need for restroom training (changing hygiene napkins, diaper, soiled clothes)
- Need for individualized extend standards/or readiness skills curriculum and instruction
- Aggressive loud outbursts towards objects (hitting desks, windows ,cabinets ,walls)
- Grave communication deficits (nonverbal)
- Scenery integration problems
- Lack of social skills, life skills , and leisure skills
- Being aggressive toward others (biting , hitting , scratching, pinching)
- Security issues (darting from the classroom)
- Extremely Loud, intrusive verbal or screaming outbursts

With the significant cognitive disability, and the fact that in addition to teaching the four core subjects, the rest of the curriculum is life skills based. This means that the student would be eligible to take the West Virginia Alternate Assessment test (APTA) instead of the standard WESTEST. This means the student would be working on extended standard CSO's that are the essence of the regular education standard. Here are some examples of the difference between the standards:

Math standard for seventh grade regular education student. MA.7.1.1 – Compare and order integers, decimals, and fractions using symbols (<,>, =) manipulative and graphing on a number line.

Math standard for seventh grade student with a significant cognitive disability.
MA.7.1,ES.1- recognize whole numbers to 100 and the difference among ½, ¼, and 1/3.

Reading standard for seventh grade regular education student.
RLA.7.1.1- Classify the defining characteristics, build background knowledge and apply reading skills to understand a variety of literary passages and texts by West Virginia, national and international authors (e.g., fiction; nonfiction; myths; poems; fantasies; biographies; autobiographies; science fiction; tall tales; supernatural tales).

Reading standard for seventh grade student with a significant cognitive disability.
RLA.7.1.ES.1- Recognize and comprehend frequently used sight or common words.

The extended standards are standards that the students will work all year on to master. Some of the more severe students will start out learning skills by physically prompting the student to perform a task hand over hand. This is when a teacher, classroom mentor aide, or a one-on-one mentor aide places their hands over the students' hands to properly perform the task. If the significant cognitive disability student is having a good day, the one-on-one mentor aide spends the most of the day working closely with the student, while the teacher moves about the room working with all the students, until a task requires more then one person to perform it. For example, Picture Exchange Commutation System (PECS) requires a minimum of two adults to properly implement the system. The system allows the student to exchange a picture for an item that they want without using words. PECS allows the student to communicate their wants and needs as well as lowering behavior issues due to lo!
wer their frustration of not being able to communicate with others.

As you can see there is a very large gap between the standards. So depending on the severity of a group of students and their various grade levels, a teacher and mentor aide could be spread very thin when it come to one on one time with our current caseload of 4 students.

If the student is having an off day, the student may require even more personal space to stay calm. The student may need more/additional adult supervision to stay calm in addition to keeping the student on task, so that everyone in the room can continue the learning process. If needed, it is our responsibility to see that the student having the off day does not harm their self or other students or staff in the classroom.

The new policy 2419 is unclear in the wording when it comes to caseloads and depending on how the county interprets the caseload configuration. One county could interpret that a teacher and a one-on-one mentor aide meet the staffing requirements of 1:5 ratio for caseload of 10 students. The only problem is if the student does not talk and needs PECS to communicate, it takes two adults to implement PECS properly leaving nine students on their own to complete a task. The only problem is students with autism require a lot of direct adult supervision to stay on task. Another case could be if the student is upset and requires more adult supervision for safety reasons, there are nine students not getting proper educational service for the duration of the incident. If there are any students that go to regular education classes most of the time they require the serves of direct adult supervision to stay on task in the regular educational environment, leaving only one staff with nine!
or so students.

Another county could interpret that there needs to be a 1:5 ratio not including the number of one-on-one mentor for the more severe/intense students with Autism. This is a great scenario until you remember that most students with autism have great difficulty with groups and require a large amount of personal space. If there is more then one mentor in the room the number of people in the classroom is up in the teens. Now you have the possibility 10 students working on different standards, some on regular standards and some on extend standards, being able to give direct instruction to all of the students in addition to keeping them on task will be a very large overwhelming task and would have to impact the quality of education the students receive.
Next you have to factor in the physical size of the classroom and what is needed to teach a functional life skills centered curriculum. At the minimum a kitchen and laundry area as well as the traditional classroom area are needed, occupational therapy, and physical therapy equipment that also occupy our space, as well as quiet area to allow students to clam down. What would our classroom look like with the addition of 6 students?
I'm afraid that our classroom would be reduced to only crisis and behavior management,

with little emphasis put on education, and life skills and social skills training. Thanks, David A. Pierotti Autism teacher

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 4:41 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 16:41:15)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Donna P. Ellison
Organization: Raleigh Co. B.O.E.
Email: dpelliso@access.k12.wv.us
Title: Teacher
Address1: 106 Bishop St.
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2006-12-21 16:41:15
Posted from IP: 168.216.79.117

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

We need school psychologists to diagnois our students.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Autism, Severe and Moderate students should have no more than 4 in the classroom wit
additional classrooms open. Their disabilities are so different and require one on on
instruction that it would be impossible to give appropriate instructon to a larger gro
of students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 21, 2006 4:50 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-21 16:50:15)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: David Turner
Organization: Raliegh Co BOE
Email: dturner@access.k12.wv.us
Title: Teacher
Address1: 103 westview lane
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2006-12-21 16:50:15
Posted from IP: 168.216.79.117

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

We need school psychologists to diagnois our students.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Autism, Severe and Moderate students should have no more than 4 in the classroom without additional classroom open. Their disabilities are so different that they require one on one instruction that it would impossible to give them an appropriate education.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Tena Webb

School Scott High

Position Teacher ✔

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"



Scott High School

Number One Skyhawk Place
Madison, WV 25130
phone 1-304-369-3011
fax 1-304-369-6564

FAX

TO: WV Dept Ed

FROM: Tena Webb

COMPANY: Scott High

DATE:

FAX NUMBER: 304 558 3741

PHONE NUMBER:

RE:

PAGES: 2

☐ *Urgent* ☐ *For Review* ☐ *Please Comment* ☐ *Please Reply* ☐ *Please Recycle*

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Steve Watts

School Nitro High

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Joyce Midkiff
School Nitro
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Patty Akers
School Piedmont
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Shaina Riggall
School Ruffner Elem
Position Title One Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

Do not base caseloads per instructional class period on the student's level of

dd a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Melinda Dunn
School Sissonville HS
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Elizabeth Taylor
School Sissonville High School
Position teacher (English)

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Edythe Thomas
School 570 – SHS
Position Teacher

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Vicky-L Carney

School Sissonville High

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Susan Harris
School Sissonville High
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1 5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Debbie Queen
School Sissonville High S
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Calvin McKinney
School Sissonville High
Position Principal

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Eddie Smolder

School SHS

Position Resource Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Brooke

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Brooke Snyder

School Sissonville HS

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Jane Schultz

School Sissonville

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Nikki Bachman
School Sissonville High
Position Science Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Linda Grimmett
School Sissonville Hig
Position Business Teach

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Rebecca McGaughl
School Sissonville HS
Position teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Carolyn Miles
School Sissonville High
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Brenda L Walker
School SHS
Position: Spec Ed Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Mary E Miller
School Sissonville High
Position Counselor

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name _____

School _____

Position _____

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name JERRY THROCKMORTON

School SISSONVILLE HIGH

Position SOCIAL STUDIES TEACHER

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Rich Skeen

School Sissonville High

Position Spec. Ed. Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

VALLEY HIGH SCHOOL
Greyhounds

PO Box 459 - Greyhound Lane
Smithers, West Virginia 25186

(304) 442-8284 Telephone
(304) 442-5865 Fax

FAX TRANSMISSION COVER SHEET

DATE: December 22, 2006

TO: Rosemary Jenkins

FAX: 304-558-3741

RE: 2419 Correction Requests (22)

SENDER: Valley High, L. Belmont

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Rebecca Hall
School Valley High Sch.
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms - change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: . 304.558.3741

Deadline: January 5

POLICY 2419

Name [illegible]
School [illegible]
Position [illegible]

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms - change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax:. 304.558.3741

Deadline: January 5

POLICY 2419

Name John McGinnis
School Valley High
Position English tchr.

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Ann Nunnery

School VHS

Position SpEd teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Pam Arbogast
School Valley - Fayette Co
Position Sp. Ed Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name LaTonda Belmont
School VHS - Fayette Co.
Position Sp. Ed. Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Sharon Lopez

School VHS - Fayette Co

Position Sp Ed teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Dreama Bodkin

School Valley High

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision -- How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Name SALLY PENNINGTON

Deadline: January 5

POLICY 2419

School VALLEY

Position TEACHER

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Denise Smithson
(Fayette) School Valley High School
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision -- How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Nicholas P. Belmont
School Valley High
Position teacher (math)

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Robert Webb

School Valley High

Position teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Shea Wells
School Valley High
Position H.S. ART

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Susan Kincaid
School Valley High School
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Lori Atkins
School Valley High
Position HOST Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Diane Bond
School Valley High
Position SS Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Lynda Snyder
School Valley High
Position S.St Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kathy Jones

School VHS

Position Math Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 2:58 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 14:57:37)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Constance Breza
Organization: Ohio County Schools
Email: cbreza@earthlink.net
Title: SLP
Address1: 1963 Decatur Ave.
Address2:
City/State/Zip: Wheelilng, W.Va. 26003
Role: Teacher
Posted: 2006-12-22 14:57:37
Posted from IP: 168.216.159.218

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

COMMENTS CONCERNING POLICY 2419

Recommendation: Remove Item #3, ¡± Speech intelligibility is determined to be moderately to

severely impaired,¡± on page 43 under Eligibility Criteria for Articulation/Phonology Disorder

1. This wording must be eliminated because it would exclude some students with articulation disorders from being eligible for services. Students whose articulation disorder is an s-z frontal lisp or lateral distortion, who may be embarrassed by his or her speech, who refuse to read orally in class or are teased by peers could not receive services using a measuring stick of a rating of moderate to severe impairment. Students with a w/l substitution that interferes with their acquisition of spelling skills would not qualify, nor would ch and sh lateral lisps.

2. The definition of ¡°Articulation/Phonology Disorder¡± provided in the proposed regulations state that, ¡°Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with intelligibility.¡± This very definition recognizes the fact that not all articulation disorders interfere with intelligibility.

3. According to Susan Karr, current Director of State Education Practices for the American Speech, Language and Hearing Association (ASHA), and ASHA¡¯s Schools Services Team, ¡°Severity is NOT (emphasis added) a criterion to determine eligibility in the federal IDEA regulations. The proposed criteria include (WV Policy 2419 Item 4, p. 43) ¡®The student¡¯s disability adversely affects education performance.¡¯ That is required in IDEA and should cover the question of severity.¡± (Email Tues., Dec.5, 2006 from S. Karr to C. Breza, West Virginia State Education Advocacy Leader (SEAL). Subject line, Redefining Eligibility Requirements for Articulation Therapy).

4. Federal Law states eligibility decisions must be based on individual needs. The Eligibility Committee (EC) needs to make their placement decisions ¡°individually determined on the basis of each child¡¯s abilities and needs and each child¡¯s IEP, and not solely on factors such as category of disability, severity of disability, (emphasis added), availability of special education and related services, configuration of the service delivery system, availability of space, or administrative convenience.¡± (P. 46586 of the August 14, 2006 Federal Register on the IDEA 2004 Final Regulations.)
¡°In all instances, availability of services¡*including communication services and supports---must be determined based on the individual¡¯s needs, and may not be denied solely on the basis of the nature or extent of the individual¡¯s disability.¡±. ¡ ¡° Categorical denial of communication services and supports without consideration of a person¡¯s unique communication needs may violate federal statute¡± Access to Communication Services and Supports: concerns Regarding the Application of Restrictive Eligibility Policies, National Joint Committee for the Communication Needs of Individuals with Severe Disabilities, Communications Disorders Quarterly,23,(3), 145-153.

5. Even though the above quotes from the National Joint Committee are made in reference to the policy of excluding severely cognitively impaired students from receiving services, the principle remains the same: decisions need to be based on individual needs; including the criteria of a rating of moderate to severe intelligibility to qualify for eligibility would limit the EC¡¯s ability to do that.
A student with a mild speech intelligibility rating may find their speech disorder as handicapping to them as a student whose disorder has a severe intelligibility rating. It¡¯s unique for each person involved. I work at a high school. Several years ago I worked with a 9th grade student for correction of a ¡°mild frontal lisp.¡± Her lisp had not been judged severe enough by the SLP in her elementary school to warrant services, but this student came and requested services herself. ¡°I want to be a doctor,¡± she explained; she felt her current speech pattern would be detrimental to her future career.

6. Severity Ratings vary from test to test. They also vary over time. A ¡°mild¡± problem at age 6 becomes a ¡°moderate¡± rating at age 9 if not addressed. Articulation tests usually evaluate at the single word level, and this may mot be an accurate reflection of the child¡¯s speech in conversation; the Eligibility Committee needs to allow for professional judgment in cases like this.

7. ASHA has received clarification in the past that the Federal Law is to be interpreted as broadly as possible. In a letter written to Stan Dublinske, ASHA¡¯s former Director of School Services Programs, from Edwin Martin, the former Acting Assistant Secretary for Special Education and Rehabilitative Services, Mr. Martin said, ¡°It was not the intent of the Act (P.L 94-142) to reduce services to handicapped children..¡±

(http://www.asha.org/members/slp/schools/prof-consult/ed_performance.htm).
Susan Karr reports that Alexa Posny, Director of the Office of Special Education Programs at the US Dept. of Education, verbally upheld this interpretation at the ASHA Schools Convention Forum held this July 2006. (Email Tues., Dec.5, 2006 from S. Karr to C. Breza, West Virginia State Education Advocacy Leader (SEAL). Subject line, Redefining Eligibility Requirements for Articulation Therapy). Catherine Clarke, ASHA¡¯s Director of Education and Regulatory Advocacy and Kathleen Whitmire, Director of School Services have requested written confirmation of Posny¡¯s verbal statements.

8. The State of West Virginia¡¯s own Content Standards recognize effective communication skills as being an integral part of the educational process
Standard 3: Listening, Speaking and Viewing (RLA.S.3)
Students will apply their use of spoken, written and/or visual language to communicate
¡ñ with a variety of audiences and
¡ñ for different purposes.
Speech language pathologists know if a child does not say a sound, they cannot hear it when other people say it, and they don¡¯t recognize it when it is written. Articulation skill development, regardless of any rating of severity, may adversely impact student¡¯s mastery of certain Content Standards such as the following:

Reading Objectives
Students will:

RLA.K.1.2 identify the sounds in a one-syllable word (play = p/l/a).
RLA.K.1.3 recognize and manipulate onset and rime (word families).
RLA.K.1.4 use basic elements of phonetic analysis (e.g., common letter/sound relationships; beginning/ending consonant sounds; short/long vowel sounds; word patterns).
RLA.K.1.5 recognize and name all lower/upper case letters in random order.

Reading Objectives
Students will:
RLA.1.1.1 blend or segment the phonemes of most one-syllable words.
RLA.1.1.4 use basic elements of phonetic analysis to decode unknown words (e.g., sound relationships; beginning/ending consonants; vowel sounds; blends).
RLA.1.1.5 use basic elements of structural analysis to decode unknown words (e.g., basic prefixes/suffixes; compound words; root words; spelling patterns; contractions).

Reading Objectives
Students will:
RLA.2.1.1 use basic elements of phonetic analysis (e.g., syllabication; diphthongs; digraphs; variant vowel sounds such as r-controlled).

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and

Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 3:48 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 15:47:58)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Louise Molnar
Organization:
Email: lmolnar@access.k12.wv.us
Title:
Address1: 386 McKees Creek Road
Address2:
City/State/Zip: Summersville, WV 26651
Role: Teacher
Posted: 2006-12-22 15:47:58
Posted from IP: 141.153.25.30

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p.34 1). Under RTI model there needs to be timelines at each tier.
2). Additional Staff is needed to FULLY implement the RTI model.
p.35 3). Under Tier 3, add the word "SHALL" necessitate a comprehensive evaluation to

determine the needs for special education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
p.76 1). Add the word "shall" be required to provide assistance to students in response to specific needs...
p.77 2). Under maximum case management assignments, change 30 to 20 for teachers of all other exceptionalities.
p.78 3). Integreated Classrooms--change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities, excluding communication disorders.
p.78 4). When instructional responsibilities are shared, change the word "block" to "PERIOD."
P.78 5). In a co-teacher model, staffing considerations shall include a minimum of weekly co-planning.
p.78 6) Special Education classroom for students with disabilities...Delete this section of Level I and II.
p.80 7) Maximum number of students per instruction period--Continue with the requirements in current Poicy 2419 126-16-6 Section 6.1.5 with the following exceptions: Early Childhood...reduce to 6

Special Education preK with typical peers,
change staff requirements to 1 teacher and 2
additional staff persons.

p.80 8) Do not base caseloads per instructional clas period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
1). Add a definition for "Mastery."

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 3:49 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 15:48:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Louise Molnar
Organization:
Email: lmolnar@access.k12.wv.us
Title:
Address1: 386 McKees Creek Road
Address2:
City/State/Zip: Summersville, WV 26651
Role: Teacher
Posted: 2006-12-22 15:48:53
Posted from IP: 141.153.25.30

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p.34 1). Under RTI model there needs to be timelines at each tier.
2). Additional Staff is needed to FULLY implement the RTI model.
p.35 3). Under Tier 3, add the word "SHALL" necessitate a comprehensive evaluation to

determine the needs for special education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
p.76 1). Add the word "shall" be required to provide assistance to students in response to specific needs...
p.77 2). Under maximum case management assignments, change 30 to 20 for teachers of all other exceptionalities.
p.78 3). Integreated Classrooms--change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities, excluding communication disorders.
p.78 4). When instructional responsibilities are shared, change the word "block" to "PERIOD."
P.78 5). In a co-teacher model, staffing considerations shall include a minimum of weekly co-planning.
p.78 6) Special Education classroom for students with disabilities...Delete this section of Level I and II.
p.80 7) Maximum number of students per instruction period--Continue with the requirements in current Poicy 2419 126-16-6 Section 6.1.5 with the following exceptions: Early Childhood...reduce to 6

Special Education preK with typical peers, change staff requirements to 1 teacher and 2 additional staff persons.

p.80 8) Do not base caseloads per instructional clas period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
1). Add a definition for "Mastery."

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 1:51 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 13:50:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Janelle Cornell
Organization: Summersville Elementary
Email: daisy_5882@hotmail.com
Title: Special Education Teacher
Address1: 301 Jackson Ave.
Address2:
City/State/Zip: Summersville, WV 26651
Role: Teacher
Posted: 2006-12-22 13:50:51
Posted from IP: 72.65.155.232

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Page 34:
1. Under the RTI model there needs to be timelines added at each tier.
2. Additional staff is needed to fully implement the RTI model.

Page 35:
3. Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Page 76:
1. Add the word "shall" be required to provide assistance to students in response to specific needs....

Page 77:
2. Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

Page 78:
3. Integrated Classrooms - change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities exclusing communication disorders.

Page 78:
4. WHen instructional responsibilities are shared change the word "block" to period.

5. In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

Page 78:
6. Special Education classrooms for students with disabilities. Delete this section of Level I and II.

Page 80:
7. Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:
Early childhood reduced to 6.
Special Education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8. Do not base caseloads per instructional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
1. Add a definition for "Mastery."

Comments for section Acronyms and Abbreviations

Robin Bolling

From: cljwilli@access.k12.wv.us
Sent: Friday, December 22, 2006 11:23 AM
To: rbolling@access.k12.wv.us
Subject: Fwd: Comment Received for Policy 2510 (2006-12-22 14:32:06)

I received one of your comments.

Forwarded Message:
> To: fibanez@wvde.state.wv.us, cljwilli@access.k12.wv.us
> From: Nobody <nobody@wvde.state.wv.us>
> Subject: Comment Received for Policy 2510 (2006-12-22 14:32:06)
> Date: Fri, 22 Dec 2006 14:32:06 -0500
> -----
> Please save this email in a "Comments Received Online" folder.
> Your folder will be a backup. All comments are saved in our database.
> The Complete Comments Report from the database can be found here:
> http://129.71.2.32/r.html?id=e54c60b91bc5b463b54bd0e2e50798ed
> This is an encrypted URL. Please Bookmark it.
>
> Comment Received for Policy 2510
> ##
> #######
> Name: Patricia Cox
> Organization: Summersville Elementary School
> Email: pcox@access.k12.wv.us
> Title: Teacher
> Address1: 108 McKees Creek Road
> Address2:
> City/State/Zip: Summersville, WV 26651
> Role: Teacher
> Posted: 2006-12-22 14:32:06
> Posted from IP: 168.216.27.130
>
>
> Comments for section 5 5 1: Middle Level Programs of Study, Chart IV
(Footnote 4, Foreign
Language)
> ----------
> It is very hard to give the special education students the attention
> they
should have in a
regular classroom setting. In a special education room, the numbers are fewer. They are able to give more attention to each child. We have so many special education students in a classroom now, that it is hard to teach the regular students in the manner they need and deserve. They should be able to get a good education too, without their education disrupted all day long with special students screaming, yelling, hitting, and bitting. They are the victims more often than not. They are being hit, bitten, slapped, and punched by out of control special education students in the regular classes.
I have seen
teachers here socked with a fist in the face by special education students. I have seen teachers with bruises all over them, and students with bruises all over them, from our special students. I have had my fan destroyed by a special student kicking it. My computer was destroyed!
> with a student pounding on the key board. Several headsets have
> been
destroyed by them
chewing on them, pulling on them, and throwing them. Not all special students are out of hand. Some are loving and kind, but they still take lots of attention and time to care for. They don't understand. It is just so sad for them to be thrown into a regular setting when they can not read, write, or funcion on their own. But we are trying as hard as we can, to endure laws and regulations and educate students to the best of their ability. God help us all. It is hard.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 11:31 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 23:31:29)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Becky Duncan
Organization:
Email: jbduncan4@yahoo.com
Title:
Address1: 4217 Packard St.
Address2:
City/State/Zip: Parkersburg, WV 26104
Role: Parent-Family
Posted: 2006-12-22 23:31:29
Posted from IP: 75.108.4.227

Comments for section 126-16-1 General

"No Child Left Behind" Sound familiar? Well if they put 10 kids in one classroom with no extra aides that is exactly what will happen! This idea was stupid from the beginning. Anyone that has a child or deals with children with disabilities knows that some days it take 4 hands for 1 child now try to take care of 10! What happens to the other 9? I would be worried about the safety of the children! You are opening yourself up for lawsuits because I guarantee that if my child is hurt through non supervision there will be action taken! Not to mention that these children will not have the one on one teaching they deserve! I sincerely hope that this policy is thrown out for the safety and well being of the children!
Thank you!
Mother of a 17 yr old autistic son

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 10:23 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 10:22:47)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Karen Brunicardi
Organization: Wood Co. Schools
Email: kbrunica@access.12.wv.us
Title: Director Of Elementary Schools
Address1: 1210 13th Street
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: School System Staff
Posted: 2006-12-22 10:22:47
Posted from IP: 168.216.97.5

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Section 3 Referral Services
Part B. Student Assistance Teams
Timelines are too restrictive-most teams meet before and/or after school on set days of a week. To expect them to be able to conduct all meetings within 10 days of a referral is unrealistic. Many schools use the SAT to assist hundreds of students/year. Getting all the involved personnel together can also be challenging, so meeting to review the effectiveness not beyond 45 school days is diffiuclt too.
The revision to provide written documentation to the parents of the results would be costly. To be effective and responsible, it would need to be mailed. How long do you have to wait for feedback before proceeding?

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Including the referring teacher in the EC is a nice idea, but this requires providing sub coverage for the teacher. Many times an initial EC is scheduled and without warning, the parent doesn't attend. Then the EC has to be rescheduled. This would be a waste of valuable instructional time.
Tracking Dev.Delayed students' birthdates and convening EC committee prior to 6th birthday will be tough.
Part L- SLD
Using Response to Intervention as the process for eligibility determination will involve lots of staff development. Wood Co. is fortunate to have had 2 pilot programs.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

The assignment of aides/paraprof. is too vague and ambiguous.
Calculation of caseload is confusing. Need to understand this. Using class size requirements for instructional period is not the way to do it for elementary students- we don't track them by period. WV Pre-K caseloads are confusing also. I am also not sure about when to apply the % rule that was suggested. Young children would be difficult to label as Level I or II.
The lack of specific direction in assigning aides to classrooms could be very costly to counties.
Reverse mainstreaming? (not in glossary)

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
reverse mainstreaming?

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 7:58 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 07:58:21)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Denise Schwab
Organization: Hancock Counnty Schools
Email: dschwab@access.k12.wv.us
Title: Speech-Language Pathologist
Address1: 3527 Bright Way
Address2:
City/State/Zip: Weirton, WV 26062
Role: Teacher
Posted: 2006-12-22 07:58:21
Posted from IP: 168.216.155.242

Comments for section 126-16-1 General

I am concerned about the proposed changes in policy that would not allow us to qualify children with mild articulation errors for speech therapy services. As outlined in our concerns, even mild articulation errors can have a negative impact on a child socially and limit their career opportunities. I respectfully ask you to consider these factors when implementing policy changes. Thank you for your time in this matter.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 8:28 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 08:27:44)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Marqueta Stephens
Organization: Wood County teacher
Email: mrstephe@access.k12.wv.us
Title: teacher
Address1: 1906 Lewis Ave.
Address2:
City/State/Zip: Parkersburg, WV 26104
Role: Teacher
Posted: 2006-12-22 08:27:44
Posted from IP: 168.216.93.52

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Ten autistic students in a room with only two adults is gravely misguided, and it essentially means you want to "warehouse" them. If that is your intention, you have moved beyound misguided and entered the realm of irresponsible. Autistic children are vocally and physically explosive. One of ours attacked a county maintenence man last week. One child's acting out typically sets the others off. Imagine 10 children acting out at the same time. Two adults could not control the situation.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 8:56 AM
To: fibanez@wvde.state.wv.us; rbolling@ACCESS.K12.WV.US
Subject: Comment Received for Policy 2419 (2006-12-22 08:56:19)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Emily S. Bailey
Organization: Wood Co. Board of Ed. (Hamilton Jr. High)
Email: esbailey@access.k12.wv.us
Title: Teacher
Address1: 3501 Cadillac Dr.
Address2:
City/State/Zip: Parkersburg, WV 26104
Role: Teacher
Posted: 2006-12-22 08:56:19
Posted from IP: 168.216.100.121

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I'm writing on behalf of the four autistic students whose classroom currently shares a wall with my classroom, which has only been the case recently (within the last two years). This particular classroom was created by dividing the teachers' lounge, which resulted in a small classroom equipped with appliances for life skills as well as the conventional tables, desks, computers, and other classroom furnishings particular to the students' needs. The changes in policy 2419 would allow the class size to more than double, which I feel would result in over-crowding in this small space. This is just my first concern. I also understand that changes would allow one teacher to be assigned for every five students. I know for a fact that one of my "neighbors" needs his own aide. I find it hard to believe that this need is going to change just because words in the policy mandate it. I also know that the routine that had been in place had to be overhauled to accommodate this student's beh!
aviors. From what I understand, students with autism tend to be upset by change. This would be an overwhelming change for them! Furthermore, I imagine that with ten students, more than one of them would also have behaviors similar to this student's: pounding, banging, high-pitched screaming, and sometimes physically contacting (not always appropriately) other staff and students; in the middle of explaining how French classrooms differ from ours, how to conjugate a regular -er verb, and proper composition for a photograph, I also have to stop and explain all of these oddities and how "we just have to try to ignore it." As understandable as these behaviors are for autism, it is no less a distraction for my students. I just don't see how only two teachers could be expected to manage, safely, in the proposed environment. Finally, because only "trained staff" may assist in the event of an autistic student in "crisis mode," the increase in students and decrease in staff only make!
s it more likely that I, the "regular ed. teacher" closest to !
the clas
sroom would be powerless to help.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 22, 2006 11:13 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-22 11:13:08)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Margaret Miller
Organization: Williamstown Elementary
Email: mrgmille@access.k12.wv.us
Title: 3rd grade teacher
Address1: 418 Williams Avenue
Address2:
City/State/Zip: Williamstown, WV 26187
Role: Teacher
Posted: 2006-12-22 11:13:08
Posted from IP: 168.216.123.156

Comments for section 126-16-1 General

I am very concerned about the changes regarding speech services. Please reconsider and realize that there are children whose self esteem is so fragile that removing services for some of the difficulties you consider minor, can have life changing effects on these wee ones.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

=== COVER PAGE === OK

TO: _____

FROM: FORREST CUMMINGS

FAX: 8243630

TEL: 3048243630

COMMENT:

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Marty Thacker
School West Hamlin Hs
Position Title I Reading Specialist

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kay Locke

School Valley High

Position Autism Mentor

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Donna Johnson

School Valley High

Position Spcl Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision -- How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Cynthia Civil Hey
School Valley High
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

OK

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Gloria A. Prichard

School Lincoln Co. High Schoo

Position Supervisory Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: ~~January~~ 5

POLICY 2419

Name Cara Davis

School DuPont Middle

Position Itinerant Teacher of Gifted

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 25, 2006 6:12 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-25 18:12:05)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: denise lough
Organization: parent
Email: denise_9572@yahoo.com
Title:
Address1: 290 pleasant ridge rd
Address2:
City/State/Zip: webster springs, wv 26288
Role: Parent-Family
Posted: 2006-12-25 18:12:05
Posted from IP: 146.82.214.174

Comments for section 126-16-1 General

I think are school should have to go policy and not do what they want.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

I think are school should deal with the childern over discipline and keep it out of the court syem not unless they broke the safe school act and do it the right way do a board hearing to deal with the child and not the court .

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution
---
when a parent does a compliant the school shouldn't have time to fix it and it shouldn't that 60 days for the state to investigate.

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Gloria A. Prichard
School Lincoln Co. High Schoo
Position Supervising Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Gerald Prichard
School Lincoln Co. High School
Position Welding ~~Teacher~~

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Gina Mae Gillespie

School LCHS

Position Sup. Aide IV

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 25, 2006 8:38 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-25 20:38:24)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: mary jean thompson
Organization: parent
Email: none
Title:
Address1: po box 301
Address2:
City/State/Zip: cowen, wv 26206
Role: Parent-Family
Posted: 2006-12-25 20:38:24
Posted from IP: 146.82.214.14

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

yes when you do an IEP and put things in place make shore the teachers go by it and they should no that your child has one.

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

make the school go by there policy and keep are childern out of the courts or take are childern in to a board hearing the why it should be done. and are school should do a PBS plan and change it if it don't work.and are school doesn't follow these policy anyway.

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

keep a check on the schools give parents written notice more then one time before they hold a meeting. and where parents don't have to wait a year or two under disclosure and FERP.

Comments for section Chapter 11: Dispute Resolution

parents shouldn't have to wait 60 days when they file complaints because that gives the school time to fix it.

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, December 26, 2006 2:44 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-26 14:43:43)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Dawna J. Parker
Organization:
Email: dawna_p@hotmail.com
Title:
Address1: 55 Beech Lane
Address2:
City/State/Zip: Madison, wv 25130
Role: Teacher
Posted: 2006-12-26 14:43:43
Posted from IP: 74.195.89.10

Comments for section 126-16-1 General

To be consistent: in the introduction Exceptional students should be changed to students with exceptionalities.

Comments for section 126-16-2 Purpose

2.2.2. Add, Additionally, IDEA 2004 mandates child find activities for students residing in other states, but attaending private schools in West Virginia.

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

4.1 is really 5.1

Comments for section 126-16-5 Severability

4.1 is really 5.1

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Section B, reevaluation...Rewrite last sentence to state "While reevaluation procedures must be provided ata no cost to the parent or adult student, reevaluations may not occur more than once a year without district and parent agreement.

Comments for section Chapter 4: Eligibility

Deafness (D.) cross out hard of hearing #2 add as having a hearing loss
Hard of Hearing (H) #2 cross out hard of hearing and add having a hearing loss

Comments for section Chapter 5: Individualized Education Programs
---
D. IEP team membership 8th bullet add To the extent appropriate and with parent or adult student consent

Comments for section Chapter 6: Administration of Services
---
sec. 2 remove comma after service provider.
Staffing: add "will" be considered on a case by case basis.(in 3 places)

Replace current workding with Students identified as Level I have needs in one or more ot the following areas

Replace current wording with Students identified as Level II have significand and comprehensive needs in:

Students with Level II needs may NOT need a majority of the needs to function as Level II. Change to "One or More"

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Add E. 4. If a district has not expended for equitable services all of the fund described in the expenditure requirements by the end of the fiscal year, the distric must oblicgate the remaining fundds for sepecial education and related services sto parentally-place privatae school studedtns with disabilities during a carry-over period of one additional year.

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

End of seciton 4 add: The parent/adult student must provide written consent for any invited agency representative to attend the IEP team meeting.

Section 6, A. add a 5 and 6:
5. and agency representative likely to pay for or provide transition services attend and IEP meeting.
6. Personably indentifiable information is released between officials in the district or residence and the district the private school is located.

Comments for section Chapter 11: Dispute Resolution

Section I: Add "The party requesting a due process hearing may not raise issues at the due process hearing that were not raised in the due process complaint unless the other part agrees otherwise."

Comments for section Glossary

Eligible Exceptional Students: change "been determined to be" to "been identified as having one of the following exceptionalities", autistic to autism; behavior disordered to an emotional/behavior disorder; blind to blindness and partioally sighted to low vision; mentally impaiared to mental impairment; orthopedically impaired to orthopedic impairment; other health impaiared to other health impairment; specific learning disabled to specific learning disability, preschool special needs to developmental delay and

traumatically brain injured to traumatic brain injury and are...

In the definition of days change disabilities to exceptionalities

Add a definition for RtI

ESY: Change Public agency to district for consistency

General Curriculum: Chanag Instructiona Goals and Objective to Conteny Standards

Independent Educational Evaluation: change public agency to district add "based on a list of qualified evaluators provided by the district."

Meeting: change public agency to district. Rework entire definition since the current definition does not define meeting, but defines what is NOT a meeting.

Orientation and Mombility Change "blind or visually impaired" to who are blind or have low vision

Placement: Change "for students ages six to twelve to ages six to twenty-one" and make sure developmental delay placements are accurate.

Regular Education should be changed to General Education

Rehab Counselling services only applies to students with disabilities not exceptionalities

School Team should be school assistance team
Serious misconduct change regular to general
Significantly sub-averagee intelligence: Make consistient wieht AAMR definition (seventy-five or less in consideration of 1 SEM)

Special Education: In WV related services does not include all the service implied...only sp. lang. and voc. ed.

Specially designe instuction: cross out "under this part" and "within the jurisdiction of the public agaency"

Sweep screening cross out screening in "the utilization of screening tests"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, December 25, 2006 9:16 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-25 21:16:17)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Brandon Tinney
Organization: Nicholas County Schools
Email: brandon_tinney2003@yahoo.com
Title: Teacher
Address1: PO Box 131
Address2:
City/State/Zip: Leviasy, WV 26676
Role: Teacher
Posted: 2006-12-25 21:16:17
Posted from IP: 146.82.210.135

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
pg. 34 1) Under the RTI Model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implemented the RTI model.

Pg 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and realted services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
pg. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs..

Pg 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

Pg 78 3) Intergrated Classrooms- change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disablities excluding communication disorders.

4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

6) Special Education classrooms for students with disablities. Delete this section of Level 1 and Level 2.

Pg 80 7)Maximum number of studnets for instuctional period- Continue with the requirements in current policy 2419 126-16-6 Section 6.1.5 with the following exceptions:
* Early childhood reduced to 6
* Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instuctional class period on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
1) Add the definition for "Mastery"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 27, 2006 7:03 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-27 19:02:43)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Eileen Poling
Organization: Tucker County Schools
Email: epoling@access.k12.wv.us
Title: County-wide teacher of gifted
Address1: 215 Homewood St.
Address2:
City/State/Zip: Parsons, WV 26287
Role: Teacher
Posted: 2006-12-27 19:02:43
Posted from IP: 70.101.141.252

Comments for section 126-16-1 General

The way the policy is displace on the website is misleading. If one clicks to read Policy 2419, what is given is the procedures manual. The actual proposed policy is embedded within the executive summary. The actual policy should be identified to the public. After the correction is made, the comment period should be extended so people may comment without confusion.
Under "impact" the new format is described as more use friendly and bettwer organized. If this is true, it doesn't inform the public that once the policy is separated from the procedures manual that any future changes to the manual will not be put up for public comment. Only the two page policy will be subject to public comment. The procedures manual needs to remain a part of the actual policy!

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Instead of "disabilities," it should read exceptionalities since it includes gifted and it is not a disablity.

Comments for section Chapter 4: Eligibility

Please include giftedness in the "Three-Prong Test of Eligibility!"
Under #3, it is not clear what is meant by acceleration of content at grade level. This needs to be made clearer.
In the "Response to Intervention," it is unclear who will be responsible. It looks like the regular classroom teacher would be the one since it takes so long for the child to be identified as gifted. This section is as clear as mud and needs to be clarified further.

Comments for section Chapter 5: Individualized Education Programs
---
Again, on page 55, you have used "disabilities" again. This needs to be changed to "exceptionalities" throughout the policy.

Comments for section Chapter 6: Administration of Services

A maximum limit of 20 for students with developmental delays in ages 3-5 is too high considering how much help these younger children need. If you add autism and other medical problems to the delays, it is too much to ask one human being to manage 20. Fifteen may be too many.

Teachers of gifted should not have a caseload of more than 30. I am an itinerant teacher and must include travel in my time during the school day. I only have two schools to serve. I can't imagine how teachers in larger counties deal with this. I suppose they manage by creating a program and having the students "fit in" to the program instead of delivering the needs of each individual child. I always spend countless hours at home to assure that my students are receiving instruction that is appropriate for their area of giftedness. Gifted children are at risk and need to be provided the same amount of services as disabled children. Teachers also need the time to plan for these children.

Under class size requirements on page 77, it is contradictory to say that no more than 10 with disabilities can be in a class of 20. That's 50% in a classroom with disabilities. Nowhere in policy is a teacher expected to deal with this type of proportion.

On integrated classrooms on page 78, a needed change in percentage needs to be made. It only takes one student to disrupt the education of an entire class.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---
Again, change "disabilities" to "exceptionalities."

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, December 27, 2006 11:35 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-27 23:35:12)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Lisa Lockhart
Organization:
Email: leesker34@msn.com
Title:
Address1: P.O. Box 5121
Address2: 1408 32nd Street
City/State/Zip: VIENNA, WV 26105
Role: Parent-Family
Posted: 2006-12-27 23:35:12
Posted from IP: 71.164.50.17

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I am appalled that the State of West Virginia would even think of doing such a thing. WV wants to practice "No child left behind" well, I know that my child will be left behind. If this law passes, I am considering taking my child out of the state or home schooling him. And get ready for lawsuits to head your way for safety issues. You will need a good lawyer to get you out of hot water. I have lived in WV all my life and wanted to raise my children here. I will be forced to move elsewhere so that my children get a decent education. My autistic son will not be left behind. It is apparent that WV does not care about children and adults with disabilities. It seems like a discrimination issue as well as a safety issue. Get your priorities right. Obviously, you do not have a child or grandchild that suffers from autism or you would not be considering such a ridiculous change.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

RECEIVED
DEC 2 5 2006
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : ERIC TENNANT Organization: Martin School

Title: Adapted PE Teacher

Street Address: 1301 Hillcrest Street

City: Parkersburg State: WV Zip: 26101

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.
Please see attached

Posted to "R" drive

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

EMBASSY SUITES
HOTELS®
Conference Center Charleston, WV
300 Court Street • Charleston, WV 25301
(304) 347-8700 • Fax: (304) 347-8737

INIA'S PREMIER SPORTS BAR & GRILL
Serving 11:00 a.m. - 11:00 p.m. Daily
®
TheHiltonFamily

It seems to me that federal and state public education is funded at the least that can be done. Although often said, "our children are our greatest Resource", funding indicates quite differently.

The Proposal to increase the class sizes of special education programs, especially autism, is ludicrous. Curlently in West Virginia, my opinion, inclusion is at best is doing fair, but mostly is poorly done or rarely done. To increase class size would cause inclusion to probably rarely or never occur. There are many students (technically every student) who would or could be included if there were sufficient support staff to provide the services. This is not always happening and with increased class sizes it would be impossible to make it occur.

I was a part of a staff of a seperate facility when it was forced to exit most of the students.

WEST VIRGINIA'S PREMIER SPORTS BAR & GRILL
Serving 11:00 a.m. - 11:00 p.m. Daily
TheClintonFamily

Federal and State level personnel said support services would be provided to ensure that all students would be included. It started out to be that way, but soon turned into a lie. Those support services, especially staff, were cracked.

In my opinion, to increase class sizes without support staff and services is an injustice to the students. It is not what is best for the students! Thank you for the opportunity to respond to this policy revision.

Eric Tennant

EMBASSY SUITES
HOTELS
Conference Center Charleston, WV
300 Court Street • Charleston, WV 25301
(304) 347-8700 • Fax: (304) 347-8737

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

RECEIVED
DEC 27 2006
By

Name Darlene McClure

School Scott High School

Position Health Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Posted to "R" drive

RECEIVED
DEC 27 2006
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities JM Rdrive

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 12, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Joan M. Wilson Organization: Kanawha County Schools

Title: Itinerant Teacher of Students with Blindness + Low Vision

Street Address: Elk Elementary, 3320 Pennsylvania Avenue

City: Charleston State: WV Zip: 25302

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☑ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS	
§126-16-1. General.	Please see attached...

Comments to Draft of WV 2419
December 20, 2006

From Joan M. Wilson, Itinerant Teacher
Program for Students with Blindness and Partial Sight
Kanawha County Schools
200 Elizabeth Street
Charleston, WV 25311

Chapter 4 ✓

P. 25 "Eligibility Criteria ..."
"... student with blindness and low vision ..."
Add underlined text

P. 25 B.1 "... field restriction of twenty degrees or less in the better eye, or a deteriorating ..." add underlined text

"... a disturbance of the posterior visual pathway and/or cortex, ..."
Would this include Amblyopia?

Recommended format change:

1. The student has documentation of a visual impairment, not primarily perceptual in nature, with one or more of the following as determined by a medical professional including, but not limited to an optometrist, ophthalmologist, neurologist:

    a. Measured visual acuity of 20/70 or poor in the better eye with correction at distance or near
    b. Visual field of 20 degrees or less in the better eye
    c. A deteriorating eye condition which will result in a loss of visual efficiency (e.g.: glaucoma, retinitis pigmentosa, macular degeneration)
    d. A visual loss caused by a disturbance of the posterior visual pathway or cortex

Add underlined text as well as change format

P. 28 Last word on the page Change to and

I.1.
P. 31 1. a. "... mild to moderate ... test, or
b. "... severe mental impairment ..."
2. "The student exhibits concurrent deficits ..."
3. "The age of onset ..."
4. "The student's condition ..."
5. "The student needs ..."

Change numbering, add underlined text

Comments to Draft of WV 2419
December 20, 2006

From Joan M. Wilson, Itinerant Teacher
Program for Students with Blindness and Partial Sight
Kanawha County Schools
200 Elizabeth Street
Charleston, WV 25311

P. 36 "Eligibility Standards"
" Using the RTI process the EC shall determine SLD ..."
Change to underlined word

P. 37. "Standard 3- Exclusion Factors"
Add "7. Poor Attendance"

P. 38 "Evaluation Components"
Paragraph 2 "A comprehensive evaluation will be needed ..."
Change to underlined word

Chapter 6 ✓
6.B.
P. 77 "Staffing for Case Management/Procedural Accountability"
Chart: "Maximum Limits ..."
"Teachers of all other Exceptionalities 20/ See Class ..."
Change to underlined number

P. 78 "Integrated Classrooms"
Paragraph 2 "... during on instructional period."
Change to underlined word

P. 80 "Maximum Number ... with Developmental Disabilities"
Level I and Level II need to be included in determining staffing ratio.

Caseloads for Itinerant Delivery Model are Not Address
Only mention of itinerant personnel is on page 76 under Adequate Staff

Chapter 10: Procedural Safeguards.
Chapter 11: Dispute Resolution.
Glossary.
Acronyms and Abbreviations.

Please direct all comments to:

Robin Bolling
Office of Special Education Achievement
West Virginia Department of Education
Capitol Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: rbolling@access.k12.wv.us
Fax No.: (304) 558-3741

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

RECEIVED
DEC 27 2006
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Judi Jones Organization: Kanawha Co. Schools

Title: Teacher of the Visually Impaired, Itinerant

Street Address: 200 Elizabeth St.

City: Charleston State: WV Zip: 25311

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher Sp. Ed.
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

posted on the "R" drive

Chapter 3: Evaluation/Reevaluation.

Chapter 4: Eligibility.

Chapter 5: Individualized Education Programs.
Excusal provision-needs timelines for notification, "In Lieu of Attendance" report and so forth.

Chapter 6: Administration of Services.
Pg. 76, Par. B - "support personnel shall be required" NOT "may be required"
Pg. 77 - Max. Caseload Management assignments should be changed to reflect No More Than 20 for teachers of all other exceptionalities. when totally blind students receive services and are case managed by Prof. staff, the time requirements are much higher than for students w/ other exceptionalities.

~~**Chapter 7: Discipline.**~~

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

RECEIVED
DEC 27 2006
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: TBI Teachers Organization: Kanawha County Schools

Title: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☑ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

posted on the "K" drive

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. **The term "acquired" should and must include injuries caused by internal occurrences as well as external physical forces. The proposed definition, by omission,. excludes a large population of students currently eligible to receive services, i.e. encephalitis, meningitis, stroke, tumors, toxic substances, etc.** ***** Please see the attachments which include excerpts from recognized experts in the field of Traumatic Brain Injury, as well as other noted professional sources.**
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

Current Regs

(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.

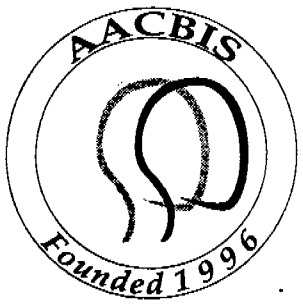
5.1.1. Individualized Education Program Team Timelines.

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.

Chapter 1



OVERVIEW OF BRAIN INJURY REHABILITATION

Objectives:

The reader will be able to:

1. **Understand the incidence, prevalence and epidemiology of brain injury.**
2. **Understand the evolution of services for people with brain injuries.**
3. **Understand basic distinctions in sources of funding for rehabilitation services.**
4. **Understand the systems of care available in the rehabilitation continuum.**

DEFINITIONS

Traumatic brain injury (TBI) has been called the "silent epidemic". The establishment of a uniform working definition has been difficult and controversial since no universal definition can be all inclusive and uniform for surveillance and research, yet simple and understandable enough to facilitate public response to education and prevention efforts. In 1986, the National Head Injury Foundation (NHIF), now known as the Brain Injury Association (BIA), adopted a definition of traumatic brain injury for use in registries and to serve as a standard definition which could be used by both lay and professional advocates in the development of services.

> Traumatic head injury is an insult to the brain, not of a degenerative or congenital nature but caused by an external physical force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning. It can also result in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

In 1997, the Brain Injury Association Board of Directors adopted a definition of acquired brain injury to broaden the definition of brain injury beyond that only produced by trauma. An *acquired brain injury* is an injury to the brain that has occurred after birth. The injury commonly results in a change in neuronal activities that effects the physical integrity, the metabolic activity, or the functional ability of the cell. Causes of acquired brain injury include external forces applied to the head and/or neck (e.g., traumatic brain injury with or without skull fracture), anoxic/hypoxic injury (e.g., cardiopulmonary arrest, carbon monoxide poisoning, airway obstruction, hemorrhage), intracranial surgery, vascular disruption (e.g.,

arteriovenous malformation (AVM), thromboembolic events, fat emboli), infectious diseases, intracranial neoplasms, metabolic disorders (e.g., hypo/hyperglycemia, hepatic encephalopathy, uremic encephalopathy), seizure disorders and toxic exposure (e.g., substance abuse, ingestion of lead and inhalation of volatile agents). The term does not refer to brain injuries that are congenital or brain injuries induced by birth trauma.

An acquired brain injury may result in mild, moderate, or severe impairments in one or more areas, including cognition, speech-language communication; memory; attention and concentration; reasoning; abstract thinking; physical functions; psychosocial behavior; and information processing.

The term **brain injury** (BI) will be used throughout this manual to refer to acquired brain injury. When reference is specifically made to injury caused by trauma due to extreme physical force the term **traumatic brain injury** (TBI) will be used.

INCIDENCE OF TRAUMATIC BRAIN INJURY

Traumatic brain injury accounted for 34% of all injury deaths in the United States in 1992 (Sosin, Sniezek & Waxweiller, 1995). An estimated 2 million injuries occur each year (Department of Health & Human Services, 1989). In 1994, there were 51,350 deaths in the United States that were associated with TBI (rate: 19.8 per 100,000 population) (Center for Disease Control, 1997). Each year, about 373,000 Americans are hospitalized and 99,000 sustain moderate to severe injuries that result in lifelong disabilities (Kraus & Sorenson, 1994). Age and gender are critical variables for determining susceptibility to sustaining a TBI. In a 1990-1993 study, males aged 15 to 24 years and persons over 75 years of age have been shown to have the highest incidence secondary to transportation-related incidents and falls respectively (Center for Disease Control, 1997).

EPIDEMIOLOGY OF TRAUMATIC BRAIN INJURY

Transportation-related incidents (motor vehicles, bicycles, pedestrians, recreational vehicles) continue to be the leading cause of TBI (approximately 47%) (Sosin, et.al., 1995; Annengers, et.al., 1980; Kraus, et.al., 1984; Jagger, et.al., 1984; Thurman, et al., 1995; Whitman, et. al., 1984). Falls are the second most common cause of injury (roughly 20-30%) (Sosin, et.al., 1995; Annengers, et.al., 1980; Kraus, et.al., 1984; Jagger, et.al., 1984; Thurman, et al., 1995; Whitman, et.al., 1984), with interpersonal violence a distant third (Sosin, et.al., 1995; Annengers, et.al., 1980; Kraus, et.al., 1984; Sosin, et.al., 1996; Thurman, et al., 1995; Gennarelli, et.al., 1989). Sports and recreational injuries still account for nearly 10-20% of all injuries (Kraus, et.al., 1984 and Sosin, et.al., 1996). It is important to note that in a study by Sosin et. al. (1995) death rates from firearm-related TBI's increased 13% from 1984 to 1992 and surpassed motor vehicle accidents as the largest single cause of death from TBI. This may be accounted for in part by the fact that the most lethal TBI is the gunshot wound (Gennarelli et.al., 1989). Also noteworthy is the fact that over 50% of persons who sustain a TBI were intoxicated at the time of the injury (Ruff, et.al., 1990 and Kreutzer, et.al., 1990). Estimated costs of TBI's in the United States alone is $48.3 billion annually (Brain Injury Update, 1995).

On a positive note, findings of a 1990-1993, Center for Disease Control TBI surveillance study in Colorado, Missouri, Oklahoma and Utah and the 1993 National Hospital Discharge Survey (NHDS) demon-

Educational Dimensions of Acquired Brain Injury

Edited by

Ronald C. Savage

Gary F. Wolcott

pro·ed
8700 Shoal Creek Boulevard
Austin, Texas 78757

CHAPTER 1

Overview of Acquired Brain Injury

RONALD C. SAVAGE
GARY F. WOLCOTT

Recent changes in U.S. public laws in education have attempted to clarify and identify a group of school-aged students who have sustained injuries to their brains at some point in their lives since birth. Educators and a number of other professionals have recognized that the largest killer and disabler of children in the United States is brain injury. Unfortunately, previous public laws and policies neither adequately described this population of survivors of acquired brain injuries nor helped in identifying, classifying, or developing educational programming for these students.

Questions had surfaced among an array of professionals from education, medicine, psychology, and other fields: Who are these children? What happens when the brain is injured? Does a child who sustains a closed head injury and a child who is stricken with encephalitis have similar problems and needs? Is a child who is a near-drowning survivor the same as a child who was strangulated in that both suffered a loss of oxygen to the brain? Are the effects of neurotoxins such as lead and crack cocaine really best described as brain injuries? What has happened to the brains of infants and toddlers who were violently shaken and impacted and are now entering the school system? Although many of these specific questions remain unanswered, significant progress toward answers has been made during the past decade by medical, rehabilitation, and educational professionals.

In an attempt to facilitate understanding and to clarify descriptions of acquired brain injury, we propose the following definition:

> An acquired brain injury is an injury to the brain that has occurred since birth. It can be caused by an external physical force or by an internal occurrence. The term acquired brain injury refers to both traumatic brain injuries, such as open or closed head injuries, and nontraumatic brain injuries, such as strokes and other vascular accidents, infectious diseases (e.g., encephalitis, meningitis), anoxic injuries (e.g., hanging, near-drowning, choking, anesthetic accidents, severe blood loss), metabolic disorders (e.g., insulin shock, liver and

kidney disease), and toxic products taken into the body through inhalation or ingestion. The term does not refer to brain injuries that are congenital or brain injuries induced by birth trauma.

Acquired brain injuries result in total or partial functional disability or impairment that adversely affects educational performance. The acquired brain injury may result in mild, moderate, or severe impairments in one or more areas, including cognition; speech-language communication; memory; attention and concentration; reasoning; abstract thinking; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; and information processing.

This description of acquired brain injury is broader than the definition used by the National Head Injury Foundation (NHIF) (1986) and the regulations promulgated by the U.S. Department of Education (*Federal Register,* 1992). These definitions focus on the mechanism of injury—a physical force applied to the child's brain that results in a traumatic injury—but do not account for the other mechanisms that can cause injury to the brain and that result in similar impairments that lead to functional disability.

Acquired brain injuries can be divided into traumatic and nontraumatic as follows (Savage & Wolcott, 1988):

Traumatic Brain Injuries

1. *Open head injuries* caused by accidents, falls, abuse, assaults, and surgical procedures that result in a penetrating wound to the brain
2. *Closed head injuries* caused by accidents, falls, abuse, and assaults in which the skull and protective tissue surrounding the brain remain intact but damage to the brain comes from internal compression, stretching, or shearing actions

Nontraumatic Brain Injuries

1. *Anoxic injuries* caused by a reduction in the oxygen to the brain from anesthetic accidents, hanging, choking, near-drowning, severe blood loss
2. *Infections* of the brain, such as meningitis and encephalitis
3. *Strokes and other vascular accidents*
4. *Tumors* of the brain
5. *Metabolic disorders* that affect the brain, such as insulin shock, liver and kidney diseases
6. *Toxic products* taken into the body, including lead, mercury, crack cocaine, and other chemical agents, either ingested or inhaled

The functional consequences of the surgical removal of a brain tumor in one child often require the same rehabilitation and educational interventions as those of the child with a penetrating head injury due to a bullet wound. The widespread damage to multiple areas and brain systems caused by a closed head injury (when damage to areas of the brain is caused by bumping, twisting, or shearing movements

Sd: Tue. Aug 20. 1991 7:44 PM EDT Msg: AGJ8-4874-7871

om: NASDSE.FEDERAL

To: FEDERAL

Subj: PROPOSED REGS FOR PART B IDEA

Complaint Process
p. 2419

Washington. D.C.--August 20. 1991--The Office of Special Education Programs yesterday published proposed regulations for changes that were made to Part B of the Individuals with Disabilities Education Act as part of the 1990 reauthorization of the IDEA.

The following are highlights of the proposed regs.

Definitions of Autism and Traumatic Brain Injury

OSEP proposes definitions for two new categories of disability that have been added to the IDEA--autism and traumatic brain injury.

The proposed regs define autism as a developmental disability that significantly affects verbal and nonverbal communication and social interaction. that is generally evident before age three (though children who manifest the symptoms after age three can be included). and that adversely affects educational performance. Autism is not to include children with characteristics of "serious emotional disturbance" as that category is defined in current regulations.

The proposed definition of traumatic brain injury includes children with brain injuries caused by external physical force or by an internal occurrence such as stroke or aneurysm. with resulting impairments that adversely affect educational performance. The term includes children with open or closed head injuries but does not include children with brain injuries that are congenital or degenerative or caused by birth trauma.

New Related Services

Social Work Services

The IDEA now specifies that social work services are an eligible related service. OSEP proposes to retain the definition of social work services that appears in existing regs. but to delete the words "in schools." so as to broaden the scope of eligible services. OSEP invites comment on whether further regulatory guidance is needed.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, December 28, 2006 12:18 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-28 00:17:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: STEVEN ROBERTS
Organization: WVSHA
Email: styx972@yahoo.com
Title: Speech Language Pathologist
Address1: ROUTE 1 BOX 226 C
Address2:
City/State/Zip: BLUEFIELD, WV 24701
Role: Professional Support
Posted: 2006-12-28 00:17:48
Posted from IP: 74.34.149.235

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The wording for eligibility criteria for articulation disorders needs to be changed. The requirement that a student exhibit a "moderate to severe" articulation delay is wrong. A child can have a "mild" delay that still adversely effects educational performance. A

gifted student CAN also have a mild articulation delay. If we deny services to that student we are not fulfilling our obligation as therapists. I worked with an 8th grade student 3 years ago who could not produce R correctly. He was also a "straight A" student as well. He was one of 2 that our school sent to take the Golden Horseshoe test. His brother was finishing his engineering degree that year. This student had similar ambitions. It would be WRONG to deny that student speech therapy. Several studies have been done that prove the negative opinion listeners have of speakers with only "mild" artic delays. Are we now going to throw out what we were trained to do as therapists and rely on legislators' opin!
ions of who we should serve? A delay is a delay. We know who should qualify.

The second area of major concern deals with caseloads. Unlike all surrounding states, WV pays SLPS the SAME as classroom teachers. The excuse has always been that we have lower caseloads (50) than most states. The proposed changes allow for "waivers" to maximum caseloads. Basically there will be NO maximum caseload guidelines any more. Almost every county has a shortage of SLPs. According to the proposed "waiver" system, the county can just apply for a waiver and the SLPs caseloads will be increased / unlimited.

The WV school system has speech pathologists listed a as a "critical shortage area". Counties pay out tons of money to contract with private agencies to cover speech therapy. Nationally the number of speech-language referrals is increasing. Through the waiver system, the state will try to force the SLPs you have managed to retain to serve even MORE students. The result will be MORE therapists LEAVING the school system as my wife did after 12 years of service.

Classroom teachers receive extra pay when their enrollment exceeds a certain number. They receive extra pay for EVERY day they are over class size. Will SLPs receive extra pay as well. After all, we are considered "teachers" on the pay scale.

Certified Speech pathologists generate millions of dollars for the school system through medicaid reimbursement. This year I will personally generate @ 45,000.00 for the county through medicaid billing at 2 schools. Whenever a certified SLP is not available, the county can now hire speech assistants. However, services provided by speech assistants cannot be billed to medicaid. As more certified SLPs leave the system, the state will lose tons of money in lost medicaid billing.

My 2 concerns seem at odds with each other. They are not. I feel SLPS should continue to serve ALL the students who need our services (even the gifted). I also feel our caseloads should not increase due to a loophole called a waiver system.

If more SLPS are needed, it is the state's responsibility to attract / retain them. The burden of shortages should not be passed on to us. SLPs have no problem finding other jobs.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, December 29, 2006 10:54 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-29 10:53:35)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sandra G Beale
Organization:
Email: sjbeale38@Yahoo.com
Title:
Address1: 127 Brier lane
Address2:
City/State/Zip: Ronceverte, wv 24970
Role: Teacher
Posted: 2006-12-29 10:53:35
Posted from IP: 141.153.40.6

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The Maximum Number of Students per Instructional Period Based on Level of Service is too large. When you have a class of mixed disabilities, it is very difficult to determine the case load per instructional period. This needs to be addressed

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Saturday, December 30, 2006 3:28 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-30 15:27:32)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Karen Fragale
Organization: Putnam County Schools
Email: pfragale@access.k12.wv.us
Title: Principal
Address1: Lakeside Elementary
Address2: 2550 US Rt. 60
City/State/Zip: Hurricane, WV 25526
Role: Principal
Posted: 2006-12-30 15:27:32
Posted from IP: 75.111.176.95

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The RTI model for reading instruction works and is a great idea. We found the early identification of students needing intervention and then providing targeted intervention instruction promoted accelerated learning for our students. I think more students will

receive better reading instruction using this model. However, I have concerns about the lack of timelines at each Tier. As a pilot school last year we struggled with implementation of the Tiers and knowing when to move a student from one Tier of instruction to the next. Also, it was difficult to determine where the students already identified as "special needs" fit into the 3-Tier Model. RTI will necessitate a change in how IEP's are written for some current students. The section of the IEP that details the amount of time and type of services will need to be carefully written to include "special needs" students in the core instruction as appropriate. RTI needs to be fully funded. Additional staff (reading speciali!
sts) will be required in many schools to properly deliver the interventions at Tier 2 and 3 levels. Also, schools need some direction as to how to provide these interventions of additional time - what can students "miss" to receive the additional 30-60 minutes of reading instruction. Also, will RTI only be for K-3 students or will this be implementated at the intermediate level?

Regular education and special education teachers need staff development in the RTI model, reading interventions, and collaborative teaching. Proper training will provide the understanding of process and lead to improved student achievement.

Comments for section Chapter 5: Individualized Education Programs
---

Special education teachers will need specific directions on writing IEP's to meet the new guidelines for students already identified. Will the students already identified be automatically placed in Tier 3? Will the students identified as specific learning disabled receive 90 minutes of instruction in the core reading class and an additional 30 or 60 minutes in special education? Schools need clear and concise directions for those students already identified. Also, schools need to have timelines to know at what point a student is referred for a comprehensive evaluation for special education services.

Comments for section Chapter 6: Administration of Services
---

1. I am concerned about the maximum case management assignments for "teachers of all other exceptionalities". Caseloads should not exceed 20.
2. In the section concerning an intergrated classroom during any regular education class period the total enrollment should not include more than 25% students with disabilities. I also feel that if this percentage is higher then the class size limits must be reduced. Students with disabilities require more teacher attention during the teaching process and more time during planning process to make modifications/adaptations to enable those students to access the curriculum.
3. Co-teaching requires co-planning time to be effective. Also, both regular education and special educators need staff development in how to be effective in co-teaching situations.
4. The level I and II special education classrooms for students with disabilities needs to be clarified or eliminated. Caseloads should not be based on "instructional period" per student's level of needs.
5. Concerning Pre-K education: Research shows that quality pre-K education is invaluable to students. All pre-K classes should be required to have a minimum of two adults - a teacher and an additional staff person. These are very young children that need extra supervision and extensive help with personal needs. Developmentally these students vary greatly. I believe that it is essential for the safety of these children and to maximize the learning potential that two adults be assigned to the classroom. Special education pre-K with typical peers should have a staffing requirement of 1 teacher and 2 additional staff persons.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Define "Mastery".

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, December 31, 2006 5:22 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2006-12-31 05:22:26)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Joseph O Smith
Organization:
Email: joeosmith@yahoo.com
Title:
Address1: 1305 Liberty Street
Address2:
City/State/Zip: Parkesrburg, WV 26101
Role: Teacher
Posted: 2006-12-31 05:22:26
Posted from IP: 75.108.7.214

Comments for section 126-16-1 General

B. Applicability to Detained Youth- Will the state fund or reimberse the counties where detainees might be sent to schools or ALC?

E. Nonacademic Services

The district must ensure that students with exceptionalities are afforded an equal opportunity to participate in nonacademic and extracurricular services and activities by providing the supplementary aids and services determined appropriate and necessary by the student's IEP Team.

In addition, physical education services, specially designed if necessary, must be made available to every student receiving FAPE in accordance with West Virginia Board of Education policies.
WHO IS GOING TO PAY FOR THESE AIDS AND COMMUNITY SERVICE INTERACTIONS?

Comments for section 126-16-2 Purpose

The district is responsible for establishing and implementing an ongoing Child Find system to locate, identify, and evaluate students with disabilities residing in the district, between the ages of three and twenty-one, inclusive, regardless of the severity of the disability, gifted students from first through eighth grades and exceptional gifted students in grades nine through twelve who may need special education.

The Child Find system must include all students suspected of needing special education and related services within the district's geographic boundaries who are:

1. Enrolled in public school;
2. Home schooled;
3. Enrolled in private schools, including religious schools, located in the district;
4. Not enrolled in school, including children ages birth through five;
5. Highly mobile children including migrant children;
6. Homeless children;
7. Wards of the state; or

8. Suspected of having a disability as defined in Chapter 4 even though the student has not failed or been retained in a course or grade and is advancing from grade to grade.
WHO SETS THE PARAMETERTS OF THOSE REQUESTING TESTING FOR SERVICES? A PRIVATE SCHOOL OR HOME BOUND PARENT/GUARDIAN COULD REQUEST TESTING FOR GIFTED PROGRAMS OR OTHER EXCEPTIONALITIES. THUS CREATING AN OVERLOAD OF STUDENTS TO BE EVALUATED. WHAT IF AN ENTIRE SCHOOL REQUESTS A TESTING EVALUATIONS, AND THEY ARE A PRIVATE SCHOOL? THE MIGRANT STUDENTS OF THE EASTERN PANHANDLE MIGHT HAVE A SBAT TO MDET STARTED, BUT WILL THEY EVER BE THERE LONG ENOUGH TO COMPLETE THE PROCESS?

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Maximum Limits for Case Management Assignments
Teachers of students with Developmental Delays ages 3-5 20
Teachers of the Gifted 45
Speech Therapists 50
Teachers of all other Exceptionalities 30/See Class Size Requirement for Instructional Period

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.
THESE CASE LOAD SIZES ARE LUDICROUS!! FIRST OF ALL, THE DAILY ATTENTION NEEDED FOR PROGRESS TOWARDS ANY OF THE IEP GOALS, WILL BE LIMITED WHEN SERVE PROFOUND CHILDREN HAVE INCREASED NUMBERS IN EDUCATIONAL SETTINGS. THE TEACHERS AND AIDS WILL NOT BE ABLE TO DELIVER THE SERVICES WRITTEN IN THE IEPS.

SECONDLY, TO EXPECT PROFESSIONALS AND ADMINISTRATORS TO MONITOR/WRITE THE IEPS FOR THESE MANY STUDENTS NEEDING SERVICES WILL REQUIRE LARGE AMOUNTS OF TIME. WHO IS GOING TO PROVIDE SERVICES DURING THE DAY TO STUDENTS? WHO IS GOING TO WRITE THE IEPs ON SCHOOL CONTRACT TIME? YOU CANNOT HAVE YOUR CAKE AND EAT IT TOO. TEACHERS WOULD NEED LARGE AMOUNTS OF TIME

TO WRITE THE IEPs OUT, AND THAT TIME WILL BE OUTSIDE THE DAILY 200 DAY CONTRACT TIME. WHO WILL PAY FOR THIS PROFESSIONAL SERVICE?

CURRENT NCLB SCORES ARE GETTING LITTLE IF ANY AYP GAINS AND CAUSING SCHOOLS TO FAIL IN THE SUBGROUP OF SPECIAL ED STUDENTS. WHEN WILL THE STATE AND/OR FEDERAL GOVERNMENT CREATE REALISTIC GOALS FOR TESTING OF SPECIAL ED STUDENTS? THESE INCREASED CASE LOADS WILL ONLY WEAKEN/LOWER TEST SCORES, THUS COMPOUNDING FAILING PERFORMANCE LEVELS.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 01, 2007 7:18 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-01 19:18:26)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Racine Stefancic
Organization:
Email: 5rs@suddenlink.net
Title:
Address1: 412 Old Oakvale Road
Address2:
City/State/Zip: Princeton, WV 24740
Role: Parent-Family
Posted: 2007-01-01 19:18:26
Posted from IP: 75.108.165.218

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 01, 2007 8:55 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-01 20:54:30)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Cheryl Hockman
Organization: Capon Bridge Elementary
Email: chockman@citlink.net
Title: Pre K Teacher
Address1: PO Box 127
Address2:
City/State/Zip: Capon Bridge, WV 26711
Role: Teacher
Posted: 2007-01-01 20:54:30
Posted from IP: 74.36.226.136

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I have concerns and comments about administration of services for our Pre K classrooms. I feel the caseload of 20 with "no more than 10 with disabilities" is too high with a teacher and an aide. 50% ratio of Special Ed to Regular Ed is not in natural proportions. It also does not take into count level 1 and level 2 students ratio. I feel that when level 2 students are included that should qualify for additional staffing or a lower caseload.
The concern of liability, along with compliance of 2520, makes it difficult for all concern. In order for all students to make adequate progress it is important to lower the caseload to 12 with no more than 15, with no more than a 30% ratio of Special Ed kids. Regular Ed 3 - 5 year olds are young children too with their own needs. Just because they do not have deficits doesn't mean that their needs aren't as great. I would like to see a balance of Special Ed Pre K and Regular Ed Pre K with reverse ratios. Special Ed Pre K having 70% special Ed students with 30% regular Ed and Regular Ed Pre K with 70% regular Ed and 30% special Ed.
I currently serve 30 students, 19 regular Ed and 11 Special Ed students at 2 days a week. Out of the 11 special Ed students that I serve, 2 have autism, 3 have fairly severe behaviors and 1 has CP with seizure disorder. We have 15 students a day with our classroom aide and myself. I speak from experience when I tell you how difficult it is to meet the needs of these kids.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 01, 2007 12:59 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-01 12:58:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Edward Underwood
Organization:
Email: edunderwood@verizon.net
Title: teacher
Address1: PO Box 142
Address2:
City/State/Zip: middlebourne, wv 26149
Role: Teacher
Posted: 2007-01-01 12:58:53
Posted from IP: 151.205.54.122

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

I am concerned about the change in classroom ratios as it relates to Autism. As a teacher who works with Autistic students, I feel a 10 to 1 ratio will greatly reduced the attention that each child needs. The children I deal with range from low functioning to high functioning, yet they all need assitance at some point. Autism is not something that can be classified under one category, as it is not predictable. An increase in caseloads will make it even harder to find teachers to fill these roles. As much as I love my job, an increase to a 10:1 ratio would make it very difficult to do my job and then the students who need the help will suffer the most. I feel the current 4:1 ratio is very appropriate.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2510 (2007-01-11 09:50:21)

Date: Fri, 12 Jan 2007 05:04:44 -0500

THIS GOES IN COMMENT PILE

-----Original Message-----
From: Carla Williamson [mailto:cljwilli@access.k12.wv.us]
Sent: Thursday, January 11, 2007 10:14 AM
To: Robin Bolling
Subject: FW: Comment Received for Policy 2510 (2007-01-11 09:50:21)

Carla Williamson, Executive Director
Office of Instruction
Division of Curriculum & Instruction
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Blvd. East
Charleston, West Virginia 25305-0330
E Mail: cljwilli@access.k12.wv.us
Phone: (304) 558-8098
Fax: (304) 558-0048

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 9:50 AM
To: fibanez@wvde.state.wv.us; cljwilli@access.k12.wv.us
Subject: Comment Received for Policy 2510 (2007-01-11 09:50:21)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=e54c60b91bc5b463b54bd0e2e50798ed
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2510
##
#
Name: Lisa Moser
Organization: Williamstown Elementary School
Email: lmoser@access.k12.wv.us
Title: teacher
Address1: 418 Williams Ave.
Address2:
City/State/Zip: Williamstown, WV 26187
Role: Teacher
Posted: 2007-01-11 09:50:21
Posted from IP: 168.216.86.153

Comments for section 5 5 1: Middle Level Programs of Study, Chart IV (Footnote 4, Foreign Language)

I am opposed to the class size changes for special education students. I am very opposed to the "reclassification" of certain speech problems as not necessary for remediation. By the time students are in third grade, they should have services for any articulation problem.

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Cynthia Phillips
School Capital High School
Position Sp Educator

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II. This will become chaos for specialist & teacher

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Teri Merritt
School Capital High
Position Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Chrisse Morris
School Capital High
Position Supp. Tech

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Berthelia McCormi
School Capital High
Position Resource Room Teacher Special Educatio

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Katherine McClure

School Capital High School

Position Reg. Ed. inclusion teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Willie Roy
School Hamlin High Sch
Position Classroom-Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

FAX COVER SHEET

Parkersburg High School
2101 Dudley Avenue, Parkersburg WV 26101

TELEPHONE: (304) 420-9595
FAX: (304) 420-9604

LOCATION: Office of Sp. Ed. FAX NUMBER: 304-558-3741

PHS ACCOUNT TO BE BILLED: _____

PLEASE DELIVER IMMEDIATELY – THANK YOU.

TO: Robin Bolling

FROM: Tera R. Martin

DATE: 01-05-07

NUMBER OF PAGES: (Including cover page) 2

COMMENTS:

RE: Policy 2419 Revision/Review
Against increase in Class Size Student Caseload

If you do not receive all pages, please call: (304) 420-9595.

Submission Date Time: 1/3/2007 3:52:37 PM

Name: Tena R. Martin

Email Address: tnmartin@access.k12.wv.us

CommentsQuestions: I am writing in response to the proposed changes to Policy 2419. As a teacher of students on the autism spectrum I am quite disturbed at the injustice that would be suffered on those children should this policy gain approval. Individuals with AU experience a vast range of disabilities that are so overwhelming to the individual that often the 4/1 student ratio (with the inclusion of an aide) is at best under serving to their needs. Anyone who votes for this will leave these children FURTHER behind than they are already! Thrift in government while important will never and should never be more valued than our individual students!!!! VOTE NO ON increasing the NUMBERS in Policy 2419 for the sake of the kids. Thankyou

WVEA Member: Yes

I am writing in response to the proposed changes to Policy 2419. As a teacher Aide of students on autism spectrum I am quite disturbed at the injustice that would be suffered on those children should this policy gain approval. Individuals with AU mentor experience a vast range of disabilities that are so overwhelming to the individuals that often 4/1 student ratio (with inclusion of an aide) is at best under serving to their needs. Anyone who votes for this will leave these children FURTHER behide than they are already! Thrift in government while important will never and should never be more valued than our individual students !!!! VOTE NO ON increasing the NUMBERS in Policy 2419 for the sake of the Kids

Thank You

WVEA Member: Yes

Michael Boyles 01/05/07

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 10:04 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 10:03:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Robyn Fitzsimmons
Organization: Wetzel County Schools
Email: rlfitzsi@access.k12.wv.us
Title: Assistant Superintendent
Address1: 333 Foundry Street
Address2:
City/State/Zip: New Martinsville, WV 26155
Role: School System Staff
Posted: 2007-01-02 10:03:54
Posted from IP: 168.216.129.17

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

The SAT language is a concern since we have stressed the fact that SAT is a regular education process and not driven by special education.

Comments for section Chapter 3: Evaluation/Reevaluation

Why does prior written notice need to be sent if the parent/student attends the exit meeting? There needs to be more training in this area!

Comments for section Chapter 4: Eligibility

The language with autism eligibility is a concern. "The student is diagnosed as having a

disorder in autism spectrum by a psychiatrist, physician, or licensed psychologist." Currently, due to lack of area reasources and/or parental resources there are some students identified as Autistic without having a medical diagnoses. Will the LEA be required to pay for the medical evaluationwhen the data clearly supports the determination?

Eligibility criteria for EBD is also a concern. Previous eligibility included that the student must meet the following: "exhibits behavio(s) that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criteria in with five additional criterions, only one of which must be met for eligibility purposes. I am concerned that this could eliminate the much needed discussion when the students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately in classrooms with students with EBD. Page 28 identifies EBD is when ALL of the following criteria are met but one of the criterion listed is exhibited behaviors that is not primarily the result of physical, sensory or intellectual deficits. However, when referncing Appendix A page 165 and 166, number two indicates that a student must exhibit only one of the six characteristics. I do not believe that the criteria and the determination (Appendix A) are con!
sistent.

Comments for section Chapter 5: Individualized Education Programs
---

Meeting Notice Timeline: Why is there a difference in the number of days when planning for an EC/Re eval and that of an IEP meeting? Page 21 in discussion of re-eval/eligibility indicates "no less then eight days prior" while page 52 indicates "No less then seven days prior" when inviting parents to the IEP meeting.

Comments for section Chapter 6: Administration of Services

I would recommend that the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability.

The proposed caseloads may require additional staff & funds. We can no longer find highly qualified teachers for our special education classrooms nor do we have funds to support additional positions.

How would caseloads be calculated based on the level one and level two needs for child count?

Comments for section Chapter 7: Discipline

Page 88 - change "district professional personnel" to "professional personnel".

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Mary Hughes [mhughes26105@yahoo.com]
Sent: Tuesday, January 02, 2007 8:47 PM
To: rbolling@access.k12.wv.us
Subject: Response to 2419

I am an SLP in Wood County Schools. I service an elementary school. I started the year out with 56 students, and was fortunate to have another SLP come in and take over my students from 4th, 5th, & 6th grades. This year alone I tested about 12 Kdg. students with significant speech and language problems. I also have several students, who as the 2419 plan would qualifiy as MILD articulation problems. Many of these students are in 3rd grade with /r/ problems. The students were recommended to me by their teacher or their parents, because the sound errors were effecting their self-esteem or their academics (spelling &/or reading). Some of the other students MILD speech errors also effect their phonemic awareness- which is a very important part of academics especially in reading. The reading teachers and the classroom teachers are very concerned that if these MILD students were not provided speech therapy at an early age, they would have more difficulty with their academics and overall oral communication skills. I have seen how when students improve their speech sounds, their self esteems improve and they talk more to others.

I am very concerned that if MILD speech students don't receive speech services, they will be less likely to communicate with others, have behavior problems when they are made fun of in the older grades, and could be less likely to obtain good jobs because of their speech. I personally know of some people, who graduated before I did from high school (before I ever was an SLP), that were unable to say /r/ sounds. They were very hard to understand and I was less likely to buy something from them because of their speech.

I am asking as a mother, SLP, and part of a community, that students with MILD articulation errors still be seen at the earlier grades when they can still feel good about themselves. Please respond to this e-mail. mhughes26105@yahoo.com Thanks! Mary Hughes

---

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 11:34 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 11:34:13)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kerri Hartleben
Organization: Harrison County Schools
Email: khartleb@access.k12.wv.us
Title: Speech Pathologist
Address1: 1406 Claylick Run Road
Address2:
City/State/Zip: Jane Lew, WV 26378
Role: Professional Support
Posted: 2007-01-02 11:34:13
Posted from IP: 168.216.145.33

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I believe that excluding children with one speech sound error from receiving speech and language services is detrimental to the educational progress of many students. It has been my experience that some students with only one phoneme error struggle with

phonological tasks such as blending sounds into words. As they get older, they are also many times ridiculed by peer groups.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 8:10 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 08:10:20)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Deborah Parsons
Organization: Kanawha County Schools
Email: dlparsons@kcs.kana.k12.wv.us
Title: Teacher
Address1: 516 1/2 Main St. W.
Address2:
City/State/Zip: Ripley, WV 25271
Role: Teacher
Posted: 2007-01-03 08:10:20
Posted from IP: 168.216.68.136

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

On pages 77-80 the staffing ration proposed is one teacher and one aide per session with no more than 10 students who requires the services available through and IEP. Additional staffing is considered on the 11th student. Students with severe physical or emotional considerations often require more individualized care. This can minimize the attention given to other class members due to the safety and health requirements of some individual students. In my opionion, the staffing has to be done as per the individualized student needs rather than by numbers only.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 8:37 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 20:36:34)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Tammy Clarkson, MA
Organization: HJK Elementary
Email: tclarkso@access.k12.wv.us
Title: Preschool Teacher
Address1: 803 Kaiser Avenue
Address2:
City/State/Zip: Ravenswood, WV 26164
Role: Teacher
Posted: 2007-01-02 20:36:34
Posted from IP: 141.153.53.127

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

As a teacher with 18 years of preschool teaching experience (20 total), I believe this state will be taking a huge step in the wrong direction if it mandates a maximum of 20 children per preschool classroom. My question to you is on what research are you basing this number? The NAEYC (among others) recommends 16 four year olds and even fewer 3 year olds in a preschool setting in which children are categorized by chronological age. Their recommendations further state that these numbers do not take into account special needs (which would further lower the number). They also state that lower numbers are being considered. They use valid and reliable research from reputable institutions respected in the field of early childhood education in which to make their recommendations. Read the research. Please! Studies find higher quality education at this age is directly associated with good staff-child ratios, higher levels of teacher education and specialized training, better!

teacher wages, good curricula, and comprehensive services. Research further states repeatedly that programs that offer these things produce children with better early literacy, math and behavior skills. Is this what WV wants? Because if so, a maximum of 20 FAR exceeds the class size recommendations in which the research is based. Reduce this number and further specifically stipulate disability considerations because YOU HAVE ALL THE OTHER CRITERIA.....And that's a great thing!!!

Please reconsider the following statements that are broad and open to interpretation: "These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers." and "The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed." We all know that preschool is win/win monetarily once the classrooms are established and to think that counties will honestly consider this instead of following the maximum number and the monetary gains is questionable. However, at least they are there in the event an informal conference is needed.

Personally, this number of 3 and 4 year olds (with and without disabilities) is not SAFE. Remember that if a 3 year old is in our classroom, they are have delays which many times means they are functioning as a 1 or 2 year old would. I believe this may bring up liability issues especially if this state exceeds research based recommendations. Additionally, one teacher has told me she will not send her child. She is an early childhood educator and knows what 20 5-6 years olds are like in a classroom setting. She will send her child to private preschool where they offer smaller numbers, more teacher time, and thus is more conducive to promoting the early literacy skills she knows are desperately needed for FUTURE SCHOOL SUCCESS.

Furthermore, we have three year olds with delays and children with autism, medical issues, and physical disabilities requiring equipment not considered within the 35 sq. ft per child as it is used by a child. What about them? We have to prepare them for school too!!!! They are already at a disadvantage due to delays/disabilities which is why EARLY INTERVENTION was started in the first place. A teacher and one aide can only do so much.

Lastly, I do like the idea of children coming to school for 4 consecutive days. It will be amazing what I can do if careful thought is taken when determining child/teacher ratio for my classroom! Please do your part by offering the children of this state BEST PRACTICES...not best for the MONEY! You have the highest qualified preschool teachers in the nation! Don't blow it by putting 20 kids in a classroom. Let us do what we were highly trained to do...and THAT IS NOT BABYSITTING OR OFFERING CHILD CARE!!!!!!!!!

Thank you for your careful consideration, and I welcome you to come and visit my classroom to further assist you in your decision making.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 11:09 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 11:09:04)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Joyce Tedder
Organization: Mercer County Schools
Email: jtedder@access.k12.wv.us
Title: Instructional Supervisor
Address1: 1403 Honaker Ave.
Address2:
City/State/Zip: Princeton, WV 24740
Role: School System Staff
Posted: 2007-01-02 11:09:04
Posted from IP: 168.216.98.5

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Timelines are not feasible for larger schools where staff is already stretched, especially guidance who usually heads up the SAT process.
Why is the SAT process part of policy 2419, since this is not a special education process?

Comments for section Chapter 3: Evaluation/Reevaluation

Why did you change the Additional Evaluation timelines to 45 days when it use to be 60?

Comments for section Chapter 4: Eligibility

EC Report needs to have space on the form to write the how included in #4.
Under Eligibility Criteria for Autism, could you include certified school psychologist under #2 along with licensed psychologist?
Under Developmental Delay definition should this be gross motor or fine instead of and, or do we have to do both?
Under Eligibility Criteria for Dev. Delay should this be special education and/or related services?
Under eligibility options, what is the plan to train all teachers in RTI before 2009?

Comments for section Chapter 5: Individualized Education Programs
---
Under placement options for pre school, if a child does not attend an early childhood program, but comes to the school for speech services only, what would the placement be?

Comments for section Chapter 6: Administration of Services

Under integrated classrooms, should it not be left up to the IEP team to determine how often the special educator is needed in the classroom to support the student instead of stating that the special educator must be in the class five days a week if the class is scheduled for five days a week?
These ratios need to be looked at very closely. Some are too low for some cases and too high for others.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Loretta Dav

School Midway Elem

Position Teacher's a

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional [illegible] requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Jan 02 07 01:38p

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Mary A Adkins
School Lincoln Co High
Position Sp. Ed. Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Susan Casto

School Lincoln County High Sc

Position Sp. Ed Teacher
Severe/Profound

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Cynthia Prunty-Bro

School LCHS

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 4:22 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 16:21:33)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: James Pretre
Organization:
Email: Pretres@aol.com
Title:
Address1: 42 Trotters Trail
Address2:
City/State/Zip: Shenandoah Junction, WV 25442
Role: Parent-Family
Posted: 2007-01-02 16:21:33
Posted from IP: 170.215.153.21

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

It is my understanding that there is a proposed change to the teacher to student ratio. To increase this number would be detrimental to the progress that these children are making. My son will not be given the appropriate education he has a right to when the teacher's time is lessened as he/she tries to attend to more students.

It seems to me that the ever-increasing number of special needs children is putting a strain on our system. However changing the staffing requirements does not address the problem. It only exasperates the situation. There are a number of ways to address the issue of increased number of special needs including inclusion. Teaming with other organization such as the WVDDC would help.

When my son fails to make progress because of staffing changes, I will not hesitate to take legal action. Given the fact the State of West Virginia is already failing to meet the No Child Left Behind Act for highly qualified personnel requirements, it won't be hard to prevail.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 3:55 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 15:55:01)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Karen Hall
Organization: Mercer County Schools
Email: kghall@access.k12.wv.us
Title: Special Education Director
Address1: 1403 Honaker Ave.
Address2:
City/State/Zip: Princeton, WV 24740
Role: School System Staff
Posted: 2007-01-02 15:55:01
Posted from IP: 168.216.108.224

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
Public Insurance Funds-change the consent regulation to annually rather than each time we bill. I know the federal regulations reference this, however, there is an interpretation that says we can do this annually. To obtain consent more often will be an impossible burden on the school system and cause undue problems for parents.

Comments for section Chapter 2: Child Find

Take SAT out of 2419. This is a general education function. Special Education policy should not go above 2510 which meets the federal requirement that we have a system in place for child find. Also, there are NO timelines in federal regulations for this process. We should not go above federal regulations and place undue burden on the system. Some of these timelines would make it very hard for RTI.

Comments for section Chapter 3: Evaluation/Reevaluation

C. Additional Evaluations- why is there a 45 day timeline for additional evaluations? Why shorten this from the previous 60 days?
Counties will have difficulty complying with 45 days.

Comments for section Chapter 4: Eligibility

Autism Eligibility-#2 include a certified school psychologist in the list of who can diagnose "having a disorder in the autism spectrum"
Developmental Delay- #2 take out "and related services" as a requirement for the eligibility criteria. Have concerns about going through age 6. Would be better if counties were given a choice between using 6th birthday or entering Kindergarten as cut-off for DD. Will be hard to implement DD services in Kindergarten, and then change whenever the child turns age 6. This is not a good practice for children.
Orthopedic Impairment- #6 take out "and related services" as a requirment for eligibility.
Have many questions concerns about RTI.

Comments for section Chapter 5: Individualized Education Programs
---
Eligibility Criteria for APTA-There is a conflict between this and 2510. Policy 2510 says that "students taking the modified assessment may pursure either a standard or modified diploma". However, this draft says that "Please note, not all students earning a modifed diploma must take APTA; however, students working toward a standard diploma do not meet criteria for APTA."
Section 4. IEP's for Transfer Students Part B- the timelines are too stringent. For example, "the district shall make reasonable efforts to consult with the parent within 2 school days of initial enrollment and provide the student with FAPE within one school day of the parent consultation." A two day timeline for someone just moving in can be very hard to implement. I cannot find any timelines for this outlined in the federal regulations. Requesting records within 2 days is reasonable, and should be followed.
A major problem we have is that our hands are tied by state policy that goes above federal policy, and we are requesting records from other states who follow federal regulations that do not have timelines.

Comments for section Chapter 6: Administration of Services

Section I Initiation of Services- second paragraph defines short delay as "summer or vacation period, or when arrangement for services, such as transportaion, must be made." However, it then says a short delay should not exceed 15 calendar days. This is not possible for summer time. Changing the statement to say that "during the school year a short delay should not exceed 15 calendar days" would take care of the problem.
Integrated classrooms- second paragraph- Why require that the teacher be scheduled 5 days a week. The schedule should be consistent, but; the IEP team should decide how the schedule should be set. We have very effective classroom integration where the teacher goes in every other day or for specific purposes, but not daily.
The determination for Level I and Level II services will require much training, I am concerned that we will not implement appropriately.
Level I staffing ratios for Middle Childhood and Adolescent are good, however, 6 students is very low for Early Childhood, this should remain 8.
Level II staffing ratios are too high for moderate students and too low for autism or severe/profound. Moderate students at an middle childhood level and certainly at the Adolescent levels not only can handle a higher ratio, it is beneficial for them. It would very hard to promote independence and transition to job placements. A ratio of 1:5 provides too little opportunity for these students to be independent.
However, a ratio of 1:5 for autism or severe/profound would be inappropriate. Providing a safe environment with instruction would not be possible for our severe autistic or severe/profound students with 10 students and 2 adults.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 3:46 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 15:45:33)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Linda Monday
Organization:
Email: lmonday@kcs.kana.k12.wv.us
Title: Teacher
Address1: 405 Winfield Rd
Address2:
City/State/Zip: St. Albans, WV 25177
Role: Teacher
Posted: 2007-01-02 15:45:33
Posted from IP: 168.216.114.41

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 2:31 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 14:31:22)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: sherry bostic
Organization: Nicholas co bd of ed
Email:
Title: special ed aide
Address1: 175 sherry ln
Address2:
City/State/Zip: summersville , wv 26651
Role: Service Personnel
Posted: 2007-01-02 14:31:22
Posted from IP: 168.216.16.50

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
p.34 1) Under the RTI model there needs to be timelines added at each tier. 2) Additional staff is needed to fully implement the RTI model. p.35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special

education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 2:31 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 14:30:41)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carrol Dye
Organization: Calhoun County Board Of Education
Email: cdye@access.k12.wv.us
Title: Paraprofessional
Address1: Hc 68 Box 2
Address2:
City/State/Zip: Grantsville, WV 26137
Role: Service Personnel
Posted: 2007-01-02 14:30:41
Posted from IP: 168.216.24.28

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 11:34 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 11:34:13)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kerri Hartleben
Organization: Harrison County Schools
Email: khartleb@access.k12.wv.us
Title: Speech Pathologist
Address1: 1406 Claylick Run Road
Address2:
City/State/Zip: Jane Lew, WV 26378
Role: Professional Support
Posted: 2007-01-02 11:34:13
Posted from IP: 168.216.145.33

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I believe that excluding children with one speech sound error from receiving speech and language services is detrimental to the educational progress of many students. It has been my experience that some students with only one phoneme error struggle with

phonological tasks such as blending sounds into words. As they get older, they are also many times ridiculed by peer groups.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 11:19 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 11:18:37)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sasndra Taylor
Organization:
Email: sandytaylor0613@hotmail.com
Title: Sp. Ed. Teacher
Address1: Rt. 1 Box 227
Address2:
City/State/Zip: Moatsville, WV 26405
Role: Teacher
Posted: 2007-01-02 11:18:37
Posted from IP: 168.216.194.106

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

As a teacher of mildly mentally impaired and LD students in a small rural school in WV, I am concerned over the large number of students that we may have on our caseload. I am the only sp. ed teacher in our school with an approximent enrollment of 190 students in grades Pre-K through eighth grade. At the present time I am serving students in grades K, 2, 3, 4, 6, 7, and 8. Due to the "low" number on my caseload, I am also serving our county high school for 1 block every morning, doing collaboration in Math. I do enjoy working with all these students and the corresponding teachers, however, I feel that my elementary and middle school students are not being served as much as they should due to this situation. I am fortunate in that I have lunch/recess duty with all the Pre-K through eighth grade studnets so that I can check in with them and keep tabs on things with them. I am afraid with an increased caseload allotment I will lose this time with them. Please take into c! onsideration the small schools that we have here in WV that have similar situations - there are not many of us - but we do make a difference. (My school has received recognition as an Exemplary School for the past two years.) Maybe there could be some exemptions for schools with a wide range of grades/ages that have small numbers of exceptional students, because these students deserve services similar to schools with a larger enrollment. Thank you for "listening" to my frustrations.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 02, 2007 10:04 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-02 10:03:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Robyn Fitzsimmons
Organization: Wetzel County Schools
Email: rlfitzsi@access.k12.wv.us
Title: Assistant Superintendent
Address1: 333 Foundry Street
Address2:
City/State/Zip: New Martinsville, WV 26155
Role: School System Staff
Posted: 2007-01-02 10:03:54
Posted from IP: 168.216.129.17

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

The SAT language is a concern since we have stressed the fact that SAT is a regular education process and not driven by special education.

Comments for section Chapter 3: Evaluation/Reevaluation

Why does prior written notice need to be sent if the parent/student attends the exit meeting? There needs to be more training in this area!

Comments for section Chapter 4: Eligibility

The language with autism eligibility is a concern. "The student is diagnosed as having a

disorder in autism spectrum by a psychiatrist, physician, or licensed psychologist." Currently, due to lack of area reasources and/or parental resources there are some students identified as Autistic without having a medical diagnoses. Will the LEA be required to pay for the medical evaluationwhen the data clearly supports the determination?

Eligibility criteria for EBD is also a concern. Previous eligibility included that the student must meet the following: "exhibits behavio(s)
that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criteria in with five additional criterions, only one of which must be met for eligibility purposes. I am concerned that this could eliminate the much needed discussion when the students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately in classrooms with students with EBD. Page 28 identifies EBD is when ALL of the following criteria are met but one of the criterion listed is exhibited behaviors that is not primarily the result of physical, sensory or intellectual deficits. However, when referncing Appendix A page 165 and 166, number two indicates that a student must exhibit only one of the six characteristics. I do not believe that the criteria and the determination (Appendix A) are con!
sistent.

Comments for section Chapter 5: Individualized Education Programs
---

Meeting Notice Timeline: Why is there a difference in the number of days when planning for an EC/Re eval and that of an IEP meeting? Page 21 in discussion of re-eval/eligibility indicates "no less then eight days prior" while page 52 indicates "No less then seven days prior" when inviting parents to the IEP meeting.

Comments for section Chapter 6: Administration of Services

I would recommend that the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability.

The proposed caseloads may require additional staff & funds. We can no longer find highly qualified teachers for our special education classrooms nor do we have funds to support additional positions.

How would caseloads be calculated based on the level one and level two needs for child count?

Comments for section Chapter 7: Discipline

Page 88 - change "district professional personnel" to "professional personnel".

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Carrena Rouse

School Scott

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Ana J Baber

School Nitro High School

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 8:10 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 08:10:20)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Deborah Parsons
Organization: Kanawha County Schools
Email: dlparsons@kcs.kana.k12.wv.us
Title: Teacher
Address1: 516 1/2 Main St. W.
Address2:
City/State/Zip: Ripley, WV 25271
Role: Teacher
Posted: 2007-01-03 08:10:20
Posted from IP: 168.216.68.136

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

On pages 77-80 the staffing ration proposed is one teacher and one aide per session with no more than 10 students who requires the services available through and IEP. Additional staffing is considered on the 11th student. Students with severe physical or emotional considerations often require more individualized care. This can minimize the attention given to other class members due to the safety and health requirements of some individual students. In my opionion, the staffing has to be done as per the individualized student needs rather than by numbers only.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 10:56 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 10:55:30)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Rebecca Cochran
Organization: Melrose Elementary
Email: rebeccacochran@teacher.com
Title: teacher
Address1: 464 Courthouse Road
Address2:
City/State/Zip: Princeton, WV 24740
Role: Teacher
Posted: 2007-01-03 10:55:30
Posted from IP: 168.216.47.160

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
page 34- Under the RTI model there needs to be timelines added at each tier. Additional staff is needed to fully implement the RTI model.
page 35- Under tier 3 add the word "shall" necessitate a comprehensive evaluation to

determine the needs for special education and related services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
page 76: add the word "shall" be required to provide assistance to students in response to specific needs...
page 77:under maximum case management assignments change 30 to 20 for teachers of all exceptionalities. For teachers with students with severe disabilities leave numbers at current level, do not increase to 12 with one aide.
page 78: intergrated classrooms-change from no more that 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
page 78 When instructional responsibilities are shared, change the word "block" to period. In a co-teacher model staffing considerations shall include a minimum of weekly co-planning. Special educations classrooms for students with disabilities. Delete this section of Level I and II.
page 80: Maximum number of students per instruction period-Continue with requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions: early childhood reduced to 6: special education pre:K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary
---
add definition for the term "Mastery"

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 9:27 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 21:26:41)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jennifer K. Burdette
Organization: Hancock County Schools
Email: jkburdet@access.k12.wv.us.edu
Title: Speech-Language Pathologist
Address1: 433 Effa Street
Address2:
City/State/Zip: Weirton, WV 26062
Role: Professional Support
Posted: 2007-01-03 21:26:41
Posted from IP: 24.3.33.199

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The proposed eligibility criteria for speech disorders (fluency, voice, and especially articulation,) are so restrictive that services will be denied for a significant number of students who have communication disorders that require intervention from an SLP. This is

in direct contrast to the content of IDEA. Present proposed criteria mentions severity ratings (i.e., mild/moderate/severe)which should be irrelevant, and are often difficult to assign reliabily to students. Furthermore, appendix B lists certain conditions which define the phrase "adversely affects educational performance". These conditions are too restrictive, indicating that students with speech problems would only qualify for therapy if their condition affected spelling and/or reading, or had some social penalty. One of the intents of IDEA is early intervention and prevention of disorders from escalating over the student's future years. According to appendix B, many preschoolers, for example, would not me!
et such criteria, as they are not involved in academic instruction at this age. Children at this age level typically do not ridicule each other for having a speech problem. I respectfully suggest that appendix B be eliminated from the document. Furthermore, the eligibility criteria for speech should not require severity ratings. Most articulation assessments require a single-word response that the child may be able to produce, but in connected speech the ability to articulate effectively is hampered.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 4:50 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 16:50:15)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mary S. Glass
Organization:
Email: mglass@access.k12.wv.us
Title: Teacher of Gifted and Exceptional Gifted
Address1: 133 Fayette Street
Address2:
City/State/Zip: Buckhannon, WV 26201
Role: Teacher
Posted: 2007-01-03 16:50:15
Posted from IP: 168.216.147.53

Comments for section 126-16-1 General

It is unclear after reading the Executive Summary as to whether the Procedures Manual is to remain an actual part of Policy 2419. If it does not, then revisions could be made without public comment. This would be unacceptable. I request that the Procedures Manual remain as part of the actual Policy 2419.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.

Comments for section Chapter 4: Eligibility

Under the "Three-Prong Test of Eligibility", even though a disclaimer is added to #2 regarding students with giftedness, that needs to be reflected in the summarizing statement as well. For example: "A student is not eligible for special education for disabilities unless all three of the above components are satisfied and documented." Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration entails content at above grade level. A clearer way of stating this might be: acceleration of content while student remains in chronologically appropriate grade.

Comments for section Chapter 5: Individualized Education Programs
---
On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students' exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).

Comments for section Chapter 6: Administration of Services

The caseload for teachers of gifted and exceptional gifted students should be reduced to 30, the maximum allowable number of students for other exceptionalities. Gifted teachers have received training from the state department on writing IEPs that include interventions in the regular classroom for gifted students and collaboration between the classroom teacher and gifted teacher. Realizing the time entailed for collaboration, particularly in rural counties where only one or two teachers are serving gifted students in a number of schools, it is not realistic for teachers of gifted students to have a caseload of 45. These gifted students also are in need of direct services, and many are also very much at risk (as recognized in the identification of Exceptional Gifted Students). Modifying curriculum, developing independent studies, assessing, direct teaching, consulting, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meeti!
ngs, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads.

Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, exceptional gifted):
*a markedly modified curriculum with a focus on radical acceleration;
*close adult instruction, assistance and/or supervision with the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming underachievement;
*transition activities that focus on dual enrollment, college or AP level classes prior to high school age.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---
On p. 101, under #5 it should read that "The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for children with exceptionalities in the state" as they also provide guidance on the education of gifted students.

Comments for section Chapter 10: Procedural Safeguards

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 3:42 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 15:41:40)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Deborah Spence
Organization: Anne Bailey Elem.
Email: dspence@kcs.kana.k12.wv.us
Title: service personnel classroom aide
Address1: 405 Winfield Road
Address2:
City/State/Zip: St. Albans, WV 25177
Role: Service Personnel
Posted: 2007-01-03 15:41:40
Posted from IP: 168.216.75.68

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I feel that the ratio is already at a high level of children per adult. When you have children with extreme medical or behavior problems they can disrupt your classroom. You may have to spend a large amount of time with 1 student which leaves 1 person with the rest of the class which could be by your new standards at least 17 children. We have many children that require 1 on 1 help for everything they do (washing hands, toileting, eating, etc.) it is very difficult to do everything that is expected of us with only 2 adults and that many children. It is also difficult when we get the 3 year old birth to three children at any point of the school year who also require 1 on 1 attention until they are able to follow the routine and do some self help skills. We are required to eat in our rooms therefore someone has to go and get the food and take the dirty things back to the kitchen 4 times a day. This again leaves one person alone with all the children which can be at very diffic!
ult times of the day. We don't get lunch breaks or any other kind of breaks during the school day without leaving one person alone with all these children and problems that occur. We have difficulty serving meals and eating ourselves with this many children. The rooms are also very crowded with this many children and the materials that are needed. With Creative Curriculum it is required that we document on 50 goals for all children plus document on the IEP goals for the special needs children with no time to do this! All this documentation has to be put on cc.net which requires hours of time.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 3:39 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 15:38:34)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Anita Priestley
Organization: Kan, Co. Schools
Email: apriestley@kcs.kana.k12..wv.us
Title: teacher aide
Address1: 8324 Siss, Dr.
Address2:
City/State/Zip: Sissonville, WV 25320
Role: Service Personnel
Posted: 2007-01-03 15:38:34
Posted from IP: 168.216.68.136

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Support should be based on needs of children and not numbers. Needs vary and should be based on individual needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 03, 2007 3:02 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-03 15:02:29)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kristyn Clemons
Organization: Kanawha County Schools
Email: and1ash2@yahoo.com
Title: Teacher of Autism
Address1: 118 Sun Valley Estates
Address2:
City/State/Zip: Scott Depot, WV 25560
Role: Teacher
Posted: 2007-01-03 15:02:29
Posted from IP: 168.216.102.244

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

As a teacher of children with disabilities for 9 years, I feel that the student teacher ratio for a self contained level II class is unrealistic. I have worked in 3 states before coming to West Virginia. In the states that I have previous worked (Florida, Tennessee and Georgia) in there was always 1 teacher and 2 aides to support children. The class size has ranged anywhere from 4 students to 12 students. I think by allowing 10 students in a class with only one support aide is going to be difficult if you have a child with Autism, seizure disorder, diapers, feeding difficulties, etc. Behavior management is going to be difficult to maintain with the lack of adult support. The general education kindergarten classes are run with 2 adults and 18 kids and they have difficulties sometimes and they dont have to deal with the medical issues that may be with students in a self contained class. I think the ratio for of adults to students should be based on need and NOT numbers.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Jacqueline Bannerman

School Lincoln County High

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

School Riverside HS

Position regular ed. teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

School Riverside High

Position Special Educat

Derek Casdorph

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RIVERSIDE
POLICY 2419

Deadline: January 5

Tom Bradley
School Riverside
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Submission Date Time: 1/3/2007 3:52:37 PM

Name: Tena R. Martin

Email Address: tnmartin@access.k12.wv.us

CommentsQuestions: I am writing in response to the proposed changes to Policy 2419. As a teacher of students on the autism spectrum I am quite disturbed at the injustice that would be suffered on those children should this policy gain approval. Individuals with AU experience a vast range of disabilities that are so overwhelming to the individual that often the 4/1 student ratio (with the inclusion of an aide) is at best under serving to their needs. Anyone who votes for this will leave these children FURTHER behind than they are already! Thrift in government while imporant will never and should never be more valued than our individual students!!!! VOTE NO ON increasing the NUMBERS in Policy 2419 for the sake of the kids. Thankyou

WVEA Member: Yes

Comments on
West Virginia Department of Education Policy 2419

General Comments

The policy is definitely easier to understand. Language in the document was simplified and contains fewer ambiguities. The table of contents, glossary and index have created a more accessible and organized document. Aligning policy language and forms with federal law and regulations should lead to fewer misinterpretations by both parents and school personnel. Policy changes to identify and evaluate students with learning disabilities using the student's response to scientific research-based instruction rather than the cognitive ability – academic achievement discrepancy, and expanded authority to remove students to alternative learning settings in circumstances related to weapons, drugs and serious bodily injury, may carry a big impact.

Other changes will have any little if any impact on the delivery of services, but may make a difference in perception for some. For instance, language was revised for identifying children – "preschool special needs" is now "developmental delays" and "exceptional students" is now "students with exceptionalities." Students are also identified by level of need rather than area of exceptionality.

The term, assistive technology devices and services, is more pervasive and is prominently listed under major topics. For instance, on page 2, Chapter 1, "Free and Appropriate Public Education," "assistive technology devices and services" is listed in the lead paragraph.

Concerns – Major Categories

Funding

Clarity is lacking in how funding sources for assistive technology devices and services are integrated and how private funding sources, Medicaid, vocational rehabilitation, other funding sources and school funding work together to ensure children have the assistive technology they need. "Provision of Services" 23 a-e, pages 102-104, describes signed agreements between respective agency officials that clearly identify the responsibility of each and says these documents must be on file with the Secretary of State's Office. The Policy is not clear on how this process will happen or who will be involved in ensuring the policy is followed.

Terminology

Consistency is lacking in use of the term, "assistive technology devices and services." In some areas of the document, the term is listed under "supplemental aids and services," (see pages 51 and 56) in others it is listed separately (see pages 2 and 68) and in still others, the term is listed under "related services" (see pages 57-58). In some cases, supplemental aids and services (see pages 13 and 51) and related services are cited, but assistive devices and services are not. The terms "accommodations" (see pages 62 and 68) and "adaptive equipment" (see page 79) are also used. Do these terms refer to assistive technology? In addition, it is not clear if "assistive devices and services" includes access to information technology, such as hardware, software and peripherals (see page 9).

Training

Clarity is lacking in whether parents, paraprofessionals and general education/special education teachers are trained in how to use a student's assistive technology devices, when the training might happen, and if training is provided, who will provide it, how it will be paid for and when it will done (see pages 57, 76, 109).

Students

- Clarity is lacking in how students are appropriately assessed for assistive devices and service, who does it and when it is done.
- Behavioral manifestation evaluations should include assistive technology assessments as a means to achieve a reduction in student behaviors.
- Do students have access to their assistive technology devices as accommodations during regular and state testing or during reevaluation (see pages 3, 17, 60-61).
- Why are assistive devices and services not listed under provision of services in the Level I need area (see pages 78-79)? Would not the majority of students with exceptionalities fall under Level 1, for instance, students with learning disabilities?
- Do students in private placements or in correctional facilities have access to the assistive devices and services in their IEPS (see page 107)?
- The Policy states that assistive device use at home will be decided on a case-by-case basis for school owned AT (see page 75). Why would a student be denied use of an assistive device for home use? Is this not discriminatory behavior? A student whose Medicaid or private insurance pays for AT can use it at home, and students without exceptionalities can take their textbooks home.

Submitted by Jeanne Gunn and Todd Rundles WVATS Advisory Council 1/3/07

Deadline: January 5

POLICY 2419

Name Jason Cheek
School Harts Middle
Position Sp Ed Teacher
Jason Cheek

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name [illegible]

School Harts Intermediate

Position Math Teacher

Deadline: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Joan Cox
School Lincoln County
Position Special Ed. Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Keba Thompson
School Harts Middle
Position Sp. Ed. Teach

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Gail Vance
School Harts
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Debra Browning
School Harts Middle
Position Teacher (4th)

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Mildred Napier
School Harts Middle
Position SpEd Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Holly Duncan
School Harts Middl
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Melinda Cotton
School Harts Middle
Position Int

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kimberly Cold
School Harts Middl
Position Science Teac

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name [illegible]
School [illegible]
Position [illegible]

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name John Barton Jr.
School Harts
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Jane Nichols
School Harts Middle
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due"

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name [illegible]

School [illegible]

Position [illegible]

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Susie McCann

School Harts-Interim

Position Secretary

Deadline: January 5

POLICY 2419

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Ethel Flanigan

School Harts Middle

Position 1/2 Secretary

Deadline: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

POLICY 2419

Name Lisa Adkins
School Harts-Middle
Position Nurse

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Madalene Hardy
School Harts Middle
Position Cook III

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Kenny Adkins
School Harts Middle
Position Sub Cook

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Lisa Workman
School Harts Middle S
Position Sub. Cook

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Beth Byrnside
School Harts Middle
Position Health Teacher
Beth Byrnside

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Richard McGuire
School Harts Middle
Position A.L.C.

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Debra Skeen
School Harts Intermed.
Position Sp. Ed. Aide

Deadline: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Tom Moore
School Harts Middle/HS
Position Sp Ed Aide

Deadline: January 5

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Hannah Hen
School Harts Middle
Position Sp Ed Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Elena Wollman
School Harts Middle Sch
Position Parent

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Michelle Smith
School Harts Middle
Position Parent

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Jason Rogers

School Harts

Position PE Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to <u>20</u> for teachers of all other exceptionalities.

p. 78 3) <u>Integrated Classrooms</u> – change from no more than 30% to <u>25%</u> of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to <u>period</u>.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – <u>Continue with the requirements in current Policy 2419</u> 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to <u>6</u>
- Special education pre-K with typical peers change staff requirements to 1 teacher and <u>2</u> additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 5

POLICY 2419

Name Deborah Lombard
School Harts Middle Sch
Position THERAPIST

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Jan 04 07 02:42p Hamlin Elementary
Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kerry R. Bates
School Hamlin PK-8
Position English 8

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Damian Maynard

School Hamlin Prek-8

Position Art instructor

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Trudy Smith
School Hamlin
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 36 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Paul E. Winters (Retire

School Hamlin PK-8

Position Sub. Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kim Maynard
School Hamlin Pk-8
Position Science 6, 8

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

add to log

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 7:54 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 07:54:03)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Brenda Kisner
Organization: Wood COunty BOE
Email: bkisner@access.k12.wv.us
Title:
Address1: 818 28th St.
Address2:
City/State/Zip: Vienna, WV 26105
Role: Teacher
Posted: 2007-01-05 07:54:03
Posted from IP: 168.216.76.41

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

THe new guidelines for caseloads are quite disturbing. Having children with toileting issues, violent behaviors, and sensory issues, it would be detremental to their learning as well as unsafe to have 5 students per one adult. Level 2 children are evel 2's for a reason and that is that they require extensive support in the SEE. I do not think that anyone that does not have a child with autism or has never worked with these children could possibly understand their needs. THeir needs are quite different than an MI student. I think this state will lose man fine families and teachers if this policy passes as writen.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 9:49 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 09:49:03)

Check

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Blanche Cantley
Organization: School
Email: nowan8fan@yahoo.com
Title: Autism Aide
Address1: 556 White Oak
Address2:
City/State/Zip: Artie, Wv 25008
Role: Service Personnel
Posted: 2007-01-05 09:49:03
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I strongly think we need to keep disabilities divided. No more than one to four in any Special Ed room. Keep ratio's low.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 9:58 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 09:57:41)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Debbie Meadows
Organization: School
Email:
Title: Teacher
Address1: 2451 Ritter Dr.
Address2:
City/State/Zip: Shady Spring, Wv 25918
Role: Teacher
Posted: 2007-01-05 09:57:41
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I think there should be no more four students in any Special Ed room. Disabilities should be kept divided in order to have highly qualified teachers. Keep ratio's low so students can be included in regular ed class rooms.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

OK

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 10:05 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 10:05:12)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mary Messer
Organization:
Email:
Title: Grandparent
Address1: Rt. 1 Box 74b
Address2:
City/State/Zip: Scarbro, wv 25917
Role: Parent-Family
Posted: 2007-01-05 10:05:12
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Students should be divided by disabilities to keep all teachers highly qualified to each disability. One to four students should be the numbers not 5 to 20. Ratios should be kept low so that students can be included in the regular ed classrooms.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 10:12 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 10:11:46)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kenny Messer
Organization:
Email:
Title: concerned citizen
Address1: Rt. 1 Box 74b
Address2:
City/State/Zip: Scarbro , wv 25917
Role: Community Member
Posted: 2007-01-05 10:11:46
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Disabilities must stay divided and there should not be any more than four students in a Special Ed. room. We keep hearing about Highly Qualified Teachers if the disabilities do not stay divided how will this happen. We hear about inclusion but if ratios do not stay low this will not happen either. You must do what is best for the students and having 5 to 20 students in a Special Ed. is not the answer.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 10:33 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 10:33:15)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sarah Burks
Organization: Raleigh County Board of Education
Email: srbrooks@access.k12.wv.us
Title: Physical Therapistt
Address1: 136 Sullivan Rd
Address2:
City/State/Zip: Beckley, WV 25813
Role: Professional Support
Posted: 2007-01-05 10:33:15
Posted from IP: 168.216.39.147

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Three prong Test of Eligiblity (Page 23-24). The first and second prongs are clear, however prong three is very unclear. Where prong 2 specifies academic and non acamedic areas prong 3 does not. "Specially designed instruction means the content, methodology,

or delivery of instruction is adapted, as appropriate, to address the unique need of the student...." How does that relate to the non academic areas when the last sentence of this section states that, "a student who only needs a related service and not special education is not eligible." Educational performance includes daily life activities, mobility, pre-vocational and vocational skills, social adaptation, self-help skills by defition. So how are prong 2 and 3 linked?
A defintion of Accomidation, Modification, and Adaptation would be helpful in distuishing the three.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 1:35 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 13:34:57)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Wanda Allman
Organization: Vienna Elementary Autism Program
Email: almanws@yahoo.com
Title: Paraprofessional Autism Mentor
Address1: 701 41 ST
Address2:
City/State/Zip: Vienna, WV 26105
Role: Service Personnel
Posted: 2007-01-05 13:34:57
Posted from IP: 168.216.76.41

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Policy 2419 will not be a good thing for the autism program. 10 autism students in a classroom is too many. Leaving the decision up to the county would not work either, they too would be looking at the bottom dollar not the quality of the education they would be receiving. Please
do not let this pass.Thanks

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 11:39 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 11:39:09)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jeanne Grimm
Organization: WV Assistive Technology System
Email: jgrimm@hsc.wvu.edu
Title: Program Manager
Address1: 959 Hartman Run Rd.
Address2:
City/State/Zip: Morgantown, WV 26505
Role: Community Member
Posted: 2007-01-05 11:39:09
Posted from IP: 157.182.138.149

Comments for section 126-16-1 General
---
*The policy is definitely easier to understand. Language in the document was simplified and contains fewer ambiguities. The table of contents and glossary have created a more accessible and organized document.
* Aligning policy language and forms with federal law and regulations should lead to fewer misinterpretions by both parents and school personnel.
*Other changes will have little if any impact on the delivery of services, but may make a difference in perception for some. For instance, language was revised for identifying children - "preschool special needs" is now "developmental delays" and "exceptional students" is now "students with exceptionalities."
*Students are also identified by level of need rather than area of exceptionality.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
The term, assistive technology devices and services, is more pervasive and is prominently listed under major topics.For instance, on page 2, Chapter 1, "Free and Appropriate Public Education," "assistive technology devices and services" is listed in the lead paragraph.

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation
---
*Do students have access to their assistive technology devices as accommodations during regular and state testing or during reevaluation (see pages 3, 17, 60-61)?

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---
* Clarity is lacking in how students are appropriately assessed for assistive devices and service, who does it and when it is done (See page 107).
* Clarity is lacking in how funding sources for assistive technology devices and services are integrated and how private funding sources, Medicaid, vocational rehabilitation, other funding sources and school funding work together to ensure children have the assistive technology they need.(See pages 2-4, 23, 103)
* Clarity is lacking in whether parents, paraprofessionals and general education/special education teachers are trained in how to use a student's assistive technology devices, when the training might happen, and if training is provided, who will provide it, how it will be paid for and when it will be done (see pages 57, 76, 109).
* The Policy states that assistive device use at home will be decided on a case-by-case basis for school owned AT (see page 75). Why would a student be denied use of an assistive device for home use? Is this not discriminatory behavior? A student whose Medicaid or private insurance pays for AT can use it at home, and students without exceptionalities can take their textbooks home.

Comments for section Chapter 6: Administration of Services

Why are assistive devices and services not listed under provision of services in the Level 1 need area (see pages 78-79)? Would not the majority of students with exceptionalities fall under Level 1, for instance, students with learning disabilities?
Why isn't transition of assistive technology through school and out of school addressed? p. 70-91 & 105 &50

Comments for section Chapter 7: Discipline

Behavioral manifestation evaluations should include assistive technology assessments as a means to achieve a reduction in student behaviors. See page 85

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---
Do students in private placements or in correctional facilities have access to the assistive devices and services in their IEPS (See page 102)? Who monitors to ensure it is happening?
*"Provision of Services" 23 a-e, pages 102-104, describe signed agreements between respective agency officials that clearly identify the responsiblity of each and says these documents must be on file with the Secretary of State's Office. The Secretary of State's Office is unaware of the existence of these documents. The Policy is unclear on how this process will happen or who will be involved in ensuring the policy is followed and when it will be accomplished.

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Terminology

Consistency is lacking in use of the term, "assistive technology devices and services." In some areas of the document, the term is listed under "supplemental aids and services," (see pages 51 and 56) in others it is listed separately (see pages 2 and 68) and in still others, the term is listed under "related services" (see pages 57-58). In some cases, supplemental aids and services (see pages 13 and 51) and related services are cited, but assistive devices and services are not. The terms "accommodations" (see pages 62 and 68) and "adaptive equipment" (see page 79) are also used. Do these terms refer to assistive technology?

*Why is it not clear that "assistive devices and services" includes access to information technology, such as hardware, software and peripherals?

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 11:46 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 11:46:26)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Bonita Hadox
Organization: Marion County Schools
Email: bhadox@access.k12.wv.us
Title: SLP
Address1: 200 Gaston Ave.
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2007-01-05 11:46:26
Posted from IP: 168.216.169.253

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Articulation/Phonology: Requiring a standard score is inappropriate for students above age 7. All speech sounds should be developed by age 7, and any studetn exhibiting speech sound errors beyond that age has exceeded developmental norms. Using this criteria will

eliminate those students who may be able to pass or at least score above the standard deviation of 1, but break down in connected speech reducing intelligiblity. Criterion 3 needs eliminated as a criteria - The intent of IDEA is not to deny studetns with speech disorders the right to special education services based on academic achievement. Good speaking is considered a stand-alone educational skill. Overall, extending the criteria for meeting articulation therapy from 2 to 5 and stipulating that ALL must be met will leave MANY children without the opportunity to correct their articulation. I thought our purpose in education was No Child Left Behind.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I am concerned about issuing waivers for those SLPs who are over caseload. Although I do believe SLPs should be compenstated, I worry that this will be taken advantage of in those counties that have an SLP shortage. Will there be a limit as to how many students "over" one can be? It disturbs me now when I hear some SLPs in WV are carrying caseloads of 60-70. How do counties get away with that when state regs say 50?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

ADD to the definition of Speech/language therapy services: SERVICES PROVIDED BY A QUALIFIED SPEECH/LANGUAGE PATHOLOGIST WHICH INCLUDE.....

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 12:01 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 12:01:05)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Deanna Stone
Organization: WV Comm for the Deaf and Hard of Hearing
Email: deannastone@wvdhhr.org
Title: executive director
Address1: Building 6 Room 863
Address2: Capitol Complex
City/State/Zip: Charleston, WV 25305
Role: Professional Support
Posted: 2007-01-05 12:01:05
Posted from IP: 129.71.238.253

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Page 26,C. Deafblindness should be written as one word to reflect a single disability.
Page 26, D-1. Replace auditory communication with spoken communication.
Page 30, H-1. Replace auditory communication with spoken communication.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

FAX
304-558-3741

Darlene Geyer
Winfield Elementary
Winfield, WV 25213
2nd grade teacher

1/5/07

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

April Hope
Winfield Elem
Sp. Ed. Teach

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Imogene Ashley
Winfield Ele.
Aide

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Charles Edwards
Winfield Elementary Aide

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Philip Watson
Philip Watson Winfield Elem.
Aide

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Becky Marakovit
Winfield Element
Putnam Co. Schoi
Kindergarten teac

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Dianne S. Harrah
Winfield Elementar
Classroom aide
(Putnam Co. Schools)

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Benita Holley
Winfield Ele.
Aide in 3 classes
through the day

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Janie Miles
Winfield Elem.
Secretary

POLICY 2419
AFT RECOMMENDED COMMENTS

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 1:23 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 13:22:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: David A. Snider
Organization: Wood County Schools
Email: dasnider@access.k12.wv.us
Title: School Psychologist
Address1: 1210 - 13th Street
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Professional Support
Posted: 2007-01-05 13:22:56
Posted from IP: 168.216.82.157

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

RE: Gifted Criteria: I believe that the new criteria for Gifted appears to have some positive changes, as well as some that are flawed.

In Special Considerations, the allowance for placement, when there is a Clinically Significant difference between the verbal-performance scores appears to be a good move; because as we all know, typically Gifted students like all other students have areas of strengths as well as weaknesses.

In contrast to the above, I feel that the move/change to requiring a FSIQ score at the 97th percentile is a move in the wrong direction, because many Gifted children in the past have been denied services due to the current criteria of a FSIQ of 130, with consideration of 1.0 standard error of measurement at the 68% confidence interval (which in the case of the SB-5 and WISC-4 permits a FSIQ of 127 to qualify). The current criteria is too stringent; and the proposed criteria is even more stringent; and would therefore create a situation with further (and more) disservice to students with highly developed ability, who are not placed as gifted because of the difficult criteria. My comment is based upon a sample study of students already placed in Gifted Programs, who had a mean FSIQ, on the SB-5 of 123.7 (See Stanford-Binet Intelligence Scales-5th Edition, Technical Manual, pages 96-97); and a study presented in the WISC-IV Technical Manual, pp. 77-78, wherein the mean FSIQ !
for students already placed in Gifted Programs was 123.5.

Given the above, I propose that the new 2419 criteria require a FSIQ of 128, with consideration of 1.0 standard error of measurement at the 68% confidence interval (which would equate to a cutoff score of 125 on either the SB-5 or WISC-4, which is still higher than the above sample studies means for gifted IQs of 123.7 & 123.5). Let's also not forget that, as a group, gifted students have the highest per capita dropout rate; and that we can do something about this.

Another concern that I have is in regard to the "State Approved Test List for the Identification of Gifted Students in West Virginia":

First of all, I am troubled by the allowance of some instruments that do not require either trained personnel administration or trained personnel interpretation, with emphasis on the lack of required training for interpretation of test results on some instruments. This seems to me to be highly unethical; and not a move in the best interest of students, whom are being tested, regardless of whether they either qualify or do not qualify for services. Without proper prior training in psychometrics and statistics, the potential for misinterpretation of test results is greatly increased, thereby increasing the potential to do psychological or academic harm to students.

In addition to the above, the List of Approved Tests appears to me to be rather short and truncated. For example, the KABC-II was not on the list; and it is an excellent instrument for measuring Intellectual Ability.

I am concerned that having an approved list of test instruments for Gifted Eligibility will be a nuisance to keep updated, as, over time, test instruments are created, revised, etc. If we are to have an "approved list of test instruments" there must be a clause that allows updating of the list on a regular basis; or perhaps we should not even have a specific list, but rather a general description of the type(s) of IQ test instruments that are acceptable, similar to the existing 2419 Gifted Eligibility criteria.

Finally, I appreciate your consideration of the above, with hopes that some or all of my suggestions would be amended to the currently proposed changes to Policy 2419.

With Appreciation,

David A. Snider, Ed.S., School Psychologist, Wood County Schools

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 2:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 14:34:13)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Tonya Unger
Organization:
Email: tpoling@access.k12.wv.us
Title: Learning Disabilities Teacher
Address1: 89 Paragon Drive
Address2:
City/State/Zip: Bunker Hill, WV 25413
Role: Teacher
Posted: 2007-01-05 14:34:13
Posted from IP: 168.216.171.31

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

In the current Policy 2419, there are provisions for classroom aides, when students are classified as self contained in the MI,BD and LD Programs. In the proposed policy changes, I noticed there are no provisions for classroom aides, except for students who are considered to have Level 2 needs and meet the majority of the criteria on the list. I'm inquiring to see if how I'm interpreting this correct. If I'm correct in my interpretation, I'm not opposed to the proposed change. If not, how will the aide positions be factored into the state formula for funding?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 5:29 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 17:28:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Margaret F. Shank
Organization: New Martinsville School
Email: mfshank@access.k12.ws.us
Title: Principal
Address1: 20 E. Benjamin Drive
Address2:
City/State/Zip: New Martinsville, WV 26155
Role: Principal
Posted: 2007-01-04 17:28:53
Posted from IP: 168.216.129.17

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
No comment. The proposed 2419 is more reader friendly.

Comments for section Chapter 2: Child Find

The SAT process has always been a regular education process-not a special education process. Concerns over the SAT language being included now as part of 2419.

Comments for section Chapter 3: Evaluation/Reevaluation

Additional training is needed in this area. It is unclear as to why PWN needs to be sent if the student and/or parent attends the exit meeting.

Comments for section Chapter 4: Eligibility

Autism: concerns over the new language - "The student is diagnosed as having a disorder

in the sutism spectrum by a psychiatrist, physician or licensed psychologist." Currently, due to lack of area resources and/or parental resources there are some students identified as Autistic without having medical diagnoses. Willt his now require LEA's to pay for the medical evaluation when data clearly supports the determination?

EBD: Concerns with the eligibility criteria for EBD. Previous eligibility included that the student MUST meet the following: "exhibit behavior(s) that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criterion in with five additional criterion, only one which must be met for eligibility purposes. We are concerned that this could eliminate the much needed discussion when students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately primarily in classrooms for students with EBD. Page 29 (mid page) identifies that EBD is when all of the following criteria ae met but one of the criterion listed is "exhibits behavior(s) that is not primarily the result of physical, sensory, or intellectual deficits". However, when referencing Appendix A pages 165 !
and 166, number two indicates that a student must exhibit only one of the six characteristics. We do not believe the criteria and the dtermination (Appendix A) are consistent.

Eligibility Criteria for ARticulation
Concern is noted with the language "all of the following" as this could significatly delay the treatment of an articulation issue that would be of concern at a later point in the student's life.

Comments for section Chapter 5: Individualized Education Programs
---

Meeting notice timeline
Why is there a difference in the number of days when planning for an EC/Re eval. and that of an IEP meeting? Page 21 in discussion of re-eval / eligibility indicates "no less than eight days prior" while page 52 indicates "no less than seven" when inviting parents to the IEP meeting.

Comments for section Chapter 6: Administration of Services

Integrated classrooms
We are concerned that the 30% criteria would be difficult to adhere to if all students with IEPs other then speech are calculated. We would recommend the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability. I.e. A student eligible for specialized instruction in the area of reading in an integrated math class would not count towards the 30%.

Staffing
We are concerned the proposed caseloads would require LEA's to hire additional staff to truly provide a full continuum of services.

How will caseloads be calculated based on the level one and level two needs for child count?

Comments for section Chapter 7: Discipline

Chapter 7: Discipline

definitions of a weapon, page 86: Weapon – a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less that 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)). This definition has changed over the years...would citing this create undue procedures if it is changed at a later date?

basis of knowledge, page 88

Proposes that if a parent/adult student has "expressed concern to district professional personnel". We would like consideration be given to replacing the terms "professional personnel" with administrative personnel.

Comments for section Chapter 8: Private School Students

None

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

None

Comments for section Chapter 10: Procedural Safeguards

---

none

Comments for section Chapter 11: Dispute Resolution

---

none

Comments for section Glossary

---

none

Comments for section Acronyms and Abbreviations

---

none

Check

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 5:09 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 17:08:44)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: James Gerl
Organization: Scotti & Gerl
Email: jimgerl@yahoo.com
Title: Special Education Law Consultant; hearing officer; mediator
Address1: 216 South Jefferson Street
Address2:
City/State/Zip: Lewisburg , WV 24901
Role: Community Member
Posted: 2007-01-04 17:08:44
Posted from IP: 75.108.252.121

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

The beginning of the dispute resolution section does not make it clear that the three processes are not mutually exclusive and that theycan be used in combination.

There does not appear to be a mechanism whereby parties can enforce a resolution agreement or mediation agreement through the SEA (eg. due process and/ or state complaint). OSEP has specifically allowed for such state procedures. See 71 Federal Register 156 at page 46703 (August 14, 2006); 34 CFR Section 300.357.

Section 3L (concerning expedited hearings) appears to be inconsistent with the federal regulations. The time period for disclosure in the final federal regs was changed back to five business days. See 71 Federal Register 156 at page 46725-26 (August 14, 2006).

Section 3K (concerning timelines) appears to be inconsistent with the federal regulations. 34 CFR Section 300.515(c) provides that a hhearing officer may grant specific extensions of the decision deadline upon motion of a party. The proposed language for Policy 2419 seems to refer to only a single extension.

The beginning of Section 3 on Due Process proceedings does not have a concise and fair summary of the due process procedure. Contrast the mediation section. (For example, the language could be: Parents and districts can enforce their rights under the IDEA by requesting a due process hearing before an impartial hearing officer.)

Comments for section Glossary

The definition of "Due Process" in the glossary is confusing. The definition given relates to the use of the phrase in the U. S. Constitution. In special education, however, the phrase "due process" is generally shorthand for the due process hearing and related proceedings. The glossary should give a concise and fair definition of due process hearing.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 7:09 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 19:08:46)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: STEVEN ROBERTS
Organization: WVSHA
Email: styx972@yahoo.com
Title: Speech Language Pathologist
Address1: Route 1 Box 226 C
Address2:
City/State/Zip: Bluefield, WV 24701
Role: Professional Support
Posted: 2007-01-04 19:08:46
Posted from IP: 74.34.149.235

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The waiver system to deal with shortages of ASHA certified speech language pathologists is wrong and will make the shortage worse.

If the CEO of a large corporation had positions they were required to fill, yet for years had been unable to fill them with nationally certified professionals, what would they do? They would make the posistion MORE desirable through salary/benefits/incentives.

The WVDE is proposing the EXACT OPPOSITE. Caseloads will increase as a result of waivers. As we know, most counties have had shortages of SLPs for years. Now therapists will be required to serve, evaluate and be responsible for MORE students than ever. All that with NO accompanying INCREASE in salary (this is clearly a PAY CUT).

The waiver policy makes the position FAR LESS desirable to newly certified therapists as well as to the limited number you have managed to retain until now. How is that supposed to solve a growing problem?

National research verifies that the number of students who require speech language therapy is INCREASING nationwide. Yet the WVDE tries every way you can to fill the curreent shortage of certified SLPs by effectively offering a PAY CUT. (working with more students for the same pay = pay cut)

My wife is an ASHA certified SLP. She worked in the school system for 12 years. She resigned from the school system for several reasons such as ever increasing paperwork, increasing job responsibilities (ex. ADDING the phonemic awareness program students to the list of responsibilities IN ADDITION to her full speech caseload) and total disrespect for her national certification. She started her own speech therapy business and has done well.

I personally know of at least two other therapists who left the school system because of the phonemic awareness duties and tons medicaid billing.

The proposed waiver system for speech therapy caseloads will ADD to the current shortage of certified speech language pathologists who choose to work in the school system.

The WVDEe refuses to do what other states have done in order to attract and retain therapists. The proposed solution is to shift the burden onto the limited number of certified therapists you still have.

If the state has not been able to attract / retain enough speech therapists already, what do you think will happen now? The more waivers you issue, the more therapists you convince to leave. The shortage grows.....

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 4:40 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 16:40:11)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Vickie Mohnacky
Organization: WVDE
Email: vmohnack@access.k12.wv.us
Title: Coordinator
Address1: Building 6, Rm. 304
Address2: 1900 Kanawha Blvd. E.
City/State/Zip: Charleston, WV 25305
Role:
Posted: 2007-01-04 16:40:11
Posted from IP: 129.71.215.161

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
The section on Public Insurance needs to be rewritten to be more in line with the language in IDEA 2004. I will send the language.

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Include the List of Test Instruments in the Appendix. I have the list.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 3:51 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 15:50:39)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Martina Mills
Organization:
Email:
Title: Principal
Address1: 104 Sycamore Ct.
Address2:
City/State/Zip: Chapmanville, WV 25508
Role: Principal
Posted: 2007-01-04 15:50:39
Posted from IP: 168.216.32.113

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

After being an educator for 33 years, I have decided to retire. The discipline of Special Education students has finally made my decision. The paperwork required to discipline a special needs student far exceeds what is necessary. This part of the policy is a reverse discrimination on regular education students. The special needs students are not being prepared for the reality of the global work force. All students should be equally accountable for their behavior. This is especially true for Learning Disabled students. NCLB and Special Education policies are and will be detrimental to public education.

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 2:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 14:33:31)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Leah J. Musgrave
Organization:
Email: leahjm_97@msn.com
Title: Speech/Language Pathologist
Address1: Rt. 2, Box 172-A
Address2:
City/State/Zip: Delbarton, WV 25670-9760
Role: Professional Support
Posted: 2007-01-04 14:33:31
Posted from IP: 168.216.94.170

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under the RTI model (three tiers) there needs to be a timeline added to each tier (pg 34.)
What is the SLP's role in RTI?

Correct the spelling of DISCREPANY to 'DISCREPANCY' (pg 40)

Remove Criteria #3 (Speech intelligibility is determined to be moderately or severely impaired) from eligibility criteria for placement in Articulation/Phonology Disorders Programs. (pg 43) There us no reference in IDEA regarding consideration of "degree of severity" when determining eligibility for any exceptionality. A child becomes eligibile for a service when he/she has a need that cannot be met witin the regular classroom setting. Degree of need does not exclude a student from receiving services. There is either an identified need or there isn't.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

"Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only." (pg 77) DO NOT ALLOW WAIVERS FOR SPEECH THERAPISTS CASELOADS....This could really do great damage to the progres made in the communication disorders areas. SLP's already have to do so many "extra" things (screen, evaluate, phonemic awareness, etc.) in addition to meeting the needs of their varied caseloads. Do not allow this to become a "loophole" for not having/hiring enough highly qualified personnel.

Change the word "block" to "period" in the sentence "....when instructional responsibilities are shared..." (pg 78)

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 12:07 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 12:07:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 24
##
Name: Ruby C. Jollay
Organization:
Email: rjollay@access.k12.wv.us
Title: Ms.
Address1: 408 Lincoln Street
Address2:
City/State/Zip: Mt. Hope, WV 25880
Role: Professional Support
Posted: 2007-01-04 12:07:07
Posted from IP: 168.216.84.46

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability
---
pg. 80 Maximum number of students in Early Childhood should be reduced to 6 and Specila Education Pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff members

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 12:04 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 12:03:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Andrea Sisk
Organization:
Email: asisk@access.k12.wv.us
Title: Ms.
Address1: 408 Lincoln Street
Address2:
City/State/Zip: Mt. Hope , WV 25880
Role: Teacher
Posted: 2007-01-04 12:03:48
Posted from IP: 168.216.84.46

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability
---
pg. 80 126-16-6 Section 6.1.5 Maximum number of students in Early Childhood needs to be reduced to 6 and change Special education pre-K with tpical peers change staff requirements to 1 teacher and 2 aides.

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 9:28 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 09:28:04)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Paula Kirkwood
Organization: Harrison County Schools
Email: paula.kirkwoo@access.k12.wv.us
Title: Speech-Language Pathologist
Address1: 319 Ash Ave.
Address2:
City/State/Zip: Clarksburg, WV 26301
Role: Professional Support
Posted: 2007-01-04 09:28:04
Posted from IP: 168.216.237.208

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under the eligibility section for articulation/phonology disorder, delete "Speech intelligibility is determined to be moderately or severely impaired." This criteria would adversely affect those individuals who are in need. These children are the future of West

Virginia. A good speaker is more employable than an individual that has an articulation disorder. By age 7, all children should have mastered all their speech sounds. Those children who have not mastered their speech sounds by this age should be able to receive the services that they need in the public school system. They should not have to go to outside agencies to receive the speech therapy services that they are entitled to under IDEA. With the economy of the average West Virginian, they do not have the additional funds available to pay for their children to receive these needed services.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add the following statement "Services provided by a qualified Speech-Language Pathologist" at the beginning of the speech therapy definition.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 04, 2007 7:09 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-04 19:08:46)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: STEVEN ROBERTS
Organization: WVSHA
Email: styx972@yahoo.com
Title: Speech Language Pathologist
Address1: Route 1 Box 226 C
Address2:
City/State/Zip: Bluefield, WV 24701
Role: Professional Support
Posted: 2007-01-04 19:08:46
Posted from IP: 74.34.149.235

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The waiver system to deal with shortages of ASHA certified speech language pathologists is wrong and will make the shortage worse.

If the CEO of a large corporation had positions they were required to fill, yet for years had been unable to fill them with nationally certified professionals, what would they do? They would make the posistion MORE desirable through salary/benefits/incentives.

The WVDE is proposing the EXACT OPPOSITE. Caseloads will increase as a result of waivers. As we know, most counties have had shortages of SLPs for years. Now therapists will be required to serve, evaluate and be responsible for MORE students than ever. All that with NO accompanying INCREASE in salary (this is clearly a PAY CUT).

The waiver policy makes the position FAR LESS desirable to newly certified therapists as well as to the limited number you have managed to retain until now. How is that supposed to solve a growing problem?

National research verifies that the number of students who require speech language therapy is INCREASING nationwide. Yet the WVDE tries every way you can to fill the curreent shortage of certified SLPs by effectively offering a PAY CUT. (working with more students for the same pay = pay cut)

My wife is an ASHA certified SLP. She worked in the school system for 12 years. She resigned from the school system for several reasons such as ever increasing paperwork, increasing job responsibilities (ex. ADDING the phonemic awareness program students to the list of responsibilities IN ADDITION to her full speech caseload) and total disrespect for her national certification. She started her own speech therapy business and has done well.

I personally know of at least two other therapists who left the school system because of the phonemic awareness duties and tons medicaid billing.

The proposed waiver system for speech therapy caseloads will ADD to the current shortage of certified speech language pathologists who choose to work in the school system.

The WVDEe refuses to do what other states have done in order to attract and retain therapists. The proposed solution is to shift the burden onto the limited number of certified therapists you still have.

If the state has not been able to attract / retain enough speech therapists already, what do you think will happen now? The more waivers you issue, the more therapists you convince to leave. The shortage grows.....

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 2:54 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 14:53:52)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Greg Farrell
Organization: Crab Orchard Elementary
Email: gfarrell01@charter.net
Title: Music Teacher
Address1: 254 Bolton Drive
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2007-01-05 14:53:52
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Keep Special Ed. seperated the way the are now. The class sizes cannot get any bigger. Five in a class, especially Autistic, is the max. they can handle.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: kevinhuffman@adelphia.net
Sent: Friday, January 05, 2007 3:13 PM
To: rbolling@access.k12.wv.us

In Chapter 6, Administration of Services- under WV Pre-k classrooms:

The third sentence down in the paragraph is incorrect. The sentence should read - Pre K special education classrooms require one aide regardless of the number of students being served. The word special education needs to be inserted.

Thank you very much.

Sincerely,

Kevin A. Huffman
116 Sun Valley Estates
Scott Depot, WV 25560

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 5:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 17:33:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Julie R. Bolen
Organization: Crab Orchard Elementary School
Email: jrbolen@access.k12.wv.us
Title: Reg. Ed. Teacher / Former Sp. Ed. Teacher
Address1: 113 Crestwood Drive
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2007-01-05 17:33:51
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

I disagree with coupling all disability level students (Autistic,MMI, LD,and BD)into one classroom of 20-25 students. Doing so would be an injustice to these students. I taught special education in a self-contained setting for ten years and had less than 8 students. I taught MMI and LD students. They have been successful and can read. Each exceptionality has its own criteria. My hope is that autistic children continue to be separate from the other exceptionalities so those students recieve the best individualized instruction possible.
I believe most exceptionalities need to have separate classrooms, especially Autistic and MMI students. LD and BD students could be phased in the classrooms for inclusion and be pulled out at different parts of the day.

If this law passes, it will be a greater injustice to ALL those students. Honestly, I know its not possible for a special education teacher to meet the needs of that many students with that many diverities in one classroom. I teach regular education now and address the needs of 27 regular education students. I can't imagine how such a horrible change would effect the future of those exceptional students. I believe it's an impossible agenda and those teachers might have no other choice but to look for other jobs. Then you are losing excellent teachers and that is not the answer. At what point are we going to value human beings and conditions they have no control over? I never had an exceptional student say they were glad they were Autistic, LD, MMI or BD. Again, I can't say enough that students with special needs need to be grouped in small classes. Autism has always been small group instruction with only 3-5. Austistic students can be very unpredictable and many hav!
e varius health issues that must be addressed in a very small setting of autistic students. I hope the right decision is made and its in the best interest of the students as well as the teacher.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 3:21 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 15:21:05)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: David A. Snider
Organization: Wood County Schools
Email: dasnider@access.k12.wv.us
Title: School Psychologist
Address1: 1210 - 13th Street
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Professional Support
Posted: 2007-01-05 15:21:05
Posted from IP: 168.216.82.157

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

RE: Specific Learning Disability Criteria: I believe that—generally—the new criteria for SLD appears to be positive. However, I do have some definite concerns, with the proposed phasing out of the discrepancy formula altogether.

Per hypothetical research there are presently at least three different models for identifying learning disabilities. The most familiar one, which we presently use is the discrepancy model, for identifying students with learning disabilities. The second model for identifying learning disabilities is the Response to Intervention (RTI) model, which is the one presently being considered for the current proposed Policy 2419 Draft. The third model is the neuro-psychological model, which is the least likely to be used in a school system.

The reason for having three models is quite apparent, given the heterogenous nature of Learning Disabilities—along a continuum of extremely mild to extremely severe. Certainly things can be said for and/or against each of the models. The discrepancy model had some serious problems in that we generally had to wait until 2nd, 3rd, or 4th grade or later for a child to fail, in order to obtain an IQ—Achievement discrepancy severe enough for him or her to qualify for special education services. I believe that one of the reasons that we have "fallen head-over heels in love with the RTI model" is because it has addressed the issue which the discrepancy model was unable to address—i.e. that of waiting for a child to fail. RTI has been wonderful, when implemented in a correct, efficient, timely manner, in that it "heads off at the pass" a lot of kids—who have problems with learning—before they become too severe to successfully remediate or compensate for.

My concern is this: Again, given the heterogenous nature of Learning Disabilities—along a continuum, we very likely should have a variety of "tools in our tool box" for identifying learning disabilities, instead of limiting our ability to identify, by phasing out one of those tools (i.e. specifically by eventually doing away with the discrepancy model). I think that we should implement the RTI model as our main pursuit in the identification of students with learning disabilities; yet I also feel that we should retain (and not phase out) the discrepancy model as an additional tool for identifying SLD students. I believe that instead of thinking that we have to make a dichotomous "either/or" decision regarding our Policy 2419 SLD criteria that we should make the best, informed decision possible. I vote for a combination of both the RTI and discrepancy models. As further support for my proposal, I am submitting a recent editorial written in a recent edition of the Commui!

que'—the Newspaper of the National Association of School Psychologists:

PAGE 6 — Newspaper of the National Association of School Psychologists

Viewpoint

Can the Discrepancy Model Be Salvaged?

By Scott Crouse, NCSP

Ed. note. "Viewpoints" are editorial and reflect the opinions of the writer only, and not a policy or position of NASP or the Communiqué.

Now that IDEA has been revised to no longer require a formal measure of severe discrepancy (with regard to SLD eligibility decisions) but instead suggests the "option" of some sort of response-to-intervention (RTI) process, there has been considerable debate and discussion comparing and contrasting the two assessment/intervention models. Most of the discussion has involved promoting one model over the other as if to imply that the two models are either incompatible or redundant. Although both models may provide a means of documenting different forms of underachievement (intra-student for the discrepancy model and inter-student for RTI), the two models were never really designed or intended to accomplish the same goal, and as such, we shouldn't feel compelled to simply choose one over the other. RTI represents a formal and intensive problem-solving approach to "mainstream" interventions while the severe discrepancy model reflects a statistically-based means of measuring the significance of a student's underachievement. Proponents of RTI as an SLD identification model typically suggest discarding the discrepancy model entirely due to its tendency to be overly restrictive for certain groups of students. On the other hand, supporters of the discrepancy model fear that "switching" to RTI will eliminate any degree of objectivity from SLD eligibility decisions. Clearly neither RTI nor the traditional discrepancy model represents a solid standalone solution for documenting the underachievement portion of SLD criteria. While it may be appropriate to use an RTI model as a means of screening potential special education referrals, the process is far too subjective and situational to facilitate reliable or consistent identification of special education needs across districts or systems. On the other hand, while the discrepancy model is a far more objective means of identification, the rigidity of the traditional severe discrepancy formula virtually disallows thoughtful professional judgment and tends to discriminate against certain populations of students.

But is it really necessary (or even practical) to do away with any type of objective discrepancy
model or would it make more sense to simply improve the model in order to make it more equitable and effective?

The field of psychology in general, and school psychology in particular is largely based upon measurement of statistical significance of differences between and among individuals and populations. This statistical framework allows us to make thoughtful but objective decisions which can be applied consistently across systems and settings. The SLD discrepancy
model was born out of that need for objectivity and consistency. But critics of the traditional discrepancy model certainly have legitimate concerns. As it is typically applied,
the model clearly discriminates against younger learning disabled students who have not yet had time to become "severely discrepant." In addition, the somewhat arbitrarily-derived
discrepancy value is far too rigid and fails to adequately consider measurement error. After
all, is there really much (if any) difference between the child whose achievement score falls
slightly above the discrepancy value and the child whose score falls slightly below? Because
of our understanding of and respect for measurement error school psychologists are trained to consider "ranges of scores" rather than a single numerical value. So why aren't we considering measurement error in the process of determining a severe discrepancy?

We know that the standard error of measurement (SEM) for a typical IQ score is roughly 2 to 3 points and the SEM of a broad achievement score is roughly 3 to 4 points. Based upon these statistics, it only makes sense to consider a band of plus or minus 1 SEM surrounding both the severe discrepancy value (derived directly from the IQ score) and the achievement score. For example, by using such "error bands", when the entire achievement band falls above the entire discrepancy band, we can be quite confident that there is not a significant discrepancy between ability and achievement. On the other hand, when the achievement band falls below the discrepancy band we can be quite certain that there is a significant discrepancy between scores. And of course when the achievement and discrepancy bands overlap, severe discrepancy cannot be clearly established nor ruled out.

This entire process can be simplified considerably by combining the SEMs of both the IQ and achievement scores to establish a band of 5 to 7 points on either side of a traditionally
derived severe discrepancy value. This might be referred to as the "SLD consideration band". Achievement scores falling within this band would not automatically be considered "severely discrepant" but rather make the student eligible for "further team consideration."
For such students, their previous response to a pre-referral intervention process may be one of several factors for consideration in determining the real significance of their apparent
underachievement. Achievement scores falling below the band could be deemed "severely discrepant" without the need for additional consideration whereas scores above the band would not be identified as discrepant nor warrant additional consideration. Since the standard error of measurement tends to be greater for younger students, a somewhat wider range may be needed for early grades (perhaps a band of plus/minus 7 points for grades K-2 and a band of plus/minus 5 points thereafter).

Using a discrepancy range rather than a rigid discrepancy value would allow psychologists and assessment teams to maintain a certain degree of objectivity and consistency while allowing greater opportunity for professional judgment and team decision-making. This somewhat more flexible discrepancy model, combined with a solid RTI-type pre-referral intervention process could maximize our ability to appropriately identify and serve the needs of all students.
Finally, it should be reiterated that both the discrepancy model and RTI (in the context of SLD identification) are primarily means of determining and documenting a student's underachievement. According to the current terms of IDEA, underachievement,
in and of itself, is not sufficient to determine SLD eligibility.
For additional information and practical suggestions related to specific learning

disabilities,
please visit my website at http://www.LDinfo.com

© 2006, National Association of School Psychologists. Scott Crouse, PhD, NCSP, is a school psychologist with the Hopkins (MN) Schools.

See www.nasponline.org

I appreciate your consideration of the above, with hopes that some or all of my suggestions would be amended to the currently proposed changes to Policy 2419.

With Appreciation,

David A. Snider, Ed.S., School Psychologist, Wood County Schools

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 3:21 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 15:21:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carol Stephenson
Organization: Marion County SLP
Email: cstephen@access.k12.wv.us
Title: Speech Language Pathologist
Address1: 11 Diana Dr.
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2007-01-05 15:21:16
Posted from IP: 168.216.152.18

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Articulation/Phonology: 1. Regarding criterion #1, requiring two procedures is best practice. Requiring a standard score is, however, inappropriate for students above the age of 7. All speech sounds should be developed by age 7, and any student exhibiting speech

sound errors beyond that age has exceeded developmental norms. Most widely used standardized articulation tests target the 4 to 7 year level and are inappropriate to administer to older students. Also, consider that most students who have had any therapy will pass a single- word articulation test; their speech breaks down in conversation. Most standardized articulation tests assess single words. Criterion #2 covers the situation for older students when application of developmental norms and severity ratings verify that speech sounds have not developed with or without intervention. Leave the determination of assessment procedures up to the professionals.
2. Regarding criterion #3, which imposes a severity rating requirement: you know that the severity of an articulation disorder varies widely from each INDIVIDUAL student to INDIVIDUAL student.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Services provided by a qualified Speech/Language Pathologist

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 3:24 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 15:24:01)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Dodie Rhodes
Organization: jackson Co. Bd.of Ed.
Email: djrhodes@access.k12.wv.us
Title: Preschool Special Ed. Teacher
Address1: 404 second ave.
Address2:
City/State/Zip: Ripley, wv 25271
Role: Teacher
Posted: 2007-01-05 15:24:01
Posted from IP: 168.216.27.20

Comments for section 126-16-1 General
---

caseload concerns, 1. do you realize that preschool special education encompasses children with disabilities starting at the profoundly mentally impaired spectrum (which requires a safe environment with one on one assistance atleast 75% of the day)and can go through the whole list of disibilities (even ones you have never heard of) up to the very mildly impaired? I currently have 8 special needs children in my room with 4 peer models. Meeting all their needs is a difficult task and one i take very seriously. I have a masters degree plus 45 hour in this field. Increasing my caseload will only result in turning my program into a glorified daycare and as a professional I expect more of myself (i also thought NO CHILD LEFT BEHIND expected more also). I'm afraid it is time to look for other employment. I realize your answer to this concern is that the IEP committee and the severity of the children will determine caseload and staff but we all know that the county board will!

not lose money by lowering the number of children allowed on a caseload. Which puts us to 20 children in a room with several children with various disabilities in an unsafe situation on a day to day basis. Running,jumping,and everyday childs play will become a hazard to my severe children. This will also take away from instructional time and observational time needed to implement appropriate developmental activities that have an impact on learning, which I thought was the most important component in my program.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 4:54 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 16:53:32)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Karen Hall
Organization: Mercer County Schools
Email: kghall@access.k12.wv.us
Title: Director Special Education
Address1: 1403 Honaker Ave
Address2:
City/State/Zip: Princeton, WV 24740
Role: School System Staff
Posted: 2007-01-05 16:53:32
Posted from IP: 168.216.79.2

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

If the caseloads remain as projected there would be a significant increase in the number of special education teachers. I would project an increase of at least 10 teachers which would result in a projected cost of $400,000. The determination of Level I and Level II is difficult to apply, and therefore a projection for caseloads is only an estimate.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 5:04 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 17:04:23)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: BJ Gilbert
Organization:
Email:
Title: LD teacher
Address1: 324 Warrior Trail
Address2:
City/State/Zip: Summrsville, WV 26651
Role: Teacher
Posted: 2007-01-05 17:04:23
Posted from IP: 168.216.16.50

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Timelines are neccessary for adequate implementation.
Additional staff is required to provide adequate services for tiers.

Comments for section Chapter 5: Individualized Education Programs
---
What happened to the commitment to streamline the IEP and other Sp. Ed. paperwork?

Comments for section Chapter 6: Administration of Services

Add the work "shall" be required to provide assistance to students in response to specific needs.
Under maximun case management assignments change 30 to 20 for teachers of all other exceptionalities.
Integrated classrooms - Limit number of sp. ed. students in the regular classrooom to manageable services; Stop pushing across the board inclusion because students are not receiving adequate intervention to meet their needs and prepare them for success in the regular classroom. What happened to "individualized educational planning"? It is more difficult to meet students' individual needs in a large group.
In a co-teacher model staffing considerations shall include a minimum of weekly co-planning. Adequate collaborative planning time should be required.
Maximum number of students per period - early childhood changed to 6

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add a definition for mastery.

Comments for section Acronyms and Abbreviations

Check

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 05, 2007 5:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-05 17:33:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Julie R. Bolen
Organization: Crab Orchard Elementary School
Email: jrbolen@access.k12.wv.us
Title: Reg. Ed. Teacher / Former Sp. Ed. Teacher
Address1: 113 Crestwood Drive
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2007-01-05 17:33:51
Posted from IP: 168.216.29.110

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I disagree with coupling all disability level students (Autistic,MMI, LD,and BD)into one classroom of 20-25 students. Doing so would be an injustice to these students. I taught special education in a self-contained setting for ten years and had less than 8 students. I taught MMI and LD students. They have been successful and can read. Each exceptionality has its own criteria. My hope is that autistic children continue to be separate from the other exceptionalities so those students recieve the best individualized instruction possible.
I believe most exceptionalities need to have separate classrooms, especially Autistic and MMI students. LD and BD students could be phased in the classrooms for inclusion and be pulled out at different parts of the day.

If this law passes, it will be a greater injustice to ALL those students. Honestly, I know its not possible for a special education teacher to meet the needs of that many students with that many diverities in one classroom. I teach regular education now and address the needs of 27 regular education students. I can't imagine how such a horrible change would effect the future of those exceptional students. I believe it's an impossible agenda and those teachers might have no other choice but to look for other jobs. Then you are losing excellent teachers and that is not the answer. At what point are we going to value human beings and conditions they have no control over? I never had an exceptional student say they were glad they were Autistic, LD, MMI or BD. Again, I can't say enough that students with special needs need to be grouped in small classes. Autism has always been small group instruction with only 3-5. Austistic students can be very unpredictable and many hav!
e varius health issues that must be addressed in a very small setting of autistic students. I hope the right decision is made and its in the best interest of the students as well as the teacher.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Janet Ward
School Hamlin PK-8
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Teresa Chapman
School Hamlin Pk-8
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Sheila Burns
School Hamlin Middle
Position Teacher (math)

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kelly Arbaugh

School Hamlin

Position Lang. Arts 6

Chapter 4 - **Eligibility**

p. 34 1) Under the *RTI* model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Lisa Music i Dinge
School Hamlin K-8
Position Sp. Ed Tchr

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Lisa Chapman
School Hamlin PK-8
Position Lang Arts Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 9:18 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 21:18:14)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Julie Reneau
Organization: Taylor County Middle School
Email:
Title: Special Educator
Address1: Route 2, Box 148A
Address2:
City/State/Zip: Grafton, WV 26354
Role: Teacher
Posted: 2007-01-07 21:18:14
Posted from IP: 71.61.64.197

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a special educator I have concerns about the use of the Tier system and Response to Intervention to determine eligibility for learning disabilities. It is unclear in the proposed policy who would be responsible (special or regular educators) for providing

instruction at Tier 2 and Tier 3. Also how would the school potentially provide additional instruction in math and reading and still continue to provide adequate instruction in other curriculum areas? I understand that some school systems are considering extending the day for students and placing some teachers on a staggered time schedule. If these changes are necessary then where will the funds come from to hire additional teachers to meet the needs of these students?

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

In the section on integrated classrooms it is unclear if the limit of 30% includes all students with an IEP or just those students that list integrated classes on the services page of their IEP.

I have difficulty understanding how a Tier system that limits students to a 1 to 5 teacher/student ratio at Tier 2 and then an even smaller teacher/student ratio can be put in place while increasing the number of students to 12 in a special education classroom. If students have been unable to meet success with (potentially) an hour of additional individual instruction specifically designed to address skill deficits, then how are they going to be successful if they are identified with special needs and placed in a separate class of 12 students and no additional time for instruction?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 8:51 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 20:50:58)

No responses needed

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Dawna J Parker
Organization:
Email: dawna_p@hotmail.com
Title:
Address1: 55 Beech Lane
Address2:
City/State/Zip: Madison, wv 25305
Role: Teacher
Posted: 2007-01-07 20:50:58
Posted from IP: 75.108.213.203

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

On page 27 and 38 strike "and related services" as it refers to eligiblity for services.
It is not necessary to need related services to qualify for special education.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Throughout the document refer to "General Education" rather than "Regular Education".
Beginning here and continuing throughout the document make certain "public agency" and "district" are used consistently and appropriately.
On p. 78 add ...based on the students'level of need without regard to area of disability.
On page 79 eliminate "Special Education" as it refers to instructional periods.
On page 80 cross out "special education" in the chart

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Check - last item

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 7:29 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 19:29:03)

Repeat
Need to add

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Add A

Comment Received for Policy 2419
##
Name: L. Gage
Organization: parent of gifted student
Email: laurel@citynet.net
Title:
Address1:
Address2:
City/State/Zip: Capon Bridge, WV 26711
Role: Parent-Family
Posted: 2007-01-07 19:29:03
Posted from IP: 66.118.74.13

See back "to do"
3, 4, 5, 6, 9, Glossary

Comments for section 126-16-1 General

✓ NR

My son has had an outstanding teacher of the gifted since Kindergarten. He is in seventh grade now. Each year his teacher has to struggle just to maintain what she has within the school system. We have benefited greatly from her determination and her attention to details. I have read her comments on Policy 2419 carefully and agree with them. I have included them in my comment boxes below. I would sincerely appreciate them being counted as my comments on Policy 2419 as well. Thank You. (See chapter 3)

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation ✓

Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes

gifted.

Comments for section Chapter 4: Eligibility

Under the "Three-Prong Test of Eligibility", even though a disclaimer is added to #2 regarding students with giftedness, that needs to be reflected in the summarizing statement as well. For example: "A student is not eligible for special education for disabilities unless all three of the above components are satisfied and documented."
Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration, by its nature, entails content at above grade level. I think a clearer way of stating this might be: acceleration of content while student remains in chronologically appropriate grade.
Regarding the proposed use of Response to Intervention: It is good to give the option to use the severe discrepancy model for eligibility until June 30, 2009 because before then it will become evident that RTI will be overwhelming, time-consuming, and impossible to accomplish with existing staff. In light of the fact that "Only after a student has been provided an opportunity to learn with the additional targeted supports provided within a tiered instructional model should referral and eligibility for special education and related services be considered" I recommend language be inserted that clarifies exactly who is responsible for the "ongoing progress monitoring of student performance", individualized interventions (implemented for a minimum of 8-12 weeks in Tier 2), and the small group instruction (provided "in addition to the core instruction") mandated in Tiers 1 & 2. Since the student is not yet special education eligible it would seem that it would fall on the regu!
lar educator. The current wording leaves this unclear.

Comments for section Chapter 5: Individualized Education Programs
---
On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students' exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).

Comments for section Chapter 6: Administration of Services

Maximum Limits for Case Management Assignments (p. 77): a caseload of 20 for teachers of students with Developmental Delays ages 3-5 is too high considering how much help younger students need with everything they do. I recommend a maximum caseload of 15.

I recommend that teachers of gifted have the same maximum caseload as Teachers of all other Exceptionalities (30) since they have all the same duties and additionally are most often itinerant. It is time to bury the old misinformation that gifted students are "the cream of the crop" which is what the current caseload of 45 is based on. Gifted students are as complex, and often more so, than students with most disabilities. Modifying curriculum, developing independent studies, assessing, direct teaching, consulting, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads.

The waivers to maximum caseload limits need to have two limitations added: number and duration. If a waiver is approved the teacher deserves to know how many students can be added and for how long, before another teacher is hired.

Under Class Size Requirements for Instructional Period (p. 77): The following statement contradicts itself, "All WV Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session." There is no public school or community with natural proportions of 50% of the population disabled. By stating "no more than 10 with disabilities" and a caseload of 20, natural proportions are totally disregarded. My recommendation is to retain the first half of the statement ending with "community". Strike "but with no more than ten..."

Integrated classrooms (p. 78): This is a much-needed addition to 2419 but the 30% needs to apply to Level 1 students only. If there are any Level 2 students integrated the

percentage needs to drop.
Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, exceptional gifted):
*a markedly modified curriculum with a focus on radical acceleration;
*close adult instruction, assistance and/or supervision with the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming underachievement;
*transition activities that focus on dual enrollment, college or AP level classes prior to high school age.

The statement "Students with Level II needs require a majority of the following to function within a school setting" will have administrators insisting that a student demonstrate 5 out of 9. I recommend that the wording be changed to: "Students with Level II needs require many of the following…"

There is a typing mistake in the per Instructional Period Based on Level of Service chart on p. 80. Since Level I students have fewer service needs the per period maximum should be higher than that of Level II students who have more service needs. So under EC Early Childhood Grades K-4: Level 1 needs should be 10 and Level II needs should be 6 (rather than vice versa as printed).

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---
On p. 101, under #5 it should read that "The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for children with exceptionalities in the state" as they also provide guidance on the education of gifted students.

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add the terms "duplicated" and "unduplicated" to the glossary with understandable definitions. These are terms I've run across as a teacher and didn't understand. ("I" being my son's teacher)

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 9:15 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 21:15:00)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Julie Reneau
Organization: Taylor County Middle School
Email:
Title: Special Educator
Address1: Route 2, Box 148A
Address2:
City/State/Zip: Grafton, WV 26354
Role: Teacher
Posted: 2007-01-07 21:15:00
Posted from IP: 71.61.64.197

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a special educator I have concerns about the use of the Tier system and Response to Intervention to determine eligibility for learning disabilities. It is unclear in the proposed policy who would be responsible (special or regular educators) for providing

instruction at Tier 2 and Tier 3. Also how would the school potentially provide additional instruction in math and reading and still continue to provide adequate instruction in other curriculum areas? I understand that some school systems are considering extending the day for students and placing some teachers on a staggered time schedule. If these changes are necessary then where will the funds come from to hire additional teachers to meet the needs of these students?

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

In the section on integrated classrooms it is unclear if the limit of 30% includes all students with an IEP or just those students that list integrated classes on the services page of their IEP.

I have difficulty understanding how a Tier system that limits students to a 1 to 5 teacher/student ratio at Tier 2 and then an even smaller teacher/student ratio can be put in place while increasing the number of students to 12 in a special education classroom. If students have been unable to meet success with (potentially) an hour of additional individual instruction specifically designed to address skill deficits, then how are they going to be successful if they are identified with special needs and placed in a separate class of 12 students and no additional time for instruction?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 8:51 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 20:50:58)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Dawna J Parker
Organization:
Email: dawna_p@hotmail.com
Title:
Address1: 55 Beech Lane
Address2:
City/State/Zip: Madison, wv 25305
Role: Teacher
Posted: 2007-01-07 20:50:58
Posted from IP: 75.108.213.203

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

On page 27 and 38 strike "and related services" as it refers to eligiblity for services.
It is not necessary to need related services to qualify for special education.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Throughout the document refer to "General Education" rather than "Regular Education".
Beginning here and continuing throughout the document make certain "public agency" and "district" are used consistently and appropriately.
On p. 78 add ...based on the students'level of need without regard to area of disability.
On page 79 eliminate "Special Education" as it refers to instructional periods.
On page 80 cross out "special education" in the chart

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

POLICY 2419

Doris Searle
Winfield Elem
mmI aide

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

POLICY 2419

Deborah L. Yeigh
Winfield Elem.
B.D. aide

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

POLICY 2419

Martha F. Wiedenbeck
Winfield Elem
Kindergarten aid.

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 4:53 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 16:52:41)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sandra Boggs
Organization: Kanawha County Schools
Email: sboggs@kcs.kana.k12.wv.us
Title: Sp.Ed. Director
Address1: 200 ELizabeth Street
Address2: Kanawha County Board of Education
City/State/Zip: Charleston, WV 25302
Role: Professional Support
Posted: 2007-01-07 16:52:41
Posted from IP: 74.34.128.21

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Chapter 2
Section 3-B:
1. Add definition for Alternative education environment to the glossary
2. Define SAT membership
3. More guidelines on what satisfies the requirement to invite parental feedback to the SAT about recommendations. State develop a form to use?

3B and 3D: States "when district receives request" then have specified number of days to process, etc.- change so time begins when entered into WVEIS. Chapter 3
Section 1:
Page 12: More details on how the evaluation team can conduct its business without a

meeting and how is this documented? Also how are parents notified that evaluation decisions were made without a meeting and is parental consent required? More information on documentation and timelines.

Section 2A:
page 12: Clarify "receipt of written parental consent"-receipt by whom? Write so the 80 days begin when entered into WVEIS.
Page 12: Define "full" evaluation.
Page 13: Clarify what documentation is required to address agreement between district and parents as to specific time evaluations are to be completed for student that moved to district with incomplete evaluations. Clarify procedures for notifying State in order for the district not to be considered out of compliance on timelines.

Section 2B:
Page 14: Add "IEP" before the word "team" in first sentence "This team may conduct..."

Section 2C:
Page 14: Change forty-five calendar days to forty-five school days for receipt of parental consent…

Comments for section Chapter 3: Evaluation/Reevaluation

Section 3A:
Page 15: Again change "The date of receipt by the school/district…" to "date entered into WVEIS".

Comments for section Chapter 4: Eligibility

Section 1:
Page 21: Define cultural background in the glossar

Section 3A:
Page 25: Take out number 2 under Autism. Children are evaluated using an educational model not a medical model. The number of autism will increase at a more rapid pace than it is now with the medical diagnosis used as eligibility criteria.

Page 15 #2: Change licensed psychologist certified school psychologist

Section 3B:
Page 25 #1: After "twenty degrees" add "or less in the better eye"

Section E:
Page 27: Define or give some range of time period for "a long period of time"
Page 27: "Marked degree" is too vague-needs clarification
Page 28: In the statement after #6 where it states "have emotional or behavioral disorder" take out the word "or: and use "/"

Section G:
Page 28 #1: Test list is not in the appendix. If one is provided how will it be updated for new tests that may be approved?
Page 28 #2: after "multidisciplinary evaluation" change "or" to "and"
Page 29 #1: Take out the statement " the evaluator feels"

Section I:
Page 30-31: Cannot meet all the criteria. The student would need to meet #1 or #2 and all of the others. A child cannot meet the mild moderate criteria and the severe criteria.

Section L.
Page 32: Take out "minimal brain dysfunction". It is a medical term.
The definition should include processing problems. If a child is having learning problems it must be processing problems.
Need to include average ability in consideration for SLD. Many of the "gray area" students will qualify due to low ability. These students could still be identified for Tier 3 services but not as a special education student.

Page 33: Change RTI to RtI,. This occurs throughout the section

Page 33 #2: After " examinations of the student" add " in addition to the school psychologist" then such as speech ..... A student could be made eligible as SLD by a reading teacher, speech pathologist and a regular educator. Need to define to have required members then such as...

Page 33: In definition processing is not mentioned. Such be included.

Page 34: Minimum timelines for each round and how many rounds should be added to each Tier in this section.

Page 35: Tier 3. Add definition for intensive interventions to the glossary.

Page 36: Under Eligibility Standards change "may" to "shall" determine SLD...
Change RTI to RtI

Section 4 Page 70 A,B,C: Timelines are unreasonable. Change to five school days.

Page 38: Definition reads as Preschoolers can be identified as SLD is that the right assumption? It states " in case of a student less than school age..."

Page 38 Evaluation Components: In second paragraph change "may" to "shall" so the statement will read "A comprehension evaluation shall be..."

In last paragraph of Evaluation section the "executive functioning skills are listed. Aren't these processing skills?

Section N:

Page 45: In #1 after "external physical force" add "or internal occurrence"

Comments for section Chapter 5: Individualized Education Programs
---

Chapter 5

Section D page 50: Clarify about excusal form. It must be completed if the teacher report is used in place of the teacher's attendance.

Section F page 52: #2: Clarify the steps to take to ensure parents attend ...

Section G page 56: Explain what "peer-reviewed research" is and how it applies.

Page 57 #1: (1st paragraph) Instead of "fewer concepts to be mastered" change it to " mastery of essential concepts"

Section I page 62 #2 under APTA: Be more explicit as to what is meant by "significant impairment" Add to glossary

Comments for section Chapter 6: Administration of Services

Chapter 6:

Page 77: Preschool caseloads should be changed to 16.

Page 80: Level II allows for a mixture of students such as Severe MI, BD, and Autism in the same room with a maximum number of 10. This cannot be done. What certification would the teacher for the above example hold? Need to define so more restrictive as to disability.

Page 80: Preschool numbers would be better for 8 per session and 16 maximum

Comments for section Chapter 7: Discipline

Chapter 7:

Page 85 Section 2 #2: States within ten schools of any decision to change placement...change to" within ten schools days when a change of placement is being considered... If left as any decision it appears and IEP decision has been made as to placement.

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Sunday, January 07, 2007 9:15 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-07 21:15:00)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Julie Reneau
Organization: Taylor County Middle School
Email:
Title: Special Educator
Address1: Route 2, Box 148A
Address2:
City/State/Zip: Grafton, WV 26354
Role: Teacher
Posted: 2007-01-07 21:15:00
Posted from IP: 71.61.64.197

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a special educator I have concerns about the use of the Tier system and Response to Intervention to determine eligibility for learning disabilities. It is unclear in the proposed policy who would be responsible (special or regular educators) for providing

instruction at Tier 2 and Tier 3. Also how would the school potentially provide additional instruction in math and reading and still continue to provide adequate instruction in other curriculum areas? I understand that some school systems are considering extending the day for students and placing some teachers on a staggered time schedule. If these changes are necessary then where will the funds come from to hire additional teachers to meet the needs of these students?

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services ✓

In the section on integrated classrooms it is unclear if the limit of 30% includes all students with an IEP or just those students that list integrated classes on the services page of their IEP.

I have difficulty understanding how a Tier system that limits students to a 1 to 5 teacher/student ratio at Tier 2 and then an even smaller teacher/student ratio can be put in place while increasing the number of students to 12 in a special education classroom. If students have been unable to meet success with (potentially) an hour of additional individual instruction specifically designed to address skill deficits, then how are they going to be successful if they are identified with special needs and placed in a separate class of 12 students and no additional time for instruction?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Sonda L. Elkins

School Lincoln Co. High School

Position Teacher - Sp. Ed

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 11:11 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 23:11:17)

Please staple & clip
Thanks

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Denise Lough
Organization: parent
Email: denise_9572@yahoo.com
Title:
Address1: 290 pleasant ridge rd
Address2:
City/State/Zip: webster springs, wv 26288
Role: Parent-Family
Posted: 2007-01-08 23:11:17
Posted from IP: 146.82.210.190

Comments for section 126-16-1 General

I think under Due Process hearing's I think it would be fair if the county knows there law they should repersent ther self because it isn't fair for the parent and if the school knows there policy they should't have a promble I went to webster county school so don't look at the spelling.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 11:18 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 23:18:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Mary Jean Thompson
Organization: parent
Email:
Title:
Address1: po box 301
Address2:
City/State/Zip: cowen, wv 26206
Role: Parent-Family
Posted: 2007-01-08 23:18:16
Posted from IP: 146.82.210.190

Comments for section 126-16-1 General

Are school needs to shape up and learn the law and why should they have a lawyer to repersent tham in a Due Process Hearing when the parent has none that is't right or fair if they know ther law they should't have no trouble and why should the parent pay the school if they loose sence the school is why the parent done what they did anyway.make are school go by Federal law and parents would not have to do this.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 11:11 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 23:11:17)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Denise Lough
Organization: parent
Email: denise_9572@yahoo.com
Title:
Address1: 290 pleasant ridge rd
Address2:
City/State/Zip: webster springs, wv 26288
Role: Parent-Family
Posted: 2007-01-08 23:11:17
Posted from IP: 146.82.210.190

Comments for section 126-16-1 General

I think under Due Process hearing's I think it would be fair if the county knows there law they should repersent ther self because it isn't fair for the parent and if the school knows there policy they should't have a promble I went to webster county school so don't look at the spelling.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 2:15 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 14:15:21)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Leeta Rozzel
Organization: Mercer County Schools
Email:
Title: Special Education Specialist
Address1: Mercer County Schools
Address2: 1403 Honaker Ave.
City/State/Zip: Princeton, WV 24740
Role: School System Staff
Posted: 2007-01-08 14:15:21
Posted from IP: 168.216.25.127

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
section 2, part C. No changes are needed to the medicaid billing policy. This should remain as a one time access to obtain parental consent.

Comments for section Chapter 2: Child Find
---
section 3, part B. Policy 2510 outlines the S.A.T. process, to assist in the identification/referral of students whose educational performance is not commensurate with their peers. Covering it again in Policy 2419 would be redundant. The timeline mandates are not practical for case management purposes.

Comments for section Chapter 3: Evaluation/Reevaluation
---
section 2, part B. A Prior Written Notice should not be required if the parent/adult student is present at the meeting, and there is no disagreement. section 2, part, C. 45 calendar days is not enough time for the completion of an EC or IEP team meeting and the

request for additional evaluation by the IEP team. section D. We need a better understanding/match concerning the language in procedural safeguards/FERPA Regulations.

Comments for section Chapter 4: Eligibility

---

section 3, part A. A Certified School Psychologist needs to be added to number 2. section 3, part C.There needs to be a better interpretation concerning 3-21.

Comments for section Chapter 5: Individualized Education Programs

---

section 4. Making reasonable efforts to consult with a parent within two school days and provide FAPE in one school day is unreasonable.

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Attention: Department of Education Members

Officials } Johnson, Cook, Haden, Dunlevy, Fish, Hamilton, Hatfield, Phillips, Spencer, Pain

Chapter 6 of Amendment of Services, **Policy 2419**
December 12, 2006

✓done

From the time I learned my beautiful boy had Autism, I have studied this disorder. Everything I have researched on this subject says that the child teacher ratio should be 4 students per 1 teacher.

I cannot even imagine a child with Autism succeeding in a class with 10 other children.

These children, who are so much alike in some ways , such as having language, communication and attention deficits, as well as behavior, sensory and learning disorders, are also each very different.

Can you seriously consider a class of 10 children, each one at a different learning level?

Autism is so complex and covers such a broad spectrum.

In the past my son has been in classes with children who cannot communicate at all, to children who speak constantly on one subject such as dinosaurs or Pokemon.

My son can speak, but most of the time would rather not, he tries to get away with saying as little as possible preferring to be left alone.

Intellectually these children can range from severely mentally impaired to mildly mentally impaired, like my son. In some cases these children have extremely high IQ's.

There are just as wide of differences in behavior, attention spans and sensory deficits.
There is no way that a child who has sensory problems and a short attention span can learn in a class with 10 other children who are having their own set of difficulties, all vying for the attention of one teacher.

How can 1 teacher possibly keep 10 children with different mental disabilities doing 10 different lesson plans, who are having 10 different sets of problems on task? It would be impossible and an absolute disaster for the children.

Good luck writing, implementing and achieving 10 different IEP'S.

I would like to ask whoever is making this important decision to please research Autism. Contact the Autism Society of America or the Autism Training Center. Last and most importantly sit in on a classroom with Autistic children for a day or two.

I know that as in everything today the matter of **cost** is being considered. Please consider the **cost** to a child who is not given the opportunity to reach his/her full potential. The **cost** to family members watching their children struggle through life. The **cost** to a school system when it loses good teachers, because who wants to do an impossible job. And in the end the **cost** to a society who no longer does its best for its most innocent children.

Autism is here, it's here to stay and it is growing in the number of children afflicted with this disability. Increasing classroom size is a giant step back in the education and welfare of these children. Please don't close the window of opportunity that these children have to learn..

Everyday counts and they cannot afford to take any **steps backwards**!!

Thank You , Pamela Argabrite, concerned parent of an Autistic child.

Pamela Argabrite 4305 17th Ave Parkersburg WV 26101
(304) 428-3809

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 12:56 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 12:55:34)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Greg Furrow
Organization: Mercer County Schools
Email:
Title: Special Education Specialist
Address1: 1403 Honaker Avenue
Address2:
City/State/Zip: Princeton, WV 24740
Role: School System Staff
Posted: 2007-01-08 12:55:34
Posted from IP: 168.216.66.240

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
Section 2, Part C: Please do not change the Medicaide billing policy. Permission to bill Medicade should be needed only once, at the beginning of the School year.

Comments for section Chapter 2: Child Find

Section 3, Part B: Timelines for Special Education are not required in the Federal Regulations, from the beginning of the S.A.T. process. Timelines should only begin on the date of permission and staffing of evaluations. Otherwise, evaluators are held responsible for completion of evaluations, without the benefit of knowing that they have been requested. Since the S.A.T. process is covered by policy 2510, it would seem that this additional coverage in policy 2419 might be considered, "overkill".

Comments for section Chapter 3: Evaluation/Reevaluation

Section 2, Part B: A Prior Written Notice should not be required if the parent is in

attendance, and if there is no dis-agreement. Section 2, Part C: 45 Calendar days do not seem to be enough time to complete additional evaluations, especially when the evaluations may require that reports be obtained from contracted providers of related services, or when ongoing observations are required to establish behavior patterns.

Comments for section Chapter 4: Eligibility

Section 3, Part A: Please consider adding, "Certified School Psychologist" to number "2". Section A, Part C: Ther needs to be more consistency throughout the policy, concerning the statement, "ages 3-21". Do services continue through age 21? Section A, Part E: There needs to be some type of pro-active overlap to cover students who are turning age 6 during the term of an I.E.P. by which they have received services as, "Pre-school Special Needs". It seems that in some cases these students' services are abruptly ended, or the placement option changed in the middle of a school year, strictly due to their turning 6 years old. Would it be possible to adjust policy to continue services through the end of the current school year during which the student turns 6 years old. Section A, Part E: The chnage from "Pre-school Special Needs", to "Developmental Delay", may cause some confusion, in that some states, to and from which our students transition, use this term to identify mental im!
pairment, or cognitive delay. Section A, Part E: Under Eligibility Criteria, Number 2: Please do not include, "and related services", as the need for Special Education and/or related services would not be determined until the eligibility committee meeting. This inclusive an implicit statement could create conflict, as related services do not necessarily accompany placement in Special Education.

Comments for section Chapter 5: Individualized Education Programs
---
Section 4: The timelines in this section do not appear to be practical. They may hold the personnel of a given County,responsible for factors that they cannot control. Procurement of data can be a very tedious proposition, and can be quite difficult, under the best of circumstances.

Comments for section Chapter 6: Administration of Services

Section 1: The idea of a "permissible delay" such as Holidays or summer break is mentioned, and then a stipulated limit of 15 days is stated. These do not appear to be consistent. Will we permit a 6-8 week delay, or will we require 15 days? Section 2: Will the requirement of 35 square feet per student in Universal Pre-K classrooms, including Special Education, be practicable? Although classes could be down-sized, can we equitably remove students to other rooms, that perhaps do not have proper accessibility, simply for the provision of 35 square feet per student within each classroom?

Comments for section Chapter 7: Discipline

Thank you for further clarifying "Pattern" of behavior. This has been a source of confusion in the past, and appeared to be quite open to interpretation. It would seem that a subject as potentially volatile as the discipline of a student would best be accompanied by as little ambiguity as possible.

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 3:11 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 15:10:37)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sarah VanMeter
Organization:
Email:
Title: Occupational Therapist
Address1:
Address2:
City/State/Zip: Springfield, WV 26763
Role: Professional Support
Posted: 2007-01-08 15:10:37
Posted from IP: 168.216.162.12

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

1, 3

Comments for section Chapter 1: Free Appropriate Public Education
---
I think that preschool should only be for special needs students. There should not be a classroom with regular pre-schoolers and special ed. pre-schoolers where the ratio is 50-50 since it will never be like that in later years it should be a more diverse group. Also the number of staff to students should be looked at carefully with this group of children.

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Why do we start the process of reevaluation a full year before it is due? This is a waste of time and money. We need to reevaluate children when it is due and we can bill for the full amount.

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Basically you can't touch a student if they have an IEP we can't expel them because it is a manifestation of their disability. If the student understands that what they did was wrong they should be held accountable.

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Checked

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 6:36 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-08 18:36:09)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Trina Britcher
Organization: Harrison County Board of Education
Email: trbritcher@aol.com
Title: Itinerant Vision Teacher
Address1: PO Box 1370
Address2:
City/State/Zip: Clarksburg,, WV 26301
Role: Teacher
Posted: 2007-01-08 18:36:09
Posted from IP: 24.32.167.207

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

✓

Comments for section Chapter 4: Eligibility

Page 26. Eligibility Criteria for Blind and Low Vision. Number one should include — ?
"visual field restriction of LESS THAN twenty degrees...

A Repeat

Page 27. Eligibility Criteria for Developmental Delay. Number six. I strongly support that children with a vision loss become eligible under that exceptionality. If a child is totally blind or extremely visually limited, tactile skills and pre-braille skills are vitally important to a pre-school student. If these skills are not refined before kindergarten, then our students can be extremely behind when pre-reading/reading skills are taught. These skills need to be taught by a trained teacher of the blind and partially sighted. Likewise, research has shown that children who are cortically visually impaired need to be taught very consistently using a specific hierarchy of skills that a teacher of the visually impaired should be able to teach. Low vision children need training in low vision aids as well as a focus on how to best meet the needs of the child through ongoing assessment. Pre-school teachers need the vision teacher in order to know how to present materials !
to a child and how to best meet that student's individual needs. I truly do not feel that a blind or low vision child's needs can be met without input and services of a teacher of the blind and partially sighted. For this reason, I support that if the developmental delay is the result of a vision loss, eligibility shall be determinied as blind and low vision. NA E.C. determines students eligibity based upon eval. results

Comments for section Chapter 5: Individualized Education Programs
---

Page 70 Aection 4. A. When a student transfers from the West Virginia School for the Blind, how do we address the 100%, full time, special education setting? We do not have these services in our counties and although we can change the IEPs fairly quickly (dependent on needs), we would not be able to provicde "FAPE" within one school day which would be comparable to those described in the previously held IEP.

Comments for section Chapter 6: Administration of Services

When determining an appropriate number of students for a teacher of the blind and low vision and/or for determining the "level of need", children who are blind with their primary learning media as braille and functioning in the regular classroom setting or as a potential reader, should be weighted heavier or considered "Level II" needs. For the itinerant teacher, class size is not the issue so much as meeting the individual needs of students throughout a county or area. If a child requires braille or pre-braille instruction, the teacher of the blind and low vision should provide DAILY instruction just as a sighted child receives reading from a reading teacher each day. If a teacher is required to serve 29 (or some large number) of additional students, it becomes impossible to provide the necessary braille instruction. For this reason, I support lowering the number of students an itinerant teacher would service if she is teaching braille to student/s whose primary learn!
ing media is/are braille.

YEAH! Thanks for thinking of travel time for itinerant personnel:)

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

THANK YOU!

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : _____Special Education Directors_____ Organization: _____RESA VII_____

Title: _____

Street Address: _1201 N 15th Street_____

City: __Clarksburg_____ State: __WV___ Zip: ____26301_____

Please check the box below that best describes your role.

☐ School System Superintendent	☐ School System Staff	☐ Parent/Family
☐ Principal	☐ Teacher	☐ Business/Industry
☐ Professional Support Staff	☐ Service Personnel	☐ Community Member

---

COMMENTS/SUGGESTIONS
§126-16-1. General.
§126-16-2. Purpose.
§126-16-3. Incorporation by Reference.
§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

Chapter 2: Child Find.

The inclusion of SAT in 2419, while informative, may serve to revert the responsibility to special education instead of general education. A reference to Policy 2510 may be sufficient. If included the SAT process should be described as a general education process rather than a special education protocol. A similar concern is applied to the inclusion of *The Screening Process* section in 2419.

We support the suggestion within *Parents and Other Interested Persons or Agencies* that outside referrals are forwarded to the SAT for consideration.

Chapter 3: Evaluation/Reevaluation.

Reevaluation – Additional clarification to PWN may be helpful. Does PWN need to be sent if parent/adult student attends the exit meeting? The PWN requirements in this section are not mentioned on page 114.

Section 3. Prior Written Notice. The inconsistency noted above and the placement of PWN requirements in two different sections may be confusing.

When Written Notice and Consent Are Not Required – Although the requirements for a surrogate parent are described on page 119 it would appear appropriate to have a reference to surrogate parent in this section too.

Chapter 4: Eligibility.

Section 1. Eligibility Determination – We support the requirement of identifying the student's primary exceptionality.

Eligibility Criteria for Emotional/Behavioral Disorder – Appendix A is a useful document. *Final Determination* is redundant.

L. Specific Learning Disability. We compliment the department on the development of the RtI process and language.

Eligibility Standards. (pg. 36) … Each standard must be discussed at the EC meeting and corresponding documentation must be on file for each student. We assume this to mean that each of the three standards must be met not just discussed. Additional language may be necessary in this section to clarify this.

Written Report Requirements (pg. 39) 5.c. The student exhibits … We do not see the source of this requirement within the eligibility standards section. If its first appearance is in this written report requirement section it also needs to appear in the eligibility standards section with further explanation.

Chapter 5: Individualized Education Programs.

Section 1. IEP Initiation

C. Scheduling IEP Meetings 6. Within ten days…

Although this is explained further on page 84 it would clarify by ending this sentence "... develop or review a behavior intervention plan as appropriate and conduct a manifestation determination when considering a disciplinary change of placement."

F. Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required for

meeting notice. Page 52 requires 7 days while page 21 requires 8 days. We recommend a return to 10 days.

Section 4. IEPs for Transfer Students

A. Transfer from a West Virginia School District & B. Transfer from an Out-of-State District

While we agree with the need to serve transfer students in a timely manner the requirement that FAPE be delivered within one school day of parent consultation in an unrealistic expectation. For example, if a student requires the related services of transportation, speech, OT and PT contacting these service providers and arranging or rearranging schedules is a time consuming process. Wording from our current policy and procedures is more realistic: Place and serve student based upon current IEP from other district within 5 school days of receipt of IEP.

Chapter 6: Administration of Services.

Staffing for Case Management/Procedural Accountability –

Integrated classrooms (30%) - We recommend wording be added so a student with a disability is not discriminated against by being considered an SWD if they are not receiving special education services in that class/for that subject area. Only SWDs receiving special education services for the class/subject should count in the 30%.

Five day requirement/ Two class per block limit. – It would be helpful to further define and explain *For integrated classrooms where instructional responsibilities are shared...* This appears to prohibit special education teachers from providing intermittent, temporary, and specific intervention services as well as hybrid 'co-teaching' type models. If this requirement is directed toward promoting and encouraging the fidelity of co-teaching it is more reasonable. We assume this *shared instructional responsibility* does not include consultation; however, there is quite a range of service delivery between consultation and co-teaching. If this requirement is intended to address all direct services provided in the general education classroom it is overly restrictive.

Caseloads – We support proposed caseloads that will maximize services for SWDs as long as this does not result in an unfunded mandate. The fiscal note worksheet attached to this policy is unrealistic if it projects no additional cost for the implementation of these caseloads (even in consideration of the explanations offered on this worksheet). It is our understanding that the caseload committee projected the need for additional staff if these caseloads were implemented. Our own informal analysis also projects these caseloads requiring additional staff. Therefore, either additional funding should accompany 2419 adoption or the caseloads should be revised. Implementing the proposed caseloads without additional funding would unfairly burden counties with this expense. Specific examples include the Early Childhood instructional limit of 6 and the 30% limit for integrated classrooms.

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Chapter 10: Procedural Safeguards.
Chapter 11: Dispute Resolution.
Glossary.
Acronyms and Abbreviations.

Please direct all comments to:

Robin Bolling

Office of Special Education Achievement

West Virginia Department of Education

Capitol Complex

Building 6, Room 304

1900 Kanawha Boulevard, East

Charleston, WV 25305-0330

Email Address: rbolling@access.k12.wv.us

Fax Number: (304) 558-3741

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

RESA VII Special Education Director
Policy 2419 Comments

Elaine Benson, Barbour County

Patty Benedum, Monongalia County

Rick Oyler, Doddridge County

Kathy George, Preston County

Shirley Hupp, Gilmer County

Donna Simmons, Randolph County

Vic Fisher, Harrison County

Suzanne Viski, Taylor County

Carol Williams, Lewis County

Deborah Calhoun, Tucker County

Gia Deasy, Marion County

Scott Lampinen, Upshur County

Comments submitted by the Departments of Special Education from Hancock, Brooke, Ohio, Marshall, Wetzel and RESA – 6.

Chapter 1: FAPE

No comments

We believe the proposed 2419 is much more reader friendly. ✓

[redacted] **JIM**

We are concerned about the SAT language being included as part of 2419. We have worked to create an understanding that the SAT process is a general education process and not a special education process. NA Child find is a federal requirement for the provision of FAPE.

[redacted]

Why does PWN need to be sent if student/parent attends the exit meeting? We believe additional training needs to occur on this topic. NR or REPEAT?

[redacted] **BETSY**

Autism
We are concerned with the new language for eligibility: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician or licensed psychologist." Currently, due to lack of area resources and/or parental resources there are some students identified as Autistic without having medical diagnoses. Will this now require LEA's to pay for a medical evaluation when data clearly supports the determination?

EBD
We are concerned by the eligibility criteria for EBD. Previous eligibility included that the student MUST meet the following: "exhibit behavior(s) that is not primarily the result of physical, sensory, or intellectual deficit" in order to be eligible. Current proposed criteria (Appendix A) now place this previous criterion in with five additional criterions, only one of which must be met for eligibility purposes. We are concerned that this could eliminate the much needed discussion when students with cognitive impairments and behavioral issues are considered thereby allowing eligibility committees to place students with cognitive (MI) impairments inappropriately primarily in classrooms for students

with EBD.

Page 28 (mid page) identifies that EBD is when ALL of the following criteria are met but one of the criterion listed is "exhibits behavior(s) that is not primarily the result of physical, sensory, or intellectual deficits". However, when referencing Appendix A pages 165 and 166, number two indicates that a student must exhibit only one of the six characteristics. We do not believe the criteria and the determination (Appendix A) are consistent.

Eligibility Criteria for Articulation KATHY
We are concerned with the language "all of the following" as this could significantly delay the treatment of an articulation issue that would be of concern at a later point in the student's life.

Chapter 5: IEP

Meeting notice timeline
Why is there a difference in the number of days when planning for an EC/Re eval. and that of an IEP meeting? Page 21 in discussion of re-eval / eligibility indicates "no less than eight days prior" while page 52 indicates "no less than seven" when inviting parents to the IEP meeting. A REPEAT

Chapter 6: Administration of Services

Integrated classrooms
We are concerned that the 30% criteria would be difficult to adhere to if all students with IEPs other then speech are calculated. We would recommend the 30% be calculated utilizing only the students that are identified for services within the subject area and not on the sole criteria of being a student with a disability. I.e. A student eligible for specialized instruction in the area of reading in an integrated math class would not count towards the 30%.

Staffing
We are concerned the proposed caseloads would require LEA's to hire additional staff to truly provide a full continuum of services.

How will caseloads be calculated based on the level one and level two needs for child count?

Chapter 7: Discipline MARY AND BETSY

definitions of a weapon, page 86: Weapon – a weapon, device, instrument, material or

substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less that 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)). This definition has changed over the years…would citing this create undue procedures if it is changed at a later date?

basis of knowledge, page 88
Proposes that if a parent/adult student has "expressed concern to district professional personnel". We would like consideration be given to replacing the terms "professional personnel" with administrative personnel.

Chapter 8: Private School Students

No comments

Chapter 9: General supervision and Accountability

No comments

Lois Ingles Wood County Schools LD/Multicategorical Specialist

Chapter 2: Child Find.

Page 9B. First paragraph – people need a better understanding of "pre-referral". Is SAT now the responsibility of special education or is it a general education process? State needs to give training to counties about proper use of SAT – is it seen as only the way to special education.

Page 9 – bottom of the page – SAT determines need for testing must send PWN – If parent has been involved in SAT why is there a need for PWN? Will guidance be given to SAT as to what and how a PWN is written? Remember SAT is a general education process. Is this also in Policy 2510?

Chapter 3: Evaluation/Reevaluation.

80 calendar days for evaluation – needs to state that. That includes all holidays during the time frame (when students are not in attendance). Are reevaluations continuing at 60 days?

Chapter 4: Eligibility.

Please place receipt of consent back on the form for parent signature to evaluate. We are a county who have eligibility at the Board office – we invite the school team to the meeting – many times they don't come – How many of the list must be in attendance to have the EC? (Page 21) Same for an EC for LD – what happens if the general education teacher doesn't come? We can not force them.

Page 23 - #8 at top of page – Who constitutes group member? Every teacher, anyone who does a part of the MDET, the EC team, etc?

Page 32 – OHI – There has to be a way to strengthen this definition. This is the <u>most abused</u> category and we as a central office get in trouble if we attempt to really adhere to "existence of educational needs" and "adversely affects". Most of there students need someone to case manage them not specially designed instruction but then who does the case management?

Page 33 – I am not sure WV will be ready by July 1, 2009 to move away from the discrepancy model especially for secondary schools.

Chapter 5: Individualized Education Programs.

Page 56 – What is the definition of peer-reviewed research? Needs to be in the policy.

Chapter 6: Administration of Services:

Page 80 – How does duplicated students figure into this? What is the maximum load when in elementary school there are not absolute period of times? Secondary 6 per day you could have 60 students on caseload. Needs to be made clear.

Chapter 8: What happens when some of your private schools never participate? Are they still entitled to funds?

Beverly McCoy

Thank you for the opportunity to comment on the proposed changes to Policy 2419. The organizational format certainly makes it easier to access, and additional detail is helpful in many cases. I do have several specific areas of concern, as identified below:

Caseloads:

The collapsing of student needs into just 2 categories – level 1 and level 2 – hinders the ability to provide for students' needs on an individual basis.

Having caseloads as high as 10 students per teacher for those students with the highest needs will be damaging to students. It has been reported that West Virginia schools have difficulty getting and keeping an adequate number of highly qualified special education teachers. Turnover is reported to be significant. This change is not going to improve the working conditions of teachers working with the students with the most significant needs, and is likely to result in major difficulty recruiting and retaining highly qualified teachers.

Increasing the caseloads as proposed is likely to provide a financial incentive for districts to provide special education services in the more restrictive environment of a special education class rather than the regular education environment. The proposed change is likely to dramatically diminish the ability of students with more significant needs to have individualized participation in regular education classes.

Eligibility criteria:

For autism, requiring both #1 AND #2 seems redundant.

For mental impairment, the eligibility criteria are not going to be understandable to the vast majority of parents. The reference to "an…intelligence test" is particularly of concern since a single test is likely to not appropriately characterize the functioning level of many children.

IEPs

Clarification needs to be made to limit the extent of discussion and decision-making regarding IEPs/proposals/responded conducted outside an IEP meeting. When district personnel meet to discuss a student's program and the parents cannot participate, the parents cannot have full and equal participation in the process.

The definition of "consensus" needs to be clarified to indicate that it is on an issue-by-issue basis, not on the IEP as a whole.

Regular educators need to participate through attendance unless that is waived in writing by the parents.

IEP DEVELOPMENT

Section D – "easily" should not be a defining criterion – "accurately" should be substituted.

Current regulations on the participation of referring and receiving teachers should continue to apply.

Invitations need to be provided no less than 10 days in advance to give to allow families to participate with the least disruption to their other obligations and to allow sufficient time for dates to be considered and alternatives to be found if the proposed date is not workable.

Section F – the transitions services section needs to incorporate specific reference to the adaptive skills of communication and social skills, both of which are vitally important to employability.

Section G – current wording regarding ability to participate in extracurricular and nonacademic activities is more appropriate than the proposed wording.

Chapter 6, page 78 – the limitation on the percentage of students with disabilities should apply to all regular education courses, not just those in the core areas.

Chapter 8, page 98 – "unreasonableness" reference is vague and not sufficiently informative to parents and others; for the final two items on the page, it is alarming that reimbursement could be reduced under those circumstances. Putting students at significant risk of serious emotional harm is unacceptable.

The section on IEEs needs to clarify that an IEE is available for each area evaluated by the district, even if the parent cannot find a single site that can do all the evaluations. It also needs to clarify that parents/students are entitled to the IEE for each cycle in which the district conducts an evaluation.

Sharon Leivestad	Pre-school Teacher	Romney Elementary School
Julie Wilson	Pre-school Teacher	Romney Elementary School
Lisa Haines	Pre-school Teacher	Romney Elementary School
Loretta Hott	Pre-school Teacher	Romney Elementary School

After reviewing Policy 2491, We would like to express our concerns on Chapter 6: Administration of Services.

As we understand it, this section states: A maximum of 20 students (ages 3 – 5) per session with no more than 10 of those students with IEPs for Development Delays. That is, 10 special needs per day along with 10 regular students.

At this time, we have one class with 7 regular students and 7 special needs students. It is extremely difficult to attend to each child's needs whether they are delayed or not.

The majority of the special needs children we get have some form of social behavior problem. Therefore you have to make sure they are treating their classmates properly. (We have had several biters which requires us to never take our eyes off that student for fear another student could get injured. We have had runners with no regard to safety issues. They require all eyes on them during the recess for fear of losing them.)

The majority of the development delayed students come in without toileting skills. At least one of us has to attend to their needs which means that person is in the bathroom all day leaving the other to attend to the rest of the class.

Just because we have regular students does not mean they act in appropriate ways either. They require a lot of attention because 3 – 5 year olds have no idea how to move from class to lunch, lunch to recess, and recess to class. Even though we don't mind reteaching this everyday, it is very difficult when you have one wanting to go potty, another is running off and a third one is screaming because the biter just took a hunk out of their arm.

We recently switched one student for another in our classes. Student A was getting further and further behind because we had so many students in the classroom that we were not able to attend to his needs. Student B, although he still has some problems, was showing signs of improvement in that class, which was a rather small class (only 9 students). The switch starts next week, and we felt that was the only alternative we had. It is a difficult task for 2 staff members to meet the needs of each child at the present time. If this policy goes into place as it is now written, it will increase the caseloads to the point that it will be unfair to the students who require extra help to be on age appropriate levels with their peers.

In other classrooms 30% of their class enrollment falls under the special needs category. Unfortunately for our classroom, which is 50% special needs, this has not been the case. It has been very stressful and detrimental for all students in the classroom regular and special needs.

Should we continue with the proposed changes, we will truly be defeating the purpose behind the NO CHILD LEFT BEHIND.

Chapter Four Eligibility
Nancy Laughlin, Speech Therapist
Marion County Schools

COMMENTS REGARDING PROPOSED SPEECH/LANGUAGE IMPAIRMENT CHANGES TO 2419 (Chapter 4, pp 42-44 – Eligibility Determination)

I am Nancy Laughlin, a licensed and certified speech therapist working in the Marion County Schools. And I am here to speak on behalf of my 18 fellow speech therapists in Marion County regarding the proposed changes to the category of speech/language impairment regulations in 2419.

Although there are several areas of concern, I will limit my comments to the very obvious area of Articulation/Phonology.

The RED FLAGS were raised when we saw that there are now 5 criteria – ALL OF WHICH MUST BE MET - in order for a student to be eligible to receive services for an articulation/phonological disorder. Previously there were two. No other disorder requires that extensive scrutiny – even language, which encompasses a much broader range of skills and abilities.

Therefore, we have particular concerns with criteria 1 and 3.

1. Regarding criterion #1, requiring two procedures is best practice. Requiring a standard score is, however, inappropriate for students above the age of 7. All speech sounds should be developed by age 7, and any student exhibiting speech sound errors beyond that age has exceeded developmental norms. Most widely used standardized articulation tests target the 4 to 7 year level and are inappropriate to administer to older students. Also, consider that most students who have had any therapy will pass a single- word articulation test; their speech breaks down in conversation. Most standardized articulation tests assess single words. Criterion #2 covers the situation for older students when ***application of developmental norms and severity ratings verify that speech sounds have not developed with or without intervention.*** Leave the determination of assessment procedures up to the professionals.

2. Regarding criterion #3, which imposes a severity rating requirement: you know that the severity of an articulation disorder varies widely from student to student. For example, the typical w/r single sound error may be mild to 6 year-old Tyson Matthews, but not so mild to first grader Robert Ricer. Likewise, a residual single sound error for some MI students may be cause for celebration and dismissal. Again – leave that recommendation to the professionals

I'm sure that you have heard in previous public comments that ASHA opposes eligibility criteria that eliminate mild articulation disorders. That's their job to protect our jobs and the welfare of our clients. However, their opposition is backed by solid evidenced-based research that documents the negative effects of single sound (hence MILD) articulation errors. The social, emotional and career implications of even a mild articulation error are long term and far reaching. Leave those decisions in the hands of the Eligibility and IEP teams.

You also know that US Dept of Education has already clarified that students should not be denied speech therapy services if they do not demonstrate a concomitant academic problem. The intent of IDEA is not to deny students with speech disorders the right to special education services based on academic achievement. Good speaking is considered a stand-alone educational skill. The **Documentation of Adverse Effects on Educational Performance for Students with Speech/Language Disorders** or **Appendix B** is confusing and unnecessary. I quote from a US Office of Education letter:

The impact of the child's communicative status on academic performance is not deemed the sole or even the primary determinant of the child's need for special educational services. It is the communicative status – and professional judgments made in regard to assessments of communicative abilities – which has overriding significance.

AND NOW I WANT YOU TO MEET SOME STUDENTS WHO HAVE RECEIVED SPEECH THERAPY SERVICES IN THE MARION COUNTY SCHOOLS.

Ryann Moore and Dominica Hermosilla - were students whose parents requested evaluations when they entered 7th grade. They both exhibited inconsistent frontal lisps that did not necessarily show up on an articulation test, but were nevertheless evident in conversational speech. These girls were both very bright. Ryann was in the gifted program. Analysis of conversational speech, not a standardized single-word articulation test- revealed correct [s,z] productions at 17-20% in conversation. Therapy progressed rapidly and by year-end Dominica was dismissed, Ryann was to be rechecked when 8th grade started. When school started that next year, Ryann came to me and said, " Boy, Mr0e0 Laughlin, do you have your work cut out for you. I got bra0e0." So we did some compensatory therapy. I monitored her and finally dismissed. Today these girls are both senior honor students. Dominica is on the prom court, works at a local restaurant, runs cross county and is going to the Art Institute of Pittsburgh to major in graphic design. Ryann is captain the of the state finalist soccer team and will attend WVU or WV Weslyan.

Next I want you to meet Trey Satterfield, or as he called himself in first grade TWEY SATTEWFIELD. Trey received speech therapy for a mild articulation disorder – that pesky [r]. Today Trey is the Student Body President at Fairmont Senior High. He's an honor student and will attend WVU to major in business. When I called to ask permission to tell his story, his Mom said yes, and added that, "Trey is the best speaker in our family. We all have that WV twang, but not Trey, because he learned to pronounce his words correctly in speech therapy at an early age." Do you think Trey would have ever run for office or been elected if he were running for the PWESIDENT of the Student Body at FAIWMONT SENIOW High?

Lastly, I want you to meet Alexander Janes, or as his friends know him – Lex. Lex received therapy for a persistent frontal lisp in second through sixth grades. Today Lex is the outgoing president of the WV Association of Student Councils – an office that requires major campaigning among known and unknown peers. He is also a National Merit Finalist and is being pursued by colleges and universities all over the east, including face to face visits and interviews. When I called to ask permission to tell his story, his mother related that his speech problem absolutely impacted his

educational performance, even though he was identified gifted. She said that unfortunately, even some teachers presume that students who are not articulate are also not very bright. As a result of speech therapy, Lex has always received compliments for his public speaking ability. We're proud to claim Lex and the others as successes.

Other states where these changes that are proposed in 2419 have already been implemented are very different from our mostly rural and consolidated school populations.

FIRST – Other areas have active private sector services to pick up what the school systems reject. In WV, we are not blessed with an abundance of private therapy services, nor are we blessed with families whose incomes can accommodate private therapy.

SECOND, those families who have medical insurance that covers paramedical treatment are finding that their insurance will not pay for services that are supposed to be provided through the schools system. Sounds like litigation waiting to happen, if and when their children are denied services in the schools.

Therefore, regarding criteria to determine eligibility for Articulation/Phonology Disorders:

1. We urge you to remove the requirement that eligibility be based upon a standardized articulation test
2. We urge you to remove any requirement based on severity
3. We urge you to remove or revise the Appendix B requirements documenting the negative effects on educational performance.

The students I just told you about are all students who exhibited MILD articulation disorders. Under the proposed regulations, they would not have been eligible for speech therapy. Are these the kind of students we want to leave behind? Or, in fact, should NO CHILD BE LEFT BEHIND?

Chapter Four Eligibility

Eligibility Criteria #3 – Articulation/Phonology Disorder

3 Main points to be made

1. Excludes a whole class of student in which the disorder clearly adversely affects educational performance but intelligibility is only mildly impaired.
   - Many examples have been given depicting student with one or two sound errors. I would concur with my colleagues who have commented before me.
   - I would like to stress an example of K or 1st Grade student with multiple misarticulations and mild intelligibility issues. Misproductions include "l,th,f,k,g,v,s,z,sh" and difficulty with production of consonantal blends.
   - Under the new regulations this child does not qualify for services.
   - A child presenting with this speech pattern would clearly have academic difficulties to some degree. More often than not, this child would struggle with decoding and sound blending and his speech delay would significantly impact acquiring reading readiness and early reading skills.
   - SEVERAL students currently on my caseload come to mind.
   - I KNOW as communication specialist, that speech production is the foundation upon which reading skills are built. In order to effectively acquire a printed code, the verbal code from which it is built must be well established. Everyone across the nation is saying this and there has been much evidence to support it!
   - Denying these students access to speech services will without a doubt, impede the learning process and deprive them of a FAPE.
   - Inconceivable that the state dept of ed could suggest such a thing!
   - Degree of intelligibility should not be a criteria that must be met for eligibility. It most certainly needs to be a consideration, but not a criteria that must be met. This criteria needs to be stricken from the policy entirely.

2. Criteria #3 dealing with degree of intelligibility would create caseloads of the public school SLP that were entirely composed of children with severe disabilities.
   - Our caseload limit remains at 50. It is currently very challenging to serve 50 students who have varying degrees of impairment. I would think that serving 50 students with severe impairments would be an impossible task.
   - It would require more tx time per student and more individual tx sessions.....as opposed to group sessions.
   - The average tx group for most of us now is 3. In a 30 minute session student response time for each would be 10 minutes at BEST.....5-7 minutes realistically. This would not be adequate for a student with a severe impairment.....even if seen 3-4 times a week.
   - It would not be possible for SLPs to appropriately serve that many children with severe impairments.

3. Defining intelligibility into "mild, moderate and severe" categories is a very subjective thing.
   - Formal intelligibility ratings or not commonly known or used in the public schools.
   - Informal measures could be used but the results would be inconsistent from county to county across the state.

Bernadette Rusch
Harrison Co.
Speech Pathologist

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

1-9

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : ___Angela Madia _____ Organization: Harrison County Schools

Title: Special Education Resource Teacher

Street Address: 408 E.B. Saunders Way
Clarksburg, WV 26301

Please check the box below that best describes your role.

Professional Support Staff

COMMENTS/SUGGESTIONS
Robin, I am forwarding additional comments they are noted in red. Thanks Angela Madia
§126-16-1. General.
§126-16-2. Purpose.
§126-16-3. Incorporation by Reference.
§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

Chapter 2: Child Find.
Section B, Page 9; SAT is a regular education initiative (Policy 2510) therefore eliminate this section from th Policy

Chapter 3: Evaluation/Reevaluation.
Section B, Page 14; Clarify the reevaluation process for Gifted students…. For students with giftedness, a reevaluation must be conducted during the eighth grade year to determine eligibility for exceptional gifted. C considering the reevaluation process for individual not having a disability

Chapter 4: Eligibility.
Section A, Page 24-25; Autism Utilizing the DSM-IV Criteria for Autism (1) and (2) the student is diagnos as having a disorder in the autism spectrum as Eligibility criteria this is confusing and problematic.
Section A, Page 25 (2) diagnosed by a ….or a licensed psychologist Consider the addition of School Psychologist within this section. The Educational/training level of the School Psychologist is equivalent to th training of a Licensed Psychologist, or eliminate the Licensed Psychologist and leave it with the medical fiel

Section K, Page 32; OHI Clarification regarding criteria for OHI (4) … adversely affects educational performance – clarification regarding criteria for adversely affects education performance – this appears to b left to subjective interpretation --- what constitutes adequate educational performance (i.e. mastery of conter standards and objectives, formal and or informal assessment). Reference to comprehensive evaluation is not noted within the criteria for eligibility within this category.

Section L, Specific Learning Disability – I would like to complement the department on the explanation of th Tiered Instruction/Intervention section and development of the RtI process and language.
Page 38 Evaluation Components Paragraph 2 – eliminate the paragraph since the purpose of the comprehensi evaluation is stated in Chapter 3, Page 12 it is not necessary to repeat this information within this section.
Eligibility makes references to eligibility for special education & related services. Children are eligible for sp. Ed. services. Related services are determined by the IEP team. Recommendation: remove references to "and related services" throughout Chapter 4. Eligibility.

There is a mismatch in the RTI section of the policy. On p. 36, it is stated that "Tier 2 interventions are implemented for a period of eight to twelve weeks but could be longer depending on student progress toward benchmarks". On p. 38, documentation of "Rate o Learning" is noted as "Progress monitoring data collected before, during and after the provision of at least two rounds of Tier 2 supplemental instruction." Recommendation: Change the description of Tier 2 to match the documentation section (require at least two rounds of Tier 2)

Chapter 5: Individualized Education Programs.

Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days. Recommend a return to 10 days.

Chapter 6: Administration of Services.

Recommendation: For clarity, Chapter 6 should include the current 2419 caseloads regulations in addition to the ones that will be effective in July 2009

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Chapter 10: Procedural Safeguards.

Chapter 11: Dispute Resolution.

Glossary. Page 139 Audiology, Page 154 Psychological Services & Page 159 Speech Language Pathology Services include wording to reflect qualification for provision of services (i.e. Audiologist, School Psychologist & Speech and Language Pathologist) as noted in the reference to Occupational Therapy (p.150) and Physical Therapy (p.152).

Acronyms and Abbreviations.

Recd 1-9

Needs added

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: David McChesney Organization: Braxton County Schools

Title: Director of Special Education

Street Address: 411 North Hill Road

City: Sutton State: WV Zip: 26601

Please check the box below that best describes your role.

☐ School System Superintendent	☐ School System Staff	☐ Parent/Family
☐ Principal	☐ Teacher	☐ Business/Industry
☐ Professional Support Staff	☐ Service Personnel	☐ Community Member

---

COMMENTS/SUGGESTIONS

§126-16-1. General.

"The year in which the student is twenty-one years of age prior to September 1 or the student has met graduation requirements for a standard high school diploma." - Good clarification

§126-16-2. Purpose.

§126-16-3. Incorporation by Reference.

§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

C. Using Private and Public Insurance Funds to Provide FAPE – Good Clarification
Section 3. Exceptions to FAPE – "Students who have graduated high school with a standard high school diploma, *but* this is a change in placement and requires Prior Written Notice (PWN)" – is this a typo?

Chapter 2: Child Find.
Requirements for district to develop local interagency agreements is an expansion of requirements of law.

B. Student Assistant Team - Strike "should" language ("SAT should consider whole-school approaches, scientifically-based programs and positive behavior supports, including accommodations and instructional interventions conducted in the general education environment.") - Language will act as an expansion of requirements

"The SAT must provide written documentation to the parents of the results of interventions and the recommendations made by the SAT in regard to the student's program and invite parental feedback to the team about those recommendations." – Explain the requirements of 2510 §9

Chapter 3: Evaluation/Reevaluation.
"The eighty day timeline will not apply to a district if:" – Good clarification
2. "Consent for Evaluation" – Good clarification

Chapter 4: Eligibility.
Section 1 Eligibility Determination, video conferences – how about a realistic suggestion
§L Specific Learning Disabilities Eligibility Determination: RTI – to be effective the changes will require additional resources, intense and on-going training efforts and an additional 3 staff.

Chapter 5: Individualized Education Programs.
§1 F. Invitation to IEP Team Meetings – video conferencing - !!!!
§4 A. Transfer from a West Virginia School District "district must make reasonable efforts" — will be subject to wide interpretations. "FAPE within one school day of the parent consultation" – not workable because it takes time to get IEP's and evaluations. It takes time to schedule staff, who can pull them off the shelf.
C. Transmittal of Records "respond within one school day" – not reasonable and beyond the Federal requirements.
§5 A. Transition Planning "The DHHR has the responsibility to:" – why are DHHR requirements in educational policy?

Chapter 6: Administration of Services.
B. Adequate Staff – ***Class Size Requirements for Instructional Period*** **All WV Pre-K classrooms** "Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. " – is beyond the requirements of 2520 §9.2 which establishes a ratio of 1 adult to 10 children.
Integrated classrooms – "no more than 30% of the total class enrollment during any single class period in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math." – Impact projections from Braxton County Principals indicated that the schools in Braxton County will need 15.5 teachers and 3 aides to implement requirements.

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Chapter 10: Procedural Safeguards.
Chapter 11: Dispute Resolution.
Glossary.
Acronyms and Abbreviations.

Please direct all comments to:

Robin Bolling
Office of Special Education Achievement
West Virginia Department of Education
Capitol Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: **rbolling@access.12.wv.us**
Fax No.: (304) 558-3741

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 8:46 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 20:46:01)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Marsha D. Burke
Organization: Greenbrier County Schools
Email: longateach@charter.net
Title: Preschool Sp. Needs/ Head Start/ PreK 4 Teacher
Address1: 215 Sixth Street
Address2:
City/State/Zip: Rainelle, WV 25962-1217
Role: Teacher
Posted: 2007-01-09 20:46:01
Posted from IP: 75.108.247.142

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Not sure if this is the right section b/c it is not in front of me, BUT for preschool programs that are integrated, there needs to be more clarity on caseload! The way it reads, it says to me that I can have 20 children, and 10 of those can be severe/profound special education students and legally only need one teacher and one aide!!!!???????? There needs to be something like with the K-12 on a level one or level 2 child!! Also, it needs to be taken into consideration that 20 children, ages 3 and 4 are a lot more to handle than 20 that can do more for themselves. Even if they're not special needs, they still may not be potty-trained, or able to button, zip, snap, etc. and they require a lot more than children K and older! I have taught for 13 years in February in a preschool setting of one kind or another and it is impossible to have a classroom that is integrated unless there is one teacher and two aides--even without a special needs child. AND IF you have a child wit!
h autism, or that is nonambulatory, etc. then you need ANOTHER aide just for that one child. They should NOT BE ALLOWED to count a special education aide that is in the classroom for a special education child as one of the aides for the supervision of the regular education students. Please call me if you have any questions for me. This has been a concern of mine for years, because it was not addressed at all in P2419!!! My home number is (304) 438-5933) my cell number is (304)667-4333 and my school number (to my classroom) is (304) 438-9524. Thank you so much!!

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 6:32 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 18:31:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Charlotte Robinson
Organization:
Email: teachcr@aol.com
Title: Third grade teacher
Address1: PO Box 754
Address2:
City/State/Zip: Lumberport, WV 26386
Role: Teacher
Posted: 2007-01-09 18:31:54
Posted from IP: 205.188.117.13

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I disagree with the new criteria to determine if a child is eligible for speech services. Articulation disorders are incorrect productions of sounds including ommissions, distortions, substitutions, and/or additions that may interfere with intelligibility. It

is important that all children with mild impairments be eligible for speech services as well as those with moderate impairments. Their speech impairments affect them academically in the classroom in decoding and reading skills, as well as socially in and out of the classroom. Many students become embarrassed by their impairment and do not want to participate in class in fear of being ridiculed. Without speech services these children could be hindered dramatically in the learning.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

POLICY 2419

Twyla Melton
3rd Teacher
Winfield Elem.

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Wally Chapman
Winfield Elementary
Ch. Ed. Aide

POLICY 2419

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Sally Sutherlan
Winfield Elementa
Autism Teach

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

DAVID R. HAR
WINFIELD ELEMEN
AUTISM Aid.

POLICY 2419

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 4:20 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 16:20:10)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: jane alderman
Organization: nicholas county board of education
Email: janealderman@verizon.net
Title: sp.ed aide
Address1: 310 nelson ave.
Address2:
City/State/Zip: summersville, wv 26651-1241
Role: Service Personnel
Posted: 2007-01-09 16:20:10
Posted from IP: 141.153.59.57

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
addition staff is needed to fully implement the rti model

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

---

special education classes for students with disabilities. delete this section of level 1 and 2.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 5:06 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 17:05:30)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: paula alderman
Organization:
Email:
Title:
Address1: 310 nelson ave
Address2:
City/State/Zip: summersville, wv 26651-1241
Role: Parent-Family
Posted: 2007-01-09 17:05:30
Posted from IP: 141.153.59.57

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
addition staff is needed

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

---

delete this section of level 1 and 2

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 5:16 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 17:16:18)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: teddy alderman
Organization:
Email:
Title:
Address1: 310 nelson ave
Address2:
City/State/Zip: summersville, wv 26651
Role: Business-Industry
Posted: 2007-01-09 17:16:18
Posted from IP: 141.153.59.57

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations
---
we need to leave this alone

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 5:18 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 17:17:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: stephen alderman
Organization:
Email:
Title:
Address1: 310 nelson ave
Address2:
City/State/Zip: summersville, wv 26651-1241
Role: Parent-Family
Posted: 2007-01-09 17:17:56
Posted from IP: 141.153.59.57

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations
---
continue with the requirements the way they are

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 4:03 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 16:03:08)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Yvonne Santin
Organization: Wood County Schools
Email: ysantin@access.k12.wv.us
Title: Director of Special Education
Address1: 1210 Thirteenth Street
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Professional Support
Posted: 2007-01-09 16:03:08
Posted from IP: 168.216.71.243

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Section 3., B. Shouldn't this entire section be in Policy 2510? Much of this responsibility is in the "general education environment", yet now this is detailed in Policy 2419. Does this mean it is now a special education responsibility to train general education teachers and administrators? Who will provide the training (as this concept would be very difficult to implement just by reading this section of a special ed. policy? The WVDE needs to take responsibility for training on this issue/ The RtI initiative (which should have had general education leadership involved) is a good start, but training needs to occur on a state level, especially in an effort to improve general education instruction and to decrease unnecessary referrals. In addition, the SAT timelines seem to be unrealistic "5 days of receipt".
Section 3., D. The statement: "A SAT meeting must . . . for initial evaluation must be

obtained within ten school days of receipt of referral." What does this statement mean? It is confusing.

Comments for section Chapter 3: Evaluation/Reevaluation

Section 1., A., 1. Should read (See Secton 3.B. Consent Requirements . . .)

Comments for section Chapter 4: Eligibility

Section 1. For initial EC's, is the referring teacher required to be there? Is "such as" included in "shall consist of"? This is confusing. It is a good idea, but unrealistic and possibly costly to have this as a requirement. For students suspected of having a SLD, having the general ed. teacher at the EC as a requirement is (again) unrealistic and could be costly.
Section 3., L., page 33-42. If RtI is a general ed. initiative, why is the explanation in this policy and not in Policy 2510? The responsibility will remain with special education (no matter what you call your office) if this is the only place RtI is mentioned in state policy.
Section 3., M., pg. 42-44. What is the intent behind change the long explanation of elibility criteria for language impairment? Is the intent to reduce the need for services because the state has a difficult time employing speech language pathologists and serving students with these needs? How will students with mild language problems be addressed?

Comments for section Chapter 5: Individualized Education Programs
---
Page 67. "reverse mainstream classrooms" is not defined in the glossary of this policy and needs to be defined. (It is defined in the body of our current policy 2419 on page 28, but it is not defined in that glossary either.)

Comments for section Chapter 6: Administration of Services

Section 4., B., pg. 76-81. These comments have been made previously when I participated in the "pilot study for caseloads" (to no avail), but here goes.
CASE MANAGEMENT/PROCEDURAL ACCOUNTYABILITY: While these revisions tend to reward more inclusive settings/least restrictive environment, there are still many concerns that I have regarding the more restrictive settings. First of all (and probably most important), these caseloads will have a direct impact on the funding formula and hence will need to continue to be "tracked/monitored" at the school and county level on a DAILY basis.
It is confusing for me to understand the difference between "case management" and "service provider". The definition of case management in the glossary does not the fact that the teacher will also provide direct/indirect special ed. service in addition to the listed responsiblities. I would think that in most cases, the teacher would be providing BOTH service and case management. These two terms are presented like they are two separate things, when in reality, they are the same. I do not understand how a teacher would be funded through the formula if they are not providing service to students. For example, how would a speech language pathologist case manage students without providing service to them? This is very confusing to me and would be very difficult to explain to someone else.
INTEGRATED CLASSROOMS: The restrictions for 30% SWD of total class enrollment is reasonable. There needs to be a way to "track/monitor" this from a county perspective to ensure that is not abused.
MAXIMUM NUMBER OF STUDENTS PER INSTRUCTIONAL PERIOD: The "chart" needs to address the reality that students with level I needs and students with level II needs will most likely be IN THE SAME CLASSROOM SIMULTANEOUSLY (i.e. during the same instructional period). How will the maximum number of students be impacted by this or will it? The change regarding students per instructional period from more to less students per period at EC level will NOT offset the change in instructional period at MC and AE from less to more students per period. To explain, there will be a need for more aides at EC then what is reduced at MC & AE levels. How were the maximum number chosen? Why is it that the number is doubled from the EC to the MC level (for level I students)? Were any of the recommendations from the caseload committee followed? It also seems unrealistic to state that all areas of disabilities are similiar; that is, that autism is the same as mental impairment - as behavior di!
sorders, and so on. . . In addition, we work very hard to NOT assign aides to specific students. This proposed policy changes the perspective that now aides are assigned due to

students and not a group of students. I feel that teachers who are used to having an aide (all of their career) will FIND a student who needs an aide in order to have one assigned. This does not address aides at all other than a statement or two and that is not enough!! FISCAL IMPACT: Again, as a result of investigating this for the "pilot study on caseloads", I determined that our county would need approximately 4 more teachers and 26 more aides than we presently employ ($1,120,000.00). Obviously, this unfortunately fell on deaf ears. And I still do not know how to monitor/track caseloads on a daily basis based upon these proposed revisions to caseload!!
Again: Why can't this proposed revision to caseload be PILOTED in some counties (large/medium/small) before it is implemented and THEN have those counties provide the much-needed technical assistance to other counties? Why would we implement these caseload revisions and then do an impact study when the result would be a fiscal disaster? I understand the need for a change to our current caseload requirements, but in haste, this proposal is too different from what is currently being done and will not be changed effectively overnight becuase it has been put into a policy. It is disappointing (and quite sad) that these caseload revisions were proposed and directors (as well as other key stakeholders) were not a part of the process. I cannot explain the intent of these caseload revisions when I do not understand it myself. Furthermore, the staff in the Office of Special Ed. cannot seem to explain it either (other than to mention Robin Bolling's name) and I find it hard to be!
lieve that these revisions came from one person!!! All of the training and meetings that special education has invested and this is the result!! On the whole, I strongly feel that these caseload revisions are not what is best for students with disabilities. I will again offer that Wood County would have schools that would be more than willing to participate in a true pilot for caseload revisions (similar to what has been accomplished with the RtI initiative) and would be happy to share/train results with others!!!!
Special education in West Virginia impacts the funding formula and other entities such as personnel law - this is not something to be taken lightly! Much more TRUE study and field study needs to be done to make long-lasting, effective policy for students with disabilities.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Include reverse mainstream classrooms as an entry.

Comments for section Acronyms and Abbreviations

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Angela Madia Organization: Harrison County Schools

Title: Special Education Resource Teacher

Street Address: 408 E.B. Saunders Way
Clarksburg, WV 26301

Please check the box below that best describes your role.

Professional Support Staff

COMMENTS/SUGGESTIONS
§126-16-1. General.
§126-16-2. Purpose.
§126-16-3. Incorporation by Reference.
§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

Chapter 2: Child Find.
Section B, Page 9; SAT is a regular education initiative (Policy 2510) therefore eliminate this section from t Policy

Chapter 3: Evaluation/Reevaluation.
Section B, Page 14; Clarify the reevaluation process for Gifted students…. For students with giftedness, a reevaluation must be conducted during the eighth grade year to determine eligibility for exceptional giftea Only considering the reevaluation process for individual not having a

Chapter 4: Eligibility.
Section A, Page 24-25; Autism Utilizing the DSM-IV Criteria for Autism (1) and (2) the student is diagnosed as having a disorder in the autism spectrum as Eligibility criteria this is confusing and problematic.
Section A, Page 25 (2) diagnosed by a ….or a licensed psychologist Consider the addition of School Psychologist within this section. The Educational/training level of the School Psychologist is equivalent tc the training of a Licensed Psychologist, or eliminate the Licensed Psychologist and leave it with the medic field.

Section K, Page 32; OHI Clarification regarding criteria for OHI (4) … adversely affects educational performance – clarification regarding criteria for adversely affects education performance – this appears be left to subjective interpretation --- what constitutes adequate educational performance (i.e. mastery of content standards and objectives, formal and or informal assessment). Reference to comprehensive evaluation is not noted within the criteria for eligibility within this category.

Section L, Specific Learning Disability – I would like to complement the department on the explanation of t Tiered Instruction/Intervention section and development of the RtI process and language.
Page 38 Evaluation Components Paragraph 2 – eliminate the paragraph since the purpose of the comprehensive evaluation is stated in Chapter 3, Page 12 it is not necessary to repeat this information wit this section.

Chapter 5: Individualized Education Programs.

Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required fo meeting notice. Page 52 requires 7 days while page 21 requires 8 days. Recommend a return to 10 days.

Chapter 6: Administration of Services.

Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.
hapter 10: Procedural Safeguards.
Chapter 11: Dispute Resolution. ✓
Glossary. ***Page 139 Audiology, Page 154 Psychological Services & Page 159 Speech Language Pathology Services include wording to reflect qualification for provision of services (i.e. Audiologist, School Psychologist & Speech and Language Pathologist) as noted in the reference to Occupational Therapy (p.150) and Physical Therapy (p.152).***
Acronyms and Abbreviations.

Please direct all comments to:

Robin Bolling

Office of Special Education Achievement

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name T. Shriver

School Liberty High

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Victoria Tarantini
School Liberty High
Position Business & Journalism Educator

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning per od.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Holly Sears
School Liberty
Position Interpreter

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 10% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Marcus Hill
School Liberty High
Position ENL Teacher

Fax: 304.558.3741
Deadline: January # 12

POLICY 2419

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Jason Haynes

School Liberty High

Position Math Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 20% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Ellen Wentz
School Liberty High
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 9 12

POLICY 2419

Name A Mathews

School Liberty High School

Position Chemistry Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Kula Smith
School Liberty HS
Position Spanish

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 50% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period -- Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Dana Hackland

School Liberty High

Position Classroom teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 10% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12.

POLICY 2419

Name Maria Alex

School Liberty

Position Classroom Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January #12

POLICY 2419

Name Amy Howe
School Liberty High Sch
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Angelo Capozzi Jr

School Liberty

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 17

POLICY 2419

Name G. Newlon

School Liberty HS

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions.

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Katherine Main
School Liberty High School
Position Art

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January #12

POLICY 2419

Name Barbara Cairo

School Liberty

Position Grade IV

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with intervention an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Amy Miller
School Liberty
Position teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January #12

POLICY 2419

Name Cathy Hickman
School LHS
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 8 12

POLICY 2419

Name Dr Paula Nelson
School Liberty High
Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name [illegible]

School Liberty H.S.

Position SOC. ST. Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 10% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Teacher

School Liberty (H)

Position Teacher

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6 1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Janice Bailey
School Liberty High
Position Classroom aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions.

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Amanda M Bailey

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Amanda M Bail

School Liberty

Position M I Teach

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Roberta Simons

School Liberty H.S.

Position Aide

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Tamala Hudson
School Liberty H.S.
Position Reading Teache

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name L Danielson
School Liberty High
Position Spec. Edu. Teach

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 3:30 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 15:30:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Claudia M. Mals
Organization: West Virginia School for the Deaf
Email: cmals@access.k12.wv.us
Title: Outreach and Technical Assistance Specialist
Address1: 301 East Main Street
Address2:
City/State/Zip: Romney, WV 26757
Role: Professional Support
Posted: 2007-01-09 15:30:16
Posted from IP: 168.216.201.81

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
* Deafness and Hard of Hearing should be included in one category (not listed separately) - HEARING LOSS

* Re: Eligibility Criteria for Deafness
1.relies ... auditory communication - should be stated as AUDITORY INFORMATION

* Re: Eligibility Criteria for Hard Of Hearing
1.relies primarily on hearing to access auditory communication - should be stated as RELIES ON HEARING AND/OR VISION TO ACCESS AUDITORY INFORMATION

ADDED COMMENTS: Deafness and hard of hearing are general and traditional terms. Current technology has greatly effected the prognosis and educational strategies utilized with this population of special education students.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 2:47 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 14:46:34)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carol Stephenson
Organization: Marion County SLP
Email: cstepl1@hotmail.com
Title: Speech Language Pathologist
Address1: 11 Diana Dr.
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2007-01-09 14:46:34
Posted from IP: 168.216.221.201

Comments for section 126-16-1 General

In addition to my comments about increased SLP csaeload, I failed to mention that traveling from school to school, scheduling, and managing a caseload at multiple schools is difficult with 50 students let alone any more than that.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 1:16 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 13:15:40)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carol Stephenson
Organization: Marion County SLP
Email: cstephen@access.k12.wv.us
Title: Speech Language Pathologist
Address1: 11 Diana Dr.
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2007-01-09 13:15:40
Posted from IP: 168.216.221.201

Comments for section 126-16-1 General

I am against an increase in caseload size for SLPs for a number of reasons. 1. Scheduling is difficult enough with the 90 minute uninterrupted blocks for reading and math. 2. Keeping up on paperwork and other duties(progress notes, medicaid billing, documentation, assessments, screenings, meetings, planning...) is difficult enough to fit into a day with a caseload of 50. 3. Clinicians will be forced to see students in large groups which will be less effective than smaller groups or individual sessions.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 12:18 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 12:17:42)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Don E. Johnson
Organization: Sutton Elementary
Email: dejohnso@access.k12.wv.us
Title: Principal
Address1: 288 North Hill Road
Address2:
City/State/Zip: Sutton, WV 26601
Role: Principal
Posted: 2007-01-09 12:17:42
Posted from IP: 168.216.83.85

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

SLD (RTI) - This change will require a significant increase in resources, personnel, and training.

Comments for section Chapter 5: Individualized Education Programs
---
Sect 4A (Transfer from WV School District) - Timelines are not reasonable as it sometimes takes longer to get records from sending schools.
Sect. 5A (Transition Planning) I don't understand how the school system can require the DHHR to be involved with the Special Education process.

Comments for section Chapter 6: Administration of Services

Sect. 3B (Pre-K Staffing Requirements) - These numbers are already set by law at a 1 to 10 ratio.
Sect. 3B (Integrated Classroom) The 30% requirement would create a need for additional staff which, when added to a budget that is already over the formula for both professional and service personnel, would place a huge financial burden on the school district.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 11:47 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 11:47:11)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Constance Breza
Organization: ohio County Schools
Email: cbreza@access.k12.wv.us
Title: SLP
Address1: 1976 Park View Dr.
Address2:
City/State/Zip: Whg, W.VA. 26003
Role: Teacher
Posted: 2007-01-09 11:47:11
Posted from IP: 168.216.182.154

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Page 77. Remove SLPs from receiving a caseload waiver if their caseload exceeds 50 on the second month report. They already have the highest caseload in the state; some SLPs are already serving more than 50 on a regular basis. If a waiver process is allowed, it creates a way some counties can legally serve students without having to hire more SLPs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 10:29 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 10:28:55)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Karen Randolph
Organization: Hancock County School
Email: kdrandolph2@yahoo.com
Title: Speech/Language Pathologist
Address1: 97 Randolph Drive
Address2:
City/State/Zip: New Cumberland, Wv 26047
Role: Professional Support
Posted: 2007-01-09 10:28:55
Posted from IP: 168.216.152.38

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The wording in this section of the policy regarding speech disorders, is of concern. As is, certian students with speech disorders particular articualtion disorders could be denied appropriate services. Requiring a moderate to sever disorder to be present in order

to qualify for services is not in line with the intend of IDEA. I suggest that the serverity requirment be deleted.

Another concern is how the phrase "adversely affects eductional performance" is interrputed. Appendix B appears to restrict this definition in regards to speech disorders. According to the US Department of Education, as clarified through ASHA, the very present of a speech disorder, with or without social and/or acedemic pentaly, constitute a disorder that adversely affects educational performance. Therefor I strongly suggest that Appedix B be deleted from the proposed policy as presently written.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 9:42 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 09:41:39)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: M. Louise Grindo
Organization: Davis Elementary
Email: mgrindo@access.k12.wv.us
Title: Principal
Address1: 113 5th Street
Address2:
City/State/Zip: Gassaway, WV 26624
Role: Principal
Posted: 2007-01-09 09:41:39
Posted from IP: 168.216.38.71

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

RTI will require more resources and staff. Training would also be needed. Funding is not provided for any of these needs. In addition, available/appropriate space for the small group instruction in RTI would be an issue, even if there were adequate staff members to

provide the services.

Comments for section Chapter 5: Individualized Education Programs
---
Time-lines are unreasonable, and beyond Federal requirements.

Comments for section Chapter 6: Administration of Services

Additional professional and service personnel would be needed. No funding is provided for these needs, or the training required for regular classroom teachers prior to placement of special education students.
"It is the responsibility of the district to provide adequate staff..."--will funding be provided?
"...the special educator may be assigned to not more than two classes during an instructional block...on a consistent schedule..."--With only one special education teacher at our school, for grades K - 4, with 2 classes in each grade level, it would be impossible to meet the needs of all of the students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 9:30 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 09:30:22)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Bernice Carter
Organization:
Email: brcarter@access.k12.wv.us
Title: Teacher of Gifted
Address1: Route 2, Box 180A
Address2:
City/State/Zip: Delbarton, WV 25670
Role: Teacher
Posted: 2007-01-09 09:30:22
Posted from IP: 168.216.41.159

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Chapter 4; Section 3; page 28; item #1. This section speaks of an approved list of tests to be used when determining eligibility for gifted. However, when turning to the appendix, there is no list. List needs to be added.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 9:12 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 09:11:42)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jacqueline Hersch
Organization:
Email: Jacqueline1260@aol.com
Title:
Address1: 870 Alta Road
Address2:
City/State/Zip: Charleston, WV 25314
Role: Parent-Family
Posted: 2007-01-09 09:11:42
Posted from IP: 168.216.119.130

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a parent of a child with a traumatic brain injury I feel the need to comment on the proposed change to Policy 2419. My now high school age daughter was diagnosed with traumatic brain injury at the age of 5 as a result of encephalitis. Because of this

injury she has impairments in memory, language, reasoning, abstract thinking, problem solving , motor abilities, psychosocial behavior, information processing, and speech. As soon as she went back to school, an IEP was in place and she has received services from Kananwha County Schools in order to make her successful. My feeling is she would not have accomplished what she has with out the support of her TBI teacher and other special education services.
Just because the brain injury is not the result of an external physical force, the results are often the same. Denying a student services because of this would be a great injustice to the that student and the education system.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 8:21 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 08:21:09)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Ruth Fertig
Organization: Parent
Email: RFertig63@comcast.net
Title: n/a
Address1: 216 D Street
Address2:
City/State/Zip: Keyser, WV 26726
Role: Parent-Family
Posted: 2007-01-09 08:21:09
Posted from IP: 71.61.228.72

Comments for section 126-16-1 General

I am trying to find the policies and proedures for changing and showering for PE, could you please point me in the right direction?
Thank You

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Carla Williamson [cljwilli@access.k12.wv.us]
Sent: Tuesday, January 09, 2007 6:37 AM
To: Robin Bolling
Subject: FW: Comment Received for Policy 2510 (2007-01-08 12:43:36)

Carla Williamson, Executive Director
Office of Instruction
Division of Curriculum & Instruction
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Blvd. East
Charleston, West Virginia 25305-0330
E Mail: cljwilli@access.k12.wv.us
Phone: (304) 558-8098
Fax: (304) 558-0048

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Monday, January 08, 2007 12:44 PM
To: fibanez@wvde.state.wv.us; cljwilli@access.k12.wv.us
Subject: Comment Received for Policy 2510 (2007-01-08 12:43:36)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=e54c60b91bc5b463b54bd0e2e50798ed
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2510
##
#
Name: Kathy Blevins
Organization: Logan County
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role: Parent-Family
Posted: 2007-01-08 12:43:36
Posted from IP: 168.216.118.144

Comments for section 5 5 1: Middle Level Programs of Study, Chart IV (Footnote 4, Foreign Language)

There is too much paper work involved with special education.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 5:15 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 17:14:41)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: jim chapman
Organization:
Email:
Title:
Address1: 906 kentucky rd
Address2:
City/State/Zip: summersville, wv 26651
Role: Service Personnel
Posted: 2007-01-09 17:14:41
Posted from IP: 141.153.59.57

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
we do not need changes to this policy

Comments for section Chapter 5: Individualized Education Programs

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Tuesday, January 09, 2007 5:10 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-09 17:09:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: carolyn chapman
Organization:
Email:
Title:
Address1: 906 kentucky rd.
Address2:
City/State/Zip: summersville , wv 26651
Role: Community Member
Posted: 2007-01-09 17:09:54
Posted from IP: 141.153.59.57

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
add the word "shall"to determine the needs of special education and related services

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services
---
add the word "shall" be required to provide asistance to students in responce to specific needs

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Suzanne [sswartz@frontiernet.net]
Sent: Wednesday, January 10, 2007 5:50 PM
To: rbolling@access.k12.wv.us
Subject: Policy 2429 Revisions Public Comment

January 10, 2007

Name; Suzanne Swartz Organization: Jefferson High School
Title: IEP Coordinator
Address: 4141 Flowing Springs Road, Shenandoah Jct., WV 25442
I am classified as a teacher but serve as IEP Coordinator at Jefferson

Comments/Suggestions:

Administration of Services: In the section pertaining to caseloads. Level I students: there can be a max of 12 in the classroom for ages 9-12. Right now there is a limit of 8 and for any class from 9-12 students, an aide must be present. That's not the way this reads. It only mentions support staff for Level II. I am afraid this will cause us to lose valuable personnel. Our aides are very useful in the classroom to assist in the delivery of instruction in our self contained special education classrooms for the core academic subject areas. They also provide a great service to the classroom teacher. When students need self contained special education classes, it could be because they can't function behaviorally in a larger setting. Therefore having the extra support is vital. While the teacher is working with a student who needs individualized instruction, the aide is available to monitor the classroom and assist someone else who may need assistance. We also utilize our aides to read tests to students in the general education classes who need that accommodation to be successful. I am hopeful that you will revise this to at least include verbiage for the LEA to utilize support staff as necessary to the needs of the classroom. Like now - we have classes under 8 but the dynamics of the class may require the presence of support personnel in order to facilitate the learning process effectively and efficiently.

Thank you for your consideration in this matter. I'd be glad to expand further if need be.

Suzanne Swartz

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 3:14 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 15:13:43)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jamie Hayhurst Marshall
Organization: West Virginia Assistive Technology System
Email: jhayhurst@hsc.wvu.edu
Title: Assistive Technology Coordinator
Address1: 959 Hartman Run Road
Address2:
City/State/Zip: Morgantown, WV 26505
Role: Community Member
Posted: 2007-01-10 15:13:43
Posted from IP: 157.182.138.149

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

In Section 2, IEP Development, a consideration is does the child need assistive devices or services. Is an assessment done? How? By whom?

Under Statement of Special Education and Related Services, will teachers and other interested parties be trained on how to properly use assistive technology recommended and purchased for a student? It is important the student know how to use the device, but the student's support system should also know how to properly use the device. Will the educational entity that purchased the device also provide training (either in house or contract with a professional) to this support system? If in-house training, how will educational entity ensure a school personnel has knowledge and skills to train others on assistive technology? Document only says school personnel amy receive additional training in use of AT. Where is the original training? Very important to include parents and child using equipment.

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Name Laura Heizer
Hamlin PK-8
Position Sp. Ed Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

If in agreement to proposed changes return to me to be faxed.

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Daryl Smith

School Hamlin RK-8

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

If in agreement to proposed changes return to me to be faxed.

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kathryn Price

School Wm. R. Marsh

Position Sp Ed IV

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name T. Rea McComas
School Hamlin PK-8
Position Elem. Art

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period - Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Linda Rocke

School Hamlin PK-5

Position Spec Ed Teacher 4th/5th Grade

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name [illegible]

School [illegible]

Position [illegible]

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Jennifer Hon.

School Hamlin PK-8

Position 1st gr. teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name: Judith Casper

School: Hamlin PreK-8

Position: Sp. Ed. Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs.

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

ossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 3:38 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 15:37:32)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jamie Hayhurst Marshall
Organization: West Virginia Assistive Technology System
Email: jhayhurst@hsc.wvu.edu
Title: Assistive Technology Coordinator
Address1: 959 Hartman Run Road
Address2:
City/State/Zip: Morgantown, WV 26505
Role: Community Member
Posted: 2007-01-10 15:37:32
Posted from IP: 157.182.138.149

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

The Policy does not address transition of assistive technology transition between grade levels or schools. For example, what happens to a device when a student ends elementary school and begins attending middle school? Under Section 3, Provision of Services, it is addressed that students can take devices home on a case by case basis, but does nothing to determine how an educationally purchased device will transition with a student throughout the school career and beyond. What happens to an educationally purchased device after a student graduates?

On a case by case basis, what does this mean exactly? How will it be determined if a student is allowed to take a device home?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 3:00 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 14:59:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Debbie West
Organization: New Martinsville School
Email: dlwest@access.k12.wv.us
Title: Sp.Ed.Teacher
Address1: 20 E. Benjamin Drive
Address2:
City/State/Zip: New Martinsville, WV 26155
Role: Teacher
Posted: 2007-01-10 14:59:48
Posted from IP: 168.216.129.17

Comments for section 126-16-1 General

No comment

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
No Comment

Comments for section Chapter 2: Child Find

SAT responsibilities are those of general education. If it is referenced here, it should be referenced in general education policy and procedures

Comments for section Chapter 3: Evaluation/Reevaluation

Additional training is needed on PWN. It has become added paperwork to already burdened special educators.

Comments for section Chapter 4: Eligibility

Much training will be needed to implement the RTI method of diagnosing Learning

Disabilities.

Comments for section Chapter 5: Individualized Education Programs
---
Make the days required for notification consistent.

Comments for section Chapter 6: Administration of Services

I think we absolutely need to adhere to the no more than 30% students with disabilites in co-taught (inclusion) classes. Some of them have become so overloaded with students with disabilites that they have practically become a Special Ed. setting.....very few good role models for them! We must find ways to offer a full continuum of services. We say it, but we don't really provide it. We are limited so much by staffing problems.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 2:35 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 14:34:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Melanie Ashworth
Organization: WVSDB
Email: mashwort@access.k12.wv.us
Title: Audiologist
Address1: Child Study Center
Address2: 301 E Main St
City/State/Zip: Romney, WV 26757
Role: Professional Support
Posted: 2007-01-10 14:34:53
Posted from IP: 168.216.154.103

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Deafness can only be determined by a child's thresholds on his/her audiogram. With the onset of newborn hearing screening, advances in digital technology and cochlear implantation, a deaf child is much more likely now than in the past to be an auditory/oral

communicator. Many deaf children, however, will still rely on speech reading and/or on visual languages (e.g., sign language, cued speech) to learn and to communicate. A child's communication and learning mode simply cannot be deduced by the degree of their hearing loss. Many factors beyond their audiogram will influence their ability to communicate.

Under "Eligibility Criteria for Deafness", #1, it states that a deaf student "relies primarily on vision to access auditory communication". First of all, I don't believe the word "auditory" should be used in this statement. Secondly, I think it is the IEP team's responsibility to evaluate each child with hearing loss, whether deaf or hard of hearing, to determine that child's learning/communication mode. Deafness should not be defined as relying on vision to communicate. Many hard of hearing children would then fall into the "deaf" category, if this is part of the determination.

Under Eligibility Criteria for Hard of Hearing, #1 states that the student "relies primarily on hearing to access auditory communication". Again, this may be true for many hard of hearing children, but definitely not for all. Again, many factors will influence the child's communication/learning style.

Traditionally, in the field of audiology, profound hearing loss (deafness) is defined as a hearing loss greater than 90 dBHL. In children, slight, mild, moderate, moderately-severe and severe hearing loss (hard of hearing) is defined as a hearing loss falling in the range of 16-85 dBHL. I'm not sure why we need to distinguish between deaf and hard of hearing on an IEP. The fact that a child has a 16dB or greater hearing loss (as determined by an otologist, otolaryngologist and/or audiologist) that is or can adversely affect his/her educational performance should be the primary considerations for qualification for special education services, at least in my opinion. It is then up to the IEP team to determine how much and what type of special education services the child will need to succeed academically.

Under "Eligibility Criteria for Deafness", #1, it states that a deaf student "relies primarily on vision to access auditory communication". First of all, I don't believe the word "auditory" should be used in this statement. Secondly, I think it is the IEP team's responsibility to evaluate each child with hearing loss, whether deaf or hard of hearing, to determine that child's learning/communication mode. Deafness should not be defined as relying on vision to communicate. Many hard of hearing children would then fall into the "deaf" category, if this is part of the determination.

Under Eligibility Criteria for Hard of Hearing, #1 states that the student "relies primarily on hearing to access auditory communication". Again, this may be true for many hard of hearing children, but definitely not for all. Again, many factors will influence the child's communication/learning style.

Traditionally, in the field of audiology, deafness is defined as a hearing loss of greater than 90 dBHL. In children, hard of hearing is defined as a hearing loss falling in the range of 16-85 dBHL. I'm not sure why we need to distinguish between the two on an IEP. The fact that a child has a 16dB or greater hearing loss (as determined by an otologist, otolaryngologist and/or audiologist) that is or can adversely affect his/her educational performance should be the primary considerations for qualification for special education services, at least in my opinion.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Under B. Adequate Staff, "communication" should be added to the list of possible support personnel that may be required.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 1:14 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 13:14:02)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Rosemarie Kelly
Organization: Raleigh County Schools
Email: rskelly@access.k12.wv.us
Title: Principal
Address1: 1404 Robert C. Byrd Dr.
Address2:
City/State/Zip: Crab Orchard , WV 25827
Role: Principal
Posted: 2007-01-10 13:14:02
Posted from IP: 168.216.65.181

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

It is important to keep the disabilities divided. Also, the ratio teacher to student needs to remain at 1:4 to keep highly qualified teachers for the students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 1:11 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 13:10:54)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Linda Sears
Organization: Frametown Elementary School
Email: lsears@access.k12.wv.us
Title: Principal
Address1: HC 61 Box 14
Address2:
City/State/Zip: Frametown, WV 26623
Role: Principal
Posted: 2007-01-10 13:10:54
Posted from IP: 168.216.97.90

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

We are currently in our first year as a pilot school for the RtI Project. The data collected is an excellent tool for determining where a child is with regards to reading, however, it has been very difficult to purchase materials, manage small groups and provide

interventions. There was no money provided for staffing which makes intensive interventions an impossibility. Using the RtI would be an asset for providing student services, however, funds for staffing and resources MUST be provided for correct and complete implemention.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

In order to fully implement the Three Tiered Reading Program and provide services for students in both the strategic and intensive levels for reading, my "small" elementary school will need two additional teachers. Again, funding in not included in this policy. My staff works extremely hard to do what is best for all children, however, if we truly want to meet the educational needs of all students, funding for staffing and resources MUST be addressed.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 12:27 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 12:26:44)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Billie Jo Brooks
Organization: Parent/Teacher
Email: billiejobrooks@yahoo.com
Title: Special Educator
Address1: 232 Hood Ave.
Address2:
City/State/Zip: Shinnston, WV 26431
Role: Teacher
Posted: 2007-01-10 12:26:44
Posted from IP: 168.216.205.52

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a concerned parent and teacher, I disagree with the new criteria for speech services. Not only am I a mother of a little girl who demonstrates mild articulation delays, but I also demonstrated the same mild articulation delays when I was her age. Even as a child,

I found it embarassing not being able to speak as well as my peers did. I can recall avoiding words because I did not want to be a social outcast. I do not want my child or any of my students to be neglected due to politics. How is a child who is aware of his/her speech delays (which most students with mild articulation delays and stuttering are) going to be confident enough to deliver a speech or speak in front of a group?

I thought our country was raising the standards, not setting our children up for failure.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 12:09 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 12:08:58)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: DeAnna Mewshaw
Organization: Nutter Fort Primary School
Email: drmewshaw@adelphia.net
Title: Preschool Teacher
Address1: Buckhannon Pike
Address2:
City/State/Zip: Clarksburg, WV 26301
Role: Teacher
Posted: 2007-01-10 12:08:58
Posted from IP: 168.216.165.145

Comments for section 126-16-1 General

I do not agree with increasing the percentage of Special Needs children in the regular ed classroom. When do the rights of regular education come into play? Least restrictive environment has placed a burden of most restrictive environment on regular ed children. No Child Left Behind means just the opposite to a regular ed child because while we are overwhelmed in the classroom with making sure that Special Needs Children get their due, guess who gets left behind. There is only so much time in a day and while you pour more duties on us with special needs with out the additional help, the regular ed students are left to their own devices. What a joke! Yes I definitely believe a special needs child deserves every advantage however so does a regular student and to give preferencial treatment to the needs of special students over the needs of regular students is just as outragaeous! Too many times I have seen special needs children placed in a least restrictive environment way !
beyond their capability only to frustrate that child, the other students and the teacher. Then when the regular classroom teacher dares too bring this to light, they are accused of not wanting to meet the needs of that particular child or that we are somehow lacking in character, fairness or not wanting to do what's BEST for the child. It is scary to think that our population is 30% special needs. This state must address what is right for all our children, not just special needs.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 10:04 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 10:03:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jean Biggs
Organization:
Email: biggswv@hotmail.com
Title: Speech-Language Pathologist
Address1: 314 Tenth Ave.
Address2:
City/State/Zip: Huntington, WV 25701
Role: Professional Support
Posted: 2007-01-10 10:03:49
Posted from IP: 168.216.113.196

Comments for section 126-16-1 General

The new proposed revisions in the area of Speech are not going to improve or maintain the quality of services we provide now.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

You must remove the Criteria #3 from eligibility criteria for placement in the Speech Language Impaired Program. There is no reference in IDEA regarding the degree of severity.

They are entitled to speech services under IDEA when he/she has a need that cannot be met within the regular classroom. Other exceptionalities do not exclude an entire group of children based on severity (mild autism, mild mental impairement, mild hearing impairement, etc).
Also the eligibility criteria #3 is a direct contradiction to the state's own definition of and articulation/phonology disorder.See page 43.
Lastly, there are concerns about supplying documentation to prove "adversely affects educational performance". Articulation problems may not adversely affect educational performance at the time of eligibility, but literature documents that students with mild articulation disorders are affected adversely...socially, vocationally...when they apply for a job, people thinking they are mentally impaired, asking out a person for a date,events happening later on in life after their eligibility.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

I'm very concerned about the possibility of waivers for speech classloads. We are at our limit now with 50 ....used to be 40 just a few years ago if you recall. With the addition of RTI to our workload it makes our days even more stressful and we can't even count those children in our caseload even though we serve them, taking precious preparation and therapy time....time we could be billing for Medicaid and making more money for the county,,,(that's a whole other issue). There's already a shortage of SLPs in about every county now...even unable to find long term subs in ours. The solution is higher pay for the SLPs not adding more students!! You are going to force the SLPs you have to leave or want to retire earlier with all the additional duties and workloads you want to impose. The salaries for SLPs outside the school system or in neighboring counties is much higher and there is no incentive to work in the schools.
Besides an elem and a middle school, I have 2 daycares/ preschools in my case load with special needs children. THese students require much more preparation and time than others...our case loads should be weighted and adjusted NOT added to with waivers for more in our classloads.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Stephanie Oberly
Organization: Harrison County Schools

Title: (Lead) School Psychologist

Street Address: 408 E.B. Saunders Way
Clarksburg, WV 26301

Please check the box below that best describes your role.

Professional Support Staff

COMMENTS/SUGGESTIONS
§126-16-1. General.
§126-16-2. Purpose.
§126-16-3. Incorporation by Reference.
§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

Chapter 2: Child Find.

PWN: Please provide some clarification regarding PWN if parent is present when requesting consent for evaluation. This might be included in a definition of PWN in the glossary.

Informed consent for evaluation is often obtained at SAT referral meetings, but parent is indicating informed consent with signature. Although form might be explained and/or read to them, they have not had an opportunity to read procedural safeguards or evaluation descriptions.

SAT Timelines: There is and has been confusion regarding 5 school days of receipt of written request for SAT referral, 10 days to establish SAT, and 5 days to make referral. Make everything 10 days, it is too much to remember 5 for this and 10 for that. (p.10)

SAT Process for private schools: Please clarify whether private/religious schools will make referrals through SAT or some other method to special education director or designee.

It's a good idea to specify that SAT reviews on a student must occur in 45 days. Rather than 5 days for this, 10 days for that, etc., specifications that SAT's should meet at least on a monthly basis would be most helpful. Most effective SAT's meet on a regular basis, such as every Thursday or the second or third Tuesday of each month. When SAT's are driven by sporadic referrals, they meet less often and are less effective. When teachers know there is a specific date, they tend to get their referrals ready to make that date. Principals also schedule and plan for these times when they are scheduled on a regular basis and not driven by random referral.

You may want to drop this entire section as SAT is a regular education process.

Chapter 3: Evaluation/Reevaluation.

Planning, Conducting and Timeline for Multidisciplinary Evaluation statement, . . .does not include basic tests administered to or procedures used with all students in a school, grade, or class. It is suggested that you may also want to include "program" along with school, grade, or class as some programs are being implemented for a specific subset of children that require frequent evaluation.

Reevaluation – Additional clarification to PWN may be helpful. Does PWN need to be sent if parent/adult student attends the exit meeting? The PWN requirements in this section are not mentioned on page 114.

Section 3. Prior Written Notice. The inconsistency noted above and the placement of PWN requirements in two different sections may be confusing.

*The district must also reevaluate a student with a disability before determining that the student is no longer eligible. . .*Please clarify if this is a formalized assessment or could just be a reevaluation plan. *Perhaps*

"reevaluation" may need to be operationally defined in the glossary.

If parent or adult student requests an additional assessment for reasons other than the determination of educational needs or eligibility . . .Please clarify why evaluations that might be used for post graduate plans would not be part of transition planning for special education students. In addition, evaluations may be done to obtain diagnosis and treatment for students that do not lead to an eligibility decision, but may have significant benefit to the student's education?

If the parent or adult student fails to respond after the district has taken reasonable measures to obtain consent for assessment and after the passage of thirty days. This time frame may be too lengthy in some cases, making it difficult to complete reevaluations within time frames.

Timelines: It would be helpful if all evaluation timelines were the same 80 days.

Timelines and Annual Review: There is no mention that Reeval Plans will be done for SWD students with annual reviews the year preceding their triennial. Please clarify whether this is an additional change.

Chapter 4: Eligibility.

Section 1. Eligibility Determination – We support the requirement of identifying the student's primary exceptionality and eligibility under other categories.

Eligibility Criteria for Emotional/Behavioral Disorder – Appendix A is a useful document, but most students who end up in this category do evidence disruptive, anti-social, anti-authoritative, socially inappropriate, and behaviors that are in variance to the norm. It does not take much to connect these with "other personal/social dysfunctions." Depressed and others treated with meds may be better placed under OHI.

An eligibility committee report is not required following gifted reevaluations may result in WVEIS tracking problems. It is unclear from statements regarding proposed changes as to whether gifted students will continue to be eligible until exit at grade 8th grade or whether they will continue to have triennial reviews that may not result in eligibility committee meeting until 8th grade-- as gifted students are not identified as students with disabilities on p. 13.

Autism-Using the DSM-IV criteria for Autism has been problematic. It was hoped this category would be changed to Autism Spectrum Disorder or Pervasive Developmental Disorder. In this way PDD-NOS and Asperger cases could be included under this heading. For example, PDD-NOS diagnosis is made when the criteria set up under #1 is not met, but the child evidences some characteristics of autism. Yet, autism spectrum is alluded to in #2, but criteria in #1 cannot be met for PDD-NOS or Asperger Disorder. As a result, these students have been classified under OHI. If this category is to be strictly autism, then remove #2 that alludes to autism spectrum.

Developmental Delay: Please clarify whether this has to be overall delay in motor functioning or delays in gross *or* fine motor skills. #6 under special considerations regarding vision/hearing loss. Please clarify whether these students will be eligible under Developmental Delay, Vision/Hearing Impairment, and/or the sensory loss area.

Gifted: Previous definition for IQ criterion was 2 standard deviations above the mean with consideration of the standard error of measurement. In most instances, this would be an IQ of 127 and 96th percentile ranking. The 97th percentile is 128 and does not represent a full SEM. Please clarify if this represents a change in policy or is an error. *VCI vs. PRI* split provides some helpful guidance, but what about *GAI.* Utilization of the GAI when there is base rate less than 10 percent and when achievement is more aligned with this number appears to be a

better way to identify gifted students who are more like their nongifted peers on the PSI and WMI. Plus, it is more likely to capture students with learning disabilities, attention deficit disorders, Tourette's Syndrome, obsessive compulsive disorder, etc.

Mental Impairment: Threshold IQ has been 75 in old regs. Two standard deviations below the mean would be 70 plus an SEM of 3 or IQ of 73. Please clarify if this is an error or represents a change.

Orthopedic and Other Health Impairments: Consideration might be given to combining these two categories. Some written documentation or checklist might need to be developed to make sure there is a direct link made between symptoms of medical conditions and existence of educational needs that are the result of these symptoms. As mentioned previously some medical conditions, such as anxiety and depression, might better be identified under this category. If someone is suicidal, depressed, or anxious, a BD placement may not be appropriate. Best practices would recommend a complete psychoeducational evaluation for these students—particularly in view of the high comorbidity rate of ADHD with learning disabilities.

Specific Learning Disability: Efforts to clarify RTI process are commendable. Indeed, it is evident that considerable effort and thought has gone in to developing SLD eligibility criteria. RTI practices have resulted in tremendous improvements in identifying reading skills deficits, providing prescriptive treatments, and improving overall reading instruction. In addition, it has enabled at-risk students to get immediate intervention. Relying on this method for special education identification by 2009, however, may not be feasible. Indeed, there are reservations about this model of identification as intellectual functioning alone would predict that approximately 23 percent of students will not meet benchmarks and approximately 13 percent may need intensive instruction. Although the process is based on scientifically based reading instruction, the model itself has not been scientifically investigated. It is of some concern that despite the best efforts of students and teachers and improved reading performance, students will still not meet benchmarks or be reading on grade level. As a result, there will be tremendous pressure from parents and teachers to qualify these students, despite whatever is deemed "reasonable or sufficient progress", for special education intervention. In addition, if RTI schools are going to use this model of identification, please clarify or delineate SLD identification procedures for SLD's other than those in reading or grade levels that are not currently being addressed by RTI. It is also of some concern that despite creative grouping and better utilization of existing personnel, particularly in non Title I schools, there will be insufficient personnel to implement Tier 2 and Tier 3 instruction.

The *operational definition* of a specific learning disability includes "a disorder in one or more of the basic psychological processes" and it mentions "spell", but these are not addressed in eligibility criteria. Students are not usually penalized for spelling when determining eligibility for SLD in written expression. There is also mention of dyslexia, minimal brain dysfunction, brain injury, and developmental aphasia in the definition. These terms are ambiguous and have created and do create numerous problems with the general public. I am sure this probably mirrors federal language, but it can be highly problematic.

Finally it would seem best eligibility determination would be made based upon consideration of deficits in psychological processes (if they can be identified), discrepancy criteria, and/or a failure to respond to intervention. In other words, a confluence of information would support a diagnosis of a specific learning disability. Indeed, when making eligibility determination, it would seem that all factors would need to be considered. This, however, is implied in "may not rely on any single procedure" statement. Yet, discrepancy criterion or processing disorder are not recommended for RTI schools. In addition, it is proposed that the discrepancy model be eliminated by 2009. At the same time, written report requirements include *the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards or intellectual development. This seems to support consideration of discrepant performance.*

Tier 2 is described nicely in that it recommends duration of interventions and instructional group size, but it

states "for a period of 8-12 weeks but could be longer". Under Standard 2-Rate of Learning, documentation required for eligibility *at least two rounds of Tier 2* is specified. Please clarify whether students may move to Tier 3 after only 1 round of Tier 2. It is logical to assume the intention is that student would not move to Tier 3 until there has been two or more rounds of intervention. It might also prove helpful to suggest extra minutes of service that might be recommended in Tier 2. It is assumed this was omitted because instructional time could be variable. (I have been recommending to non-RTI SAT's to consider providing at least an additional 30 minutes of reading instruction before cases are reviewed at the end of a grading period.)

Tier 3 inclusion of learning environment analysis is commendable and laudable in recognizing that both the student and the learning environment play important roles in learning. Further clarification or suggestions as to how this mismatch or learning environment problems(s) will be identified and will be addressed through RTI is recommended.

Chapter 5: Individualized Education Programs.

Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required for meeting notice. Page 52 requires 7 days while page 21 requires 8 days. We recommend a return to 10 days.

Assessment requests on the IEP **(e.g. Speech IEP request for an SLD evaluation) need to address how this will be affected by RTI.**

Chapter 6: Administration of Services.

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 9:19 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 09:18:47)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Carla O\'Dell
Organization: Nutter Fort Primary
Email: ODTigerlil@aol.com
Title: teacher
Address1: Box 5 Catalpa Heights
Address2:
City/State/Zip: Stonewood, WV 26301
Role: Teacher
Posted: 2007-01-10 09:18:47
Posted from IP: 168.216.157.253

Comments for section 126-16-1 General

I understand that this policy allows up to 30% of a classroom to have IEP's. This concerns me. Please reconsider this percentage. Too many children with special needs in one classroom makes it virtually impossible to teach. The average student suffers the most. Thank you for this consideration.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Wednesday, January 10, 2007 8:25 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-10 08:25:06)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Pat Hanks
Organization: Mercer County Schools
Email: phanks@access.k12.wv.us
Title: Special Education Specialist
Address1:
Address2:
City/State/Zip: ,
Role: Professional Support
Posted: 2007-01-10 08:25:06
Posted from IP: 168.216.69.76

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
Section 1, Part C: Why change Medicaid billing to more than once a year? Permission obtained at the beginning of a school year is practical and that is what is being used at this time.

Comments for section Chapter 2: Child Find

Section 2, Part B: The SAT process is covered by Policy 2510 - why add more responsibility to special education - regular education needs to continues to responsible for students. The SAT process should remain a regular ed process and on top of shifting the responsibility to sp ed additional timeline have been added re: evaluations that go above the fed regs.

Comments for section Chapter 3: Evaluation/Reevaluation

Section 2, Part B: Why is there the need for a proir written notice if the parent is in

attendance and there is no disagreement?

Section 2, Part C: 45 calendar days does not appear to enough time for the collection of all data. Many providers are contracted and everyone needs time to complete all evaluations.

Comments for section Chapter 4: Eligibility

Section 3: Eligibility for Autism: The statement re:eligibility: "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician, or a licensed psychologist." This should include a certified school psychologist.

Section 3: Eligibility for Developmentally Delayed: re: state elgibility requirements, statement 2. This states "The student needs sp ed AND related services." NOt all students need related services. Should it not read "and/or"?

Comments for section Chapter 5: Individualized Education Programs
---
Section 4: THe timelines proposed in this section are not practical. Teh fed regs. indicate "a reasonable time". Teh time in this section is not possible especially at eh beginning of a semester.

Comments for section Chapter 6: Administration of Services

Section 1: A permissible delay is stated but in paragraph 2 with a short delay should not exceeding 15 days. If eligibility is determined on June 6 it is then indicated that the short delay is 15 days - No? Yes? This needs to clarified.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Suzanne [sswartz@frontiernet.net]
Sent: Wednesday, January 10, 2007 5:50 PM
To: rbolling@access.k12.wv.us
Subject: Policy 2429 Revisions Public Comment

January 10, 2007

Name; Suzanne Swartz Organization: Jefferson High School
Title: IEP Coordinator
Address: 4141 Flowing Springs Road, Shenandoah Jct., WV 25442
I am classified as a teacher but serve as IEP Coordinator at Jefferson

Comments/Suggestions:

Administration of Services: In the section pertaining to caseloads. Level I students: there can be a max of 12 in the classroom for ages 9-12. Right now there is a limit of 8 and for any class from 9-12 students, an aide must be present. That's not the way this reads. It only mentions support staff for Level II. I am afraid this will cause us to lose valuable personnel. Our aides are very useful in the classroom to assist in the delivery of instruction in our self contained special education classrooms for the core academic subject areas. They also provide a great service to the classroom teacher. When students need self contained special education classes, it could be because they can't function behaviorally in a larger setting. Therefore having the extra support is vital. While the teacher is working with a student who needs individualized instruction, the aide is available to monitor the classroom and assist someone else who may need assistance. We also utilize our aides to read tests to students in the general education classes who need that accommodation to be successful. I am hopeful that you will revise this to at least include verbiage for the LEA to utilize support staff as necessary to the needs of the classroom. Like now - we have classes under 8 but the dynamics of the class may require the presence of support personnel in order to facilitate the learning process effectively and efficiently.

Thank you for your consideration in this matter. I'd be glad to expand further if need be.

Suzanne Swartz

Name: Susan Johnson

Deadline: January 8/12

POLICY 2419

School JHS

Position Sp. Ed. Teacher

Fax: 304-558-3741

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements " When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

304-558-3741

Deadline: January 8/12

POLICY 2419

Name Lina Hardy
School Jefferson High
Position Lon | special Ed
Wide

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 8/12

POLICY 2419

Name Hetday Johnson
School Jefferson High School
Position Supervisory Aide

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
JAN 11 2007
By

Name Jamie Tomelli
School Jefferson High School
Position Aide

Deadline: January 8/12

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

RECEIVED
JAN 11 2007
By

Name: [illegible]

School: Jefferson High

Position: Supervisory Aide

Deadline: January 8/12

Fax: 304-558-3741

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name: T Ann Johnston

School Jefferson High

Position Aide

Deadline: January 8/12

POLICY 2419

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Name Jill Baker

School Jefferson High

Position Supervisory Aide

Deadline: January 8th

POLICY 2419

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 10:41 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 10:40:52)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Stacy Miller
Organization: West Virginia AgrAbility
Email: smmiller@hsc.wvu.edu
Title: Information Specialist
Address1: 959 Hartman Run Road
Address2:
City/State/Zip: Morgantown, WV 26505
Role: Community Member
Posted: 2007-01-11 10:40:52
Posted from IP: 157.182.138.149

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
To the polisy's credit, assistive technology devices and services are prominent among the major topics. In particular, it is included on Page 2, Chapter 1 under 'Free and Appropropriate Public Education'. This is to be commended.

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

It is unclear whether students will have access to their assistive technology devices as accommodations during regular and state testing or during re-evaluation (pages 3, 17, 60-61). Please clarify this

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

How will students be appropriately assessed for assistive devices and services? Who will do it and at what point will it be conducted? (see page 107)

It is unlear how funidng sources for AT devices and services will be integrated and how private sources, Medicaid, Voc. Rehabilitation and other funding sources and school funding will work together to ensure that children have the devices adn accommodations necessary to their full inclusion (see pages 2-4, 23, 103). This is an urgent and pervasive issue that needs to be addressed clearly.

Will parents, paraprofesionals and general education and special education teachers be trained in how to use a student's assistive technology devices? When will training be provided, by whom, and how will it be paid for? (see pages 57, 76, 109)

Page 75 states that assistive device use at home will be decided on a case-by-case basis for school-owned AT. Why would a student be denied use of an assistive device for home use? Students without excpetionalities are allowed and encouraged to take their textbooks home. At whose discretion are such 'case-by-case' decisions made. Shouldn't at home use be assumed as the default?

Comments for section Chapter 6: Administration of Services

AT devices and services are not listed under provision of services for 'Level 1' students (see pages 78-79)? Wouldn't the majority of students with exceptionalities fall under Level 1? Why should they be denied appropriate assistive technology?

The transition of AT through school and out of school (upon graduation and transition from primary to secondary, for example) is not addressed. This is a very important point, and I would suggest that students and their families should have the choice to take their devices with them, as they will likely be used by no one else in their absence and end up crowding a storage closet somewhere.

Comments for section Chapter 7: Discipline

Behavioral manifestation evaluation should include AT assessments as a means to reduce negative behaviors (see page 85).

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Do students in private placements or in correctional facilities have access to the assistive devices and services in their IEPS (see page 102)? Who monitors to ensure it is happening? Provision of services (pages 102-104) describe signed agreements between respective agency officials that dientify the responsibilties of each and states that such documents must be on file with the Sec. of State's Office. But the SOS office is anaware of the existence of such documentw. How will this process happen and who will ensure that the policy is followed?

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Terminology.

The terms 'assistive technology devices and services is not used consistently throughout the document. In some areas it is referred to as a 'supplemental aid and service' (pages 51 & 56), and in others listed separately (pages 2 & 68). In still others, it is listed as a 'related service' (pages 57-58)...

Why is it not made clear that 'assistive technology devices and services' includes access to information technology such as hardware, software, and peripherals?

Comments for section Acronyms and Abbreviations

1-11

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : _____Special Education Directors_____ Organization: _____RESA VII_____

Title: _____

Street Address: _1201 N 15th Street_____

City: __Clarksburg_____ State: __WV___ Zip: ____26301_____

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.
§126-16-2. Purpose.
§126-16-3. Incorporation by Reference.
§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

Chapter 2: Child Find.

The inclusion of SAT in 2419, while informative, may serve to revert the responsibility to special education instead of general education. A reference to Policy 2510 may be sufficient. If included the SAT process should be described as a general education process rather than a special education protocol. A similar concern is applied to the inclusion of *The Screening Process* section in 2419.

We support the suggestion within *Parents and Other Interested Persons or Agencies* that outside referrals are forwarded to the SAT for consideration.

Chapter 3: Evaluation/Reevaluation.

Reevaluation – Additional clarification to PWN may be helpful. Does PWN need to be sent if parent/adult student attends the exit meeting? The PWN requirements in this section are not mentioned on page 114.

Section 3. Prior Written Notice. The inconsistency noted above and the placement of PWN requirements in two different sections may be confusing.

When Written Notice and Consent Are Not Required – Although the requirements for a surrogate parent are described on page 119 it would appear appropriate to have a reference to surrogate parent in this section too.

Chapter 4: Eligibility.

Section 1. Eligibility Determination – We support the requirement of identifying the student's primary exceptionality.

Eligibility Criteria for Emotional/Behavioral Disorder – Appendix A is a useful document. *Final Determination* is redundant.

L. Specific Learning Disability. We compliment the department on the development of the RtI process and language.

Eligibility Standards. (pg. 36) … Each standard must be discussed at the EC meeting and corresponding documentation must be on file for each student. We assume this to mean that each of the three standards must be met not just discussed. Additional language may be necessary in this section to clarify this.

Written Report Requirements (pg. 39) 5.c. The student exhibits … We do not see the source of this requirement within the eligibility standards section. If its first appearance is in this written report requirement section it also needs to appear in the eligibility standards section with further explanation.

Chapter 5: Individualized Education Programs.

Section 1. IEP Initiation

C. Scheduling IEP Meetings 6. Within ten days…

Although this is explained further on page 84 it would clarify by ending this sentence "... develop or review a behavior intervention plan as appropriate and conduct a manifestation determination when considering a disciplinary change of placement."

F. Invitation to IEP Team Meetings – There appears to be inconsistency in the number of days required for

meeting notice. Page 52 requires 7 days while page 21 requires 8 days. We recommend a return to 10 days.

Section 4. IEPs for Transfer Students

A. Transfer from a West Virginia School District & B. Transfer from an Out-of-State District

While we agree with the need to serve transfer students in a timely manner the requirement that FAPE be delivered within one school day of parent consultation in an unrealistic expectation. For example, if a student requires the related services of transportation, speech, OT and PT contacting these service providers and arranging or rearranging schedules is a time consuming process. Wording from our current policy and procedures is more realistic: Place and serve student based upon current IEP from other district within 5 school days of receipt of IEP.

Chapter 6: Administration of Services.

Staffing for Case Management/Procedural Accountability –

Integrated classrooms (30%) - We recommend wording be added so a student with a disability is not discriminated against by being considered an SWD if they are not receiving special education services in that class/for that subject area. Only SWDs receiving special education services for the class/subject should count in the 30%.

Five day requirement/ Two class per block limit. – It would be helpful to further define and explain *For integrated classrooms where instructional responsibilities are shared...* This appears to prohibit special education teachers from providing intermittent, temporary, and specific intervention services as well as hybrid 'co-teaching' type models. If this requirement is directed toward promoting and encouraging the fidelity of co-teaching it is more reasonable. We assume this *shared instructional responsibility* does not include consultation; however, there is quite a range of service delivery between consultation and co-teaching. If this requirement is intended to address all direct services provided in the general education classroom it is overly restrictive.

Caseloads – We support proposed caseloads that will maximize services for SWDs as long as this does not result in an unfunded mandate. The fiscal note worksheet attached to this policy is unrealistic if it projects no additional cost for the implementation of these caseloads (even in consideration of the explanations offered on this worksheet). It is our understanding that the caseload committee projected the need for additional staff if these caseloads were implemented. Our own informal analysis also projects these caseloads requiring additional staff. Therefore, either additional funding should accompany 2419 adoption or the caseloads should be revised. Implementing the proposed caseloads without additional funding would unfairly burden counties with this expense. Specific examples include the Early Childhood instructional limit of 6 and the 30% limit for integrated classrooms.

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Chapter 10: Procedural Safeguards.
Chapter 11: Dispute Resolution.
Glossary.
Acronyms and Abbreviations.

Please direct all comments to:

Robin Bolling
Office of Special Education Achievement
West Virginia Department of Education
Capitol Complex
Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330
Email Address: rbolling@access.k12.wv.us
Fax Number: (304) 558-3741

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

RESA VII Special Education Director
Policy 2419 Comments

Elaine Benson, Barbour County

Patty Benedum, Monongalia County

Rick Oyler, Doddridge County

Kathy George, Preston County

Shirley Hupp, Gilmer County

Donna Simmons, Randolph County

Vic Fisher, Harrison County

Suzanne Viski, Taylor County

Carol Williams, Lewis County

Deborah Calhoun, Tucker County

Gia Deasy, Marion County

Scott Lampinen, Upshur County

Robin Bolling

From: kevinhuffman@adelphia.net
Sent: Thursday, January 11, 2007 3:49 PM
To: rbolling@access.k12.wv.us
Subject: Public comments regarding Policy 2419:

Robin:

Public comments regarding Policy 2419:

On Page 66 – the title should be Placement Options for Children with Developmental Delays ages 3 – 5. This will be consistent with federal language and other changes in the policy.

On Page 67- the following sentence should be added to clarify the preschool percentage of time is not defined. The calculation of time is different for young children vs. school age. The following paragraph should be added after number 3 to indicate the following:

The time the child spends in both the early childhood program, whether public or private and whether funded by the district or the parents, and the time in special education is considered when determining the total amount of time the child is in "school".

On page 68: - under special education classrooms

Delete classrooms in trailers or portables outside regular school buildings.

Thanks,

Kevin Huffman

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 14:18:41)

Date: Fri, 12 Jan 2007 04:12:58 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 2:19 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 14:18:41)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Melanie Nixon
Organization: Brooke County Board of Education
Email: nixworld@stratuswave.net
Title: Speech/Language Pathologist
Address1: 221 Vincent Lane
Address2:
City/State/Zip: Follansbee, WV 26037
Role: Professional Support
Posted: 2007-01-11 14:18:41
Posted from IP: 168.216.181.236

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As presently written, the eligibility criteria (specifically for articulation/phonology) is too restrictive. The criteria for articulation
should include similar criteria as voice disorder criteria in that articulation disorders that interfere with communication, draws unfavorable
attention to speaker and adversely affects speaker qualify for therapy. I
work in the middle/high school area and see how certain disorders affect
students social/communication skills which in turn affects educational performance. They don't want to communicate with their peers or teachers
instead they would rather not attend school. Please reconsider the eligibility criteria in Chapter 4 and not allow it to be too restrictive.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 13:54:07)

Date: Fri, 12 Jan 2007 04:13:16 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 1:54 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 13:54:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Barbara Allen
Organization: Flatwoods Elementary School
Email: btallen@access.k12.wv.us
Title: Principal
Address1: P.O. Box 130
Address2: 50 Main Street
City/State/Zip: Flatwoods, WV 26621
Role: Principal
Posted: 2007-01-11 13:54:07
Posted from IP: 168.216.53.104

Comments for section 126-16-1 General

This policy revision seems to be very appropriate and needed for
children.
The main problem is once again it is an unfunded mandate. The school
system
can not provide the money needed to employ staff to fill all of the
necessary positions to implement the program.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

The school system can not be expected to implement this new policy without
the necessary funds. At my school I would need 2 special education teachers,
a regular educator, and an aide. In our county we are already over formula
in teachers and service personnel. We must have the necessary funds to implement the policy.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 13:51:51)

Date: Fri, 12 Jan 2007 04:13:32 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 1:52 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 13:51:51)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Suzanne Tucker
Organization: Green Bank Elem.
Email: sstucker@access.k12.wv.us
Title: Speech Therapist
Address1: PO Box 162
Address2:
City/State/Zip: Slatyfork, WV 26291
Role: Professional Support
Posted: 2007-01-11 13:51:51
Posted from IP: 168.216.41.227

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Thank you for the opportunity to provide feedback to 2419. Please find the following suggestions to the proposed policy 2419 as it related to eligibility criteria for Speech Therapy:

I. Eligibility Criteria for Articulation/Phonology Disorders:

1. Possibly remove wording "standard score" from criteria #1. This wording Could be replaced with "one of which is a standardized test".
2. Possibly remove wording "and severity ratings" from criteria #2. Not all Standardized tests include a severity rating. This would limit which tests could be administered during an assessment.
3. Possibly remove criteria #3 altogether.

The Eligibility Criteria, as it is written could inhibit the remediation of articulation errors at an early age. Without intervention, the speech errors may become so ingrained in the child's speech patterns that the errors become life long habits. A child who demonstrates a lateral lisp on the / s / may be considered "mild" because the error is demonstrated on only one sound; however, if this is not addressed in Speech Therapy early, it could become permanent feature of his/her speech patterns. Severity ratings are often subjective determination dependent of multiple factors relating to the child's speech, phonological processes, background information, family history etc. Most articulation tests do not have objective severity ratings which would make severity rating part of the eligibility criteria difficult to substantiate.

Thank you very much for your time and consideration of these proposed changes to Policy 2419.

Sincerely,

Suzanne Tucker, MS/CFY/SLP

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW:

Date: Fri, 12 Jan 2007 04:16:56 -0500

From: Jacqui Young [mailto:jlyoung@access.k12.wv.us]
Sent: Thursday, January 11, 2007 1:25 PM
To: 'Robin Bolling'
Subject: FW:

2419 Comment received.

Jacqui

Sent: Thursday, January 11, 2007 1:13 PM
To: jlyoung@access.k12.wv.us
Subject:

This comment is concerning policy 2419.

After getting a very serious , life threatening health problem , my son was transferred to a behavior disorder class at a new school. His father nor I had any Idea that this was the class he was going to. I had no Idea what was about to happen at his new school. My son was labeled B.D. He category was OH. I learned that people formed opinions over labels such as B.D. Some of the parents ran a petition to have these kids thrown out of the school prior to having my son enter the school. Some of the parents carried this hatred from the school setting into the public, such as ball fields. It was very ugly. One parent would even call my house to taunt me about this program at the school and ask me when they were going to throw it out. This! was very sad for my son and I. My heart ached for all the children in the program. Any label to me is very bad because it opens a door to people not having an understanding to what these kids need. People form opinions and sometimes these are not good. My son didn't deserve the hatred that he received in comments at times. No child does. What will happen if these kids are called Emotional/Behavioral Disorder.? I think the taunting will be worse. My son is in remission now but the heart ache from the past is still with him because of the labeling.

Anonymous Parent

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comments on proposed state board Policy 2419

Date: Fri, 12 Jan 2007 04:12:40 -0500

-----Original Message-----
From: GIVEN Susan [mailto:SGiven@wvadvocates.org]
Sent: Thursday, January 11, 2007 2:49 PM
To: rbolling@access.k12.wv.us
Subject: Comments on proposed state board Policy 2419

West Virginia Advocates would like to submit the following comments regarding Policy 2419. WVA would like for the WV Department of Education to
consider adopting the 60 day time line for initial evaluations, in accordance with the federal law instead of maintaining the state's 80 day
time line as is now proposed. Sixty days is more than enough time to schedule and conduct the necessary evaluations.

Also, the policy does not clarify if the time line is calendar days or school days. Adding that clarification would leave nothing open to interpretation.

Susan Given, Program Director

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Public comments regarding Policy 2419:

Date: Fri, 12 Jan 2007 04:54:43 -0500

THIS GOES WITH THE COMMENT PILE

-----Original Message-----
From: kevinhuffman@adelphia.net [mailto:kevinhuffman@adelphia.net]
Sent: Thursday, January 11, 2007 3:49 PM
To: rbolling@access.k12.wv.us
Subject: Public comments regarding Policy 2419:

Robin:

Public comments regarding Policy 2419:

On Page 66 - the title should be Placement Options for Children with Developmental Delays ages 3 - 5. This will be consistent with federal language and other changes in the policy.

On Page 67- the following sentence should be added to clarify the preschool
percentage of time is not defined. The calculation of time is different for
young children vs. school age. The following paragraph should be added after
number 3 to indicate the following:

The time the child spends in both the early childhood program, whether public or private and whether funded by the district or the parents, and the
time in special education is considered when determining the total amount of
time the child is in "school".

On page 68: - under special education classrooms

Delete classrooms in trailers or portables outside regular school buildings.

Thanks,

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Polilcy 2419 comment

Date: Fri, 12 Jan 2007 04:16:19 -0500

From: Steve Knighton [mailto:sknighton@boe.kana.k12.wv.us]
Sent: Thursday, January 11, 2007 1:27 PM
To: RBolling@access.k12.wv.us
Subject: Polilcy 2419 comment

Chapter 4: Eligibility

Be consistent w/ language - eligibility "committee" or eligibility " team"?

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 11:16:06)

Date: Fri, 12 Jan 2007 04:22:41 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 11:16 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 11:16:06)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Jana Spano
Organization: Logan County Spec. Ed. Dept.
Email: jspano@access.k12.wv.us
Title: Evaluator
Address1: 66 School St. - Monville Rd.
Address2:
City/State/Zip: Logan, wv 25601
Role: Professional Support
Posted: 2007-01-11 11:16:06
Posted from IP: 168.216.57.250

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility ✓

We have some concern over the wording "autism spectrum" in the eligibily
criteria. Do we include students if they have been diagnosed as having Aspergers Syndrome and PDD nos? We were told at one point to include Aspergers students under the classification of Other Health Imparied. We do
not feel that we should check Autism on the Eligibility Committe Report unless the student has a true Autism diagnosis. Could Autism Spectrum Disorder be added as another classification on the Eligibility Committe Report? Also, will new Eligibility forms be provided to change Preschool
Special Needs to Developmental Delays.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: GIVEN Susan [SGiven@wvadvocates.org]
Sent: Thursday, January 11, 2007 2:49 PM
To: rbolling@access.k12.wv.us
Subject: Comments on proposed state board Policy 2419



West Virginia Advocates would like to submit the following comments regarding Policy 2419. WVA would like for the WV Department of Education to consider adopting the 60 day time line for initial evaluations, in accordance with the federal law instead of maintaining the state's 80 day time line as is now proposed. Sixty days is more than enough time to schedule and conduct the necessary evaluations.

Also, the policy does not clarify if the time line is calendar days or school days. Adding that clarification would leave nothing open to interpretation.

Susan Given, Program Director

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2510 (2007-01-11 09:50:21)

Date: Fri, 12 Jan 2007 10:26:51 -0500

-----Original Message-----
From: Carla Williamson [mailto:cljwilli@access.k12.wv.us]
Sent: Thursday, January 11, 2007 10:14 AM
To: Robin Bolling
Subject: FW: Comment Received for Policy 2510 (2007-01-11 09:50:21)

Carla Williamson, Executive Director
Office of Instruction
Division of Curriculum & Instruction
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Blvd. East
Charleston, West Virginia 25305-0330
E Mail: cljwilli@access.k12.wv.us
Phone: (304) 558-8098
Fax: (304) 558-0048

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 9:50 AM
To: fibanez@wvde.state.wv.us; cljwilli@access.k12.wv.us
Subject: Comment Received for Policy 2510 (2007-01-11 09:50:21)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=e54c60b91bc5b463b54bd0e2e50798ed
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2510
##
#
Name: Lisa Moser
Organization: Williamstown Elementary School
Email: lmoser@access.k12.wv.us
Title: teacher
Address1: 418 Williams Ave.
Address2:
City/State/Zip: Williamstown, WV 26187
Role: Teacher
Posted: 2007-01-11 09:50:21
Posted from IP: 168.216.86.153

Comments for section 5 5 1: Middle Level Programs of Study, Chart IV (Footnote 4, Foreign Language)

I am opposed to the class size changes for special education students. I am very opposed to the "reclassification" of certain speech problems as not necessary for remediation. By the time students are in third grade, they should have services for any articulation problem.

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 00:50:48)

Date: Fri, 12 Jan 2007 04:27:53 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 12:51 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 00:50:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Carol Taylor
Organization: Mineral Wells School
Email: cctaylor814@hotmail.com
Title: Speech Language Pathologist
Address1: 108 Windsor Drive
Address2:
City/State/Zip: Mineral Wells, WV 26150
Role: Professional Support
Posted: 2007-01-11 00:50:48
Posted from IP: 75.108.45.92

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a Speech/Language Pathologist currently serving my 30th year working in the public schools, I am very dismayed at the current recommendation to change the eligiblity criteria for placement in Speech Language Impaired Programs to "Speech intelligibility is determined to be moderately or severely impaired." The exclusion of students who may only plot out to be "mildly impaired" from access to services by a Speech Language Pathologist is a great injustice. I have dedicated my entire professional career to helping ANY child with an articulation/phonology disorder (that is no longer age/developmentally appropriate and is noticeable to the parent/teacher/myself) regardless of severity. IDEA makes no reference to "degree of severity" when determining eligiblity for any exceptionality.
According to IDEA, a child becomes eligible for a service when he/she has a need that can not be met within the regular classroom setting. Degree of need does not/should not exclude a student ! from receiving services. If a need is identified then the service should be provided. I am trained to work with students with articulation/phonology disorders. They are not going to receive remediation of these disorders in the regular classroom setting. There has been documentation in the literature that students with only mild articulation disorders can be adversely affected. Their speech impairment can cause them embarrassment/cause them to be teased by peers/cause them to viewed as "different" by others. Even students who are performing well academically and who may very likely go on to choose a profession (i.e. doctor, lawyer, teacher) where oral communication skills are an integral part, will sometimes only plot out as "mild" on a severity rating scale. I strongly feel that even these students are entitled to services from an SLP so that they can develop their communication skills to the best level possible. On page 43 of the proposed revisions, a definition o!

f "Articulation/Phonology Disorders" is included. That defini!
tion sta
tes that an "articulation/phonology disorder is "incorrect productions
of
speech sounds including omissions, distortions, substitutions and/or
additions that MAY interfere with intelligibility. This very
definition
implies that intelligibility does NOT have to be a factor when making a
student eligible for speech services. PLEASE CONSIDER REMOVAL OF
ELIGIBILITY CRITERIA #3 (on page 43). TO EXCLUDE STUDENTS WITH ONLY
MILD
ARTICULATION/PHONOLOGY DISORDERS FROM ACCESS TO SPEECH LANGUAGE
SERVICES IS,
IN FACT, A VIOLATION OF THEIR CONSTITUTIONAL RIGHT TO A FREE AND
APPROPRIATE
PUBLIC EDUCATION.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Again, from my perspective as an SLP currently in my 30th year of
sevice in
the public schools, I feel the current (and unchanged proposal in the
"new"
policy)caseload maximum of 50 students for SLP's is totally excessive.
With
the currently required amount of paperwork for students enrolled in
Speech
Language Impaired Programs now, this caseload size maximum is
unrealistic
and unduly burdensome. Medicaid billing, progress reports every 4 1/2
weeks,
completion of evaluations, evaluation reports, development of IEP's
etc.
requires an exorbitant amount of time outside the time required doing
actual
therapy with my caseload. A caseload of 50 students requires group
sizes to
be too large and "waters down" the quality of service that can be
provided
to students. I am also very concerned about the proposed waiver to the
maximum caseload size. Does this mean that as the trend of fewer and
fewer
SLP's seeking employment in the public school setting continues, that
the
few of us !
that are left in the schools are going to be forced to service more
and
more children?!! That is so unfair and will serve only to further
"water
down" the quality of service given to students. With the unrealistic
expectations/requirements currently being placed on public school
SLP's, the
shortage is only going to become worse in coming years. There is good
reason that fewer and fewer SLP graduates are even considering a career
in

the public school setting. PLEASE CONSIDER A REDUCTION OF THE MAXIMUM CASELOAD REQUIREMENT TO 40 STUDENTS AND A COMPLETE REMOVAL OF ANY WORDING
PERTAINING TO WAIVERS OF CASELOAD SIZE.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 12:32:27)

Date: Fri, 12 Jan 2007 04:20:34 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 12:32 PM
To: fibanez@wvde.state.wv.us; rbolling@ACCESS.K12.WV.US
Subject: Comment Received for Policy 2419 (2007-01-11 12:32:27)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: June Kimberlin
Organization: Harrison County Schools
Email: jkimberl@access.k12.wv.us
Title: Speech language pathologist
Address1: P. O. Box 986
Address2:
City/State/Zip: Dellslow, WV 26531
Role: Professional Support
Posted: 2007-01-11 12:32:27
Posted from IP: 168.216.172.104

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Eligibility Criteria for Articulation/Phonology Disorder should have the
requirement for a standard score deleted. Standardized articulation tests
do not always determine a standard score so this would limit SLPS in what
tests could be used. Mild articulation disorders should be added to the
language because one speech sound error can greatly impact communication
particularly if it occurs often in conversation such as R or S.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 12:32:27)

Date: Fri, 12 Jan 2007 04:20:53 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 12:32 PM
To: fibanez@wvde.state.wv.us; rbolling@ACCESS.K12.WV.US
Subject: Comment Received for Policy 2419 (2007-01-11 12:32:27)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: June Kimberlin
Organization: Harrison County Schools
Email: jkimberl@access.k12.wv.us
Title: Speech language pathologist
Address1: P. O. Box 986
Address2:
City/State/Zip: Dellslow, WV 26531
Role: Professional Support
Posted: 2007-01-11 12:32:27
Posted from IP: 168.216.172.104

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Eligibility Criteria for Articulation/Phonology Disorder should have the
requirement for a standard score deleted. Standardized articulation tests
do not always determine a standard score so this would limit SLPS in what
tests could be used. Mild articulation disorders should be added to the
language because one speech sound error can greatly impact communication
particularly if it occurs often in conversation such as R or S.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 15:57:50)

Date: Fri, 12 Jan 2007 04:09:53 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 3:58 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 15:57:50)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Suzanne Wine
Organization: Braxton County Board of Education
Email: sgwine@access.k12.wv.us
Title: Special Education Teacher
Address1: PO Box 130
Address2: 50 Main Street
City/State/Zip: Flatwoods, WVq 26621
Role: Teacher
Posted: 2007-01-11 15:57:50
Posted from IP: 168.216.125.87

Comments for section 126-16-1 General

I think that this policy will ensure that students are receiving their well
needed instruction and services. I do think that to enact this policy we
will need additional funding from the State and Federal Departments. We will
need additional staff members as well as additional space to provide the
necessary improvements. This policy cannot effectively be implemented
without additional funding.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 16:14:16)

Date: Fri, 12 Jan 2007 04:09:38 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 4:14 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 16:14:16)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Tricia Hays Lamantia
Organization: Brooke County Schools
Email: ctlamantia@comcast.net
Title: Speech and Language Pathologist
Address1: 1115 Courtland Rd
Address2:
City/State/Zip: Weirton, WV 26062
Role: School System Staff
Posted: 2007-01-11 16:14:16
Posted from IP: 24.3.35.150

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation



Comments for section Chapter 4: Eligibility

Please do not change the eligibility of articulation students. If this changes, we will definitely feed into the West Virginia stereotype that we are not intelligent. Improper articulation gives the listener the wrong impression. Once you make an impression, you can never change it. We are working hard to help create future working professionals. Please do not have the door slam in their faces at the first job interview because of lack of articulation skills.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 16:33:58)

Date: Fri, 12 Jan 2007 04:09:22 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 4:34 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 16:33:58)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Melina Danko
Organization: WVATS
Email: mdanko@hsc.wvu.edu
Title: Information Specialist
Address1: 959 Hartman Run Rd
Address2:
City/State/Zip: Morgantown, WV 26505
Role: Community Member
Posted: 2007-01-11 16:33:58
Posted from IP: 157.182.138.149

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Why is assistive technology not mentioned for level 1 students?
Why is there no mention of physical education class participation for level
2 students?
Why is a standard diploma or postsecondary education not mentioned as an
option for level 2 students?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Section 7A states that "The parent/adult student is entitled to only one IEE
at public expense in response to a district evaluation." Does this mean one
per year? This is not clear.

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 16:53:33)

Date: Fri, 12 Jan 2007 04:07:12 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 4:54 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 16:53:33)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Lisa Martin
Organization: Jackson County Schools
Email: ldmartin@access.k12.wv.us
Title: Director of Special Education
Address1: P.O. Box 770
Address2:
City/State/Zip: Ripley, WV 25271
Role: School System Staff
Posted: 2007-01-11 16:53:33
Posted from IP: 168.216.88.228

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Page 10: Section 3.B: "When the SAT determines a referral...prior written notice must be provided..." PWN must be provided when an action is proposed [and the parent did not participate in the decision making process] or refused. This language indicates that PWN is always provided whether or not the parent attended/participated.

Page 10: Section 3.D, Editorial Note: first sentence: "...any other interested person or agencies" should be agency to be consistent with singular usage of 'parent,' 'student,' 'any person,' or 'any agency.'

Page 10: Section 3.D: "...written parental consent for initial evaluation must be obtained within ten school days of receipt of referral." Dependent upon the number of referrals received within a given timeframe from multiple schools in a district, it is not practicable or possible to send/obtain consent for evaluation within 10 days of receipt of referral and maintain the 80 day evaluation timeline. Consent for evaluations are sought/requested in the order in which referrals are received and can be evaluated. It is not feasible to assume that every request/referral can be processed within 10 days of receipt.

Comments for section Chapter 3: Evaluation/Reevaluation

Page 13, paragraph 1 and page 14, paragraph 2 refer to Consent requirements located in Section 2. Consent Requirements are found in Section 3.B.2. References to prior or subsequent sections of policy need to be clear for easy reference.

Page 14, paragraph 5 addresses Summary of Performance and PWN at graduation. This is not an issue of evaluation/reevaluation and should be addressed in Chapter 5, Section 2.F: Transition Services to ensure that the requirement is addressed by the IEP team. Again, PWN is required only when the parent does not attend/participate. If the parent and adult student are in attendance at the exit IEP meeting at which graduation is discussed, PWN would not be required as indicated here.

Page 15: Section 3.A. "Within 10 days..." addressed in comments for

Chapter
2 above.

Comments for section Chapter 4: Eligibility

Page 28, Section 3.F should reference Appendix A: Emotional/Behavioral Disorders Definition and Determination.

Page 28, Section 3.G: Gifted indicates that there is an appendix of approved
tests which is not currently found in the proposed revisions.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Additional consideration should be give to caseload limits, both case management and Level II per period caseloads, for S/PMI and autistic populations. Likewise, increasing the allowable caseload from eight (8) to
ten (10) for children with developmental delays in a setting of 20 with a
1:10 staffing ration is not adequate to meet the needs of children with moderate to severe delays. Language allowing/encouraging the use of additional staff should be strengthened and/or qualified.

Comments for section Chapter 7: Discipline

Discipline procedures are always difficult to understand and implement. Given that the anticipated goal of the policy is to be specific enough to
stand without corresponding procedures, the policy must provide specific,
step-by-step guidance for principals. One area of ambiguity is with the determination of change of placement status [due to a pattern of removals]
which may or may not necessitate a manifestation determination review. Page
83: "Whether a pattern of removals constitutes a change of placement will be
determined on a case by case basis by school personnel." A specific format
for making such a determination, similar to the form/format for MDR, is needed to determine change of placement. Perhaps this could be one two-part
form beginning with determination of change of placement and then, if determined to be a disciplinary change of placement, manifestation determination would follow.

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for

Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Prior Written Notice requirements have been addressed by the OSE through
training and technical assistance. More specificity is needed here and in
other parts of the policy where PWN is referenced with regard to
requirements of provision. In addition to required situations; i.e., "before
the district proposes or refuses to initiate or change the student's
identification, evaluation, educational placement, or provision of FAPE,"
there also needs to be clarification such as, "when the parent is not in
attendance or does not participate."

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 20:03:34)

Date: Fri, 12 Jan 2007 04:06:52 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 8:04 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 20:03:34)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Sharon Neely Niday
Organization: Jackson Junior High School
Email: sniday@access.k12.wv.us
Title: Gifted Resource Teacher
Address1: 1604 34th Street
Address2:
City/State/Zip: Vienna, WV 26105
Role: Teacher
Posted: 2007-01-11 20:03:34
Posted from IP: 75.108.17.141

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

To raise the score required for gifted eligibility is to eliminate some of
the bright, down-to-earth kids who really profit a lot from that leg up.
Being gifted does not mean assured success. Some bright students really
have to struggle; they often have other issues, and, especially at the
junior high and middle level, they have such identity issues that having
strong peer relationships with like-minded peers is critical. If we truly
want our young people to be successful, we need to provide more services for
them--not less.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 20:56:28)

Date: Fri, 12 Jan 2007 04:06:25 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 8:56 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 20:56:28)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Sharon Thurman
Organization: Raleigh Co. Bd. of Ed.
Email: sthurman@access.k12.wv.us
Title: Special Educator
Address1:
Address2:
City/State/Zip: Beckley, WV 25801
Role: Teacher
Posted: 2007-01-11 20:56:28
Posted from IP: 72.65.156.38

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under Eligibility Criteria for Autism....pg. 25 states "The student is diagnosed as having a disorder in the autism spectrum by a psychiatrist, physician or licensed psychologist." Does this include school psychologist?? If not, it needs to specify school psychologist since they are trained to administer tests to determine eligibility.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Increasing caseloads is going to make it difficult to meet the requirements of NCLB in the long run because there will be a higher turnover rate of special educators leaving the system or transferring to regular ed. as a result of frustration from being placed in unrealistic situations (classes not only with several exceptionalities lumped together, but also with higher caseload numbers) which make in nearly impossible to meet the needs of the children. This will make it harder to have "highly qualified personnel" in the classrooms...

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 20:59:05)

Date: Fri, 12 Jan 2007 04:06:09 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 8:59 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 20:59:05)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Rhonda Davis
Organization: Wyoming County Board of Education
Email: rhondatdavis@msn.com
Title: Speech Therapist
Address1: 1001 Circle Drive
Address2:
City/State/Zip: Mullens, WV 25882
Role: Professional Support
Posted: 2007-01-11 20:59:05
Posted from IP: 71.164.52.222

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under Criteria #1 for Speech Therapy, not all Articulation/Phonaolgy tests
five a standard score.We just need to use a standardized test.

Under Criteria #2, not all standardized tests give a severity rating. Severity is dependent upon age along with errors exhibited.

Please remove Criteria #3 completely. Students who have a "mild" articulation disorder are also adversely affected and should be afforded the
same services as moderate or severe students. Students who have mild speech
disorders, may have a much greater chance of remediating their errors with
direct intervention than more severe students who may have other disabilities, also. These children should not be denied the chance to correct their speech errors. I even have gifted students with articulation
disorders. They are also adversely affected by their speech and should be
afforded the same services as moderate or severe students. I am currently
serving 71 students, but I would not even consider dismissing or not taking
students who could benefit from speech therapy services. I have many students in my caseload who have only one or two phonemes in error who would
be adversely affected for the rest of ther lives without intervention. Any
student whould be eligible for sp!
eech therapy services if their phoneme production is not comparable to their chronological age

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 21:09:40)

Date: Fri, 12 Jan 2007 04:05:50 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 9:10 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 21:09:40)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Sabrina Hudgins
Organization:
Email: shudgins3595@charter.net
Title:
Address1: 1006 Oakwood Avenue
Address2:
City/State/Zip: Princeton, WV 24740
Role: Service Personnel
Posted: 2007-01-11 21:09:40
Posted from IP: 68.54.97.38

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

I am outraged both as a parent and as an employee at the proposed policy changes regarding PreK programs! If these changes were to go into effect today, I would take my child out of the PreK program IMMEDIATELY! These changes are certainly not in the best interest of the students. Has anyone considered the consequences of having 10 general education students and 10 special education students in the same classroom? I have several questions for those of you who have proposed these changes. I am a parent of a PreK student, and I have been a Teacher Aide for several years. During that time, I have worked with both special needs students and general education students. I am currently working in the PreK program. I have witnessed the effects of special needs students who have been forced into inclusion when they did not want to participate. I have witnessed the frustration these children go through when they realize they are lacking the ability to be "like everyone else." You shou!
ld keep in mind that there is a reason why special education classrooms have always been smaller in size. That reason is that many special needs students cannot handle the over-stimulation of a large group setting. Have you ever witnessed a PreK special needs student throw a tantrum, or go into a "meltdown" in which they scream, pinch, curse, scratch, kick, hit, and throw chairs across the classroom? I have. What will happen (if this policy is inacted) to the other 19 children in the classroom? What if one of

those
children is injured? What of the liability? What will the parents say? As a
parent, I can answer that. I would take my child out of the program
immediately, and (if the injuries were serious) I would seek legal action.
It is quite obvious that parents have not been consulted about these
proposed policy changes. This policy is not fair to special needs students,
to general education students, or to the staff. How are we to provide a
quality education for our stude!
nts when the majority of our day will be spent diapering, feed!
ing, cle
aning, and implementing discipline procedures? How can anyone who is in
favor of this policy actually believe that ANY PreK student will be getting
the quality education he/she deserves? It is also apparent that teachers and
aides have not been consulted on these changes, either. I fear that if this
policy goes into effect, WV will lose some very qualified teachers. Have you
thought of their feelings? General education teachers will (in essence) be
forced to teach special education. Those who teach general education do so
by choice. If everyone were meant to be special education teachers, there
would not be a separate certification for it. Not everyone is "cut-out" to
teach special education. When these teachers accepted their current
placements, they did so under the assumption that they would be teaching
only their certified field. Also, special education teachers are being
insulted by this policy stating that their years of education, training, and
experience can be repla!
ced by general education teachers receiving "training" to teach special
education. This policy is potentially disastrous for the PreK program. If it
is implemented, I fear that enrollment will plummet, taechers will leave
their jobs, and (saddest of all) students will not receive the education
they deserve. This policy is certainly not in the best interest of the
students!

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 23:10:26)

Date: Fri, 12 Jan 2007 04:03:58 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 11:10 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 23:10:26)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Kathryn Freeland
Organization: Marshall County Schools
Email: kathyfreeland@aol.com
Title: Speech-Language Pathologist
Address1: 1544 Marshall Lane
Address2:
City/State/Zip: Glen Dale, WV 2038
Role: Professional Support
Posted: 2007-01-11 23:10:26
Posted from IP: 67.165.59.141

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility
---
page 43 - under "Eligibility Criteria for Articulation/Phonology Disorder"
Please strike Criteria #3. "Speech intelligiblity is determined to be moderately or severely impaired." Severity is not a criterion to determine
eligibility in the federal IDEA regulations. Please review page 46586 of
IDEA Part B, "...placement decisions must be individually determined on the
basis of each child's abilities and needs and each child's IEP, and not solely on factors such as category of disability, severity of disability,
availability of special education and related services, configuration of the
service delivery system, availability of space, or administrative convenience."

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services
---
pages 76-77 "Maximum Limits for Case Management Assignments" for Speech Therapists must remain at 50. Due to all of the considerations for staffing
determinations stated on page 76, as well as additional duties assigned to
speech therapists which include, but may not be limited to, medicaid billing
and school duty assignments, waiving caseload restrictions beyond 50 would
place undue burden on the time available to provide appropriate diagnostic
and direct/indirect services to students. Additionally, requiring speech
therapists to provide services for students beyond the 50 designated, without providing additional monetary supplement as is done for classroom
teachers who are over classroom student limits, would be considered unfair
practices.

Comments for section Chapter 7: Discipline

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 23:33:19)

Date: Fri, 12 Jan 2007 04:03:32 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 11:33 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 23:33:19)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Nancy M. Laughlin
Organization:
Email: nancymlaughlin@yahoo.com
Title: Speech Therapist, Marion County
Address1: 2 Sands Drive
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2007-01-11 23:33:19
Posted from IP: 24.210.116.151

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Speech/Language Impairment
Eligibility Criteria for Articulation/Phonology Disorder:
1. Remove criteria for a standard score
3. Remove severity rating

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Speech therapy services: provided by a licensed or certified speech/language pathologist

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-11 15:10:33)

Date: Fri, 12 Jan 2007 04:12:25 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Thursday, January 11, 2007 3:11 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-11 15:10:33)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Patricia L. Miller
Organization: Jackson County Schools
Email: pl_miller@hotmail.com
Title: Gifted Specialist
Address1: Ripley Elementary
Address2: 404 Second Ave.
City/State/Zip: Ripley, WV 25271
Role: Teacher
Posted: 2007-01-11 15:10:33
Posted from IP: 168.216.84.230

Comments for section 126-16-1 General

The way the Policy is displayed on the website is misleading. When one clicks to read Policy 2419 what is given is the Procedures Manual. The actual proposed Policy 2419 is embedded within the Executive Summary (sandwiched between the Executive Summary and the Comment Form). I request
that the actual Policy be identified as such to the public. Once this correction is made the comment period should be extended to allow for the
public to notice the correction and comment accordingly.
In the Executive Summary under 'Impact' the proposed new format is described
as "more user friendly and better organized". While this may be true nowhere does it inform the public that once the Policy is separated from the
Procedures Manual any future changes to the Manual will not be put up for
Public Comment, only the 2 page Policy will be subject to public comment.
If I am mistaken in my understanding of this I would appreciate it if

the
OSE would notify me. The "meat" of this policy is in the Procedures Manual,
to move that out of the hands of the public is unconscionable. I request
that the Procedures Manual remain part of the actual Policy 2419.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Second sentence needs to state, "Chapter 2 discussed procedures to locate
and identify students with suspected exceptionalities" (rather than
disabilities) because it includes gifted.

Comments for section Chapter 4: Eligibility

Under the "Three-Prong Test of Eligibility", even though a disclaimer is
added to #2 regarding students with giftedness, that needs to be reflected
in the summarizing statement as well. For example: "A student is not
eligible for special education for disabilities unless all three of the
above components are satisfied and documented."
Under gifted eligibility criteria, item #3 (p. 28) when discussing what
differentiated instruction may include, "acceleration of content at grade
level" is confusing. Acceleration, by its nature, entails content at above
grade level. I think a clearer way of stating this might be: acceleration
of content while student remains in chronologically appropriate grade.
Regarding the proposed use of Response to Intervention: It is good to give
the option to use the severe discrepancy model for eligibility until

June
30, 2009 because before then it will become evident that RTI will be overwhelming, time-consuming, and impossible to accomplish with existing
staff. In light of the fact that "Only after a student has been provided an
opportunity to learn with the additional targeted supports provided within a
tiered instructional model should referral and eligibility for special education and related services be considered" I recommend language be inserted that clarifies exactly who is responsible for the "ongoing progress
monitoring of student performance", individualized interventions (implemented for a minimum of 8-12 weeks in Tier 2), and the small group
instruction (provided "in addition to the core instruction") mandated in
Tiers 1 & 2. Since the student is not yet special education eligible it
would seem that it would fall on the regu!
lar educator. The current wording leaves this unclear.

Comments for section Chapter 5: Individualized Education Programs
---
On p. 55, under section 3 (Related Services) the 11th service listed should
state, "Early identification and assessment of students' exceptionalities"
(rather than disabilities, since it also applies to gifted). Likewise on p.
56 in the summary it should state, "Although services may be of benefit to a
student with an exceptionality" (rather than disability).

Comments for section Chapter 6: Administration of Services

Maximum Limits for Case Management Assignments (p. 77): a caseload of 20 for
teachers of students with Developmental Delays ages 3-5 is too high considering how much help younger students need with everything they do. I
recommend a maximum caseload of 15.

I recommend that teachers of gifted have the same maximum caseload as Teachers of all other Exceptionalities (30) since they have all the same
duties and additionally are most often itinerant. It is time to bury the
old misinformation that gifted students are "the cream of the crop" which is
what the current caseload of 45 is based on. Gifted students are as complex, and often more so, than students with most disabilities. Exceptional Gifted students remain on an IEP due to the fact that they are
at risk students and therefore should be designated as Level 2 students resulting in a lowered caseload. Modifying curriculum, developing independent studies, assessing, direct teaching, consulting, monitoring,

accelerating, enriching, working to reverse underachievement, plus all the
same forms, meetings, trainings, etc. take up the same amount of time
preparing for students at either end of the special education spectrum which
should result in equal maximum caseloads.

The waivers to maximum caseload limits need to have two limitations added:
number and duration. If a waiver is approved the teacher deserves to know
how many students can be added and for how long, before another teacher is
hired.

Under Class Size Requirements for Instructional Period (p. 77): The
following statement contradicts itself, "All WV Pre-K classrooms must to the
extent practicable reflect the natural proportions of students with
disabilities to those without disabilities within the school or community,
but with no more than ten students with disabilities per session." There is
no public school or community with natural proportions of 50% of the
population disabled. By stating "no more than 10 with disabilities" and a
caseload of 20, natural proportions are totally disregarded. My
recommendation is to retain the first half of the statement ending with
"community". Strike "but with no more than ten."

Integrated classrooms (p. 78): This is a much-needed addition to 2419 but
the 30% needs to apply to Level 1 students only. If there are any Level 2
students integrated the percentage needs to drop to 5%. One Level 2 student
is often all it takes to disrupt the education of the entire class.

Special Education classrooms for students with disabilities (p. 78) needs to
be rephrased to: Special Education classrooms for students with
exceptionalities" so that it includes gifted students who also have Level 1
and Level 2 needs. Examples of Level 2 needs (profoundly gifted,
exceptional gifted):
*a markedly modified curriculum with a focus on radical acceleration;
*close adult instruction, assistance and/or supervision with the development
& use of independent studies, virtual classes, curriculum compacting,
radical acceleration, overcoming underachievement;
*transition activities that focus on dual enrollment, college or AP level
classes prior to high school age.

The statement "Students with Level II needs require a majority of the
following to function within a school setting" will have administrators
insisting that a student demonstrate 5 out of 9. I recommend that the
wording be changed to: "Students with Level II needs require many of

the
following."
There is a typing mistake in the per Instructional Period Based on Level of
Service chart on p. 80. Since Level I students have fewer service needs the
per period maximum should be higher than that of Level II students who have
more service needs. So under EC Early Childhood Grades K-4: Level 1 needs
should be 10 and Level II needs should be 6 (rather than vice versa as printed).

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

On p. 101, under #5 it should read that "The West Virginia Advisory Council
for the Education of Exceptional Children is supported in order to provide
guidance with respect to the education and related services for children
with exceptionalities in the state" as they also provide guidance on the
education of gifted students.

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add the terms "duplicated" and "unduplicated" to the glossary with
understandable definitions. These are terms I've run across as a teacher
and didn't understand.

Comments for section Acronyms and Abbreviations

RECEIVED
JAN 12 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : CHERIE SMITH Organization: KANAWHA COUNTY SCHOOL

Title: TEACHER OF DEAF AND HEARING IMPAIRED PRESCHOOL

Street Address: 29 BROOKGREEN DRIVE

City: HURRICANE State: WV Zip: 25526

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. - Sec 3 Deafness (D) P.26 Eligibility Criteria for Deafness 1. See attached sheet Sec 3 Hard of Hearing (H) P. 30 Eligibility Criteria for Hard of Hearing
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Section 3 Provision of Services p 75 bullet #9 See attached sheet Section 4 Adequate Staff p. 76 Add communication to list of bullets
Chapter ~~5: Discipline~~ 6
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

C. Deaf-blindness

Definition: Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes student ages three through twenty-one.

Eligibility Criteria for Deaf-blindness

An eligibility team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, otolaryngologist, ~~or~~ audiologist as having a hearing loss.
3. The student's ~~condition~~ adversely affects educational performance.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and fine motor skills;
- Communication;

2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required by the public agency. The review team must include the student, parent, school counselor and building administrator.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility team will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on [redacted] and [redacted] hearing to access [redacted] communication.
2. The student has been diagnosed by an otologist, or otolaryngologist, and audiologist as having a hearing loss. [redacted]
3. The student's [redacted] adversely affects educational performance. [redacted] with out intervention
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility team will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;
- Classrooms for eligible exceptional students that are adequate and comparable to the classrooms for non-exceptional students;
- 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, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified disability;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted device worn by students in schools in accordance with established procedures to assure ~~they are functioning properly~~ if recommended by IEP Team.
- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teacher's class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

- Significant cognitive and/or sensory impairments;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent;
- Age of the children because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	[redacted] Instructional Period

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, [redacted] session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square feet per child of usable indoor

Deaf Children do not learn incidentally. Their peers do not have the signing language to communicate. All learning must be teacher directed and/or in small groups to be effective. Therefore small numbers of deaf preschool students in classroom is essential. (5-6 deaf or hard of hearing) Itinerant teachers of deaf/hard of hearing students should be limited to 15 students on case load.

Maximum Number of Students per Instructional Period Based on Level of Service

Special Education Programmatic Level	EC Early Childhood Grades K - 5	MC Middle Childhood Grades 6 - 8	AE Adolescent Education Grades 9 – 12
Level I Service Needs	6	12	12
Level II Service Needs	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*

* Grade configurations should match existing elementary → middle school model

* Staffing ratio must include at least one highly qualified special education teacher; however, this does not preclude the use of additional staff to support a student with Level II service needs.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

- **Special Education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.
- insert paragraph at bottom of page

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Special Education Pre-K	Special Education Pre-K with Typical Peers
Maximum Number of Students per Session	10	Maximum of 20 students per session with no more than 10 of those students with IEPs
Staffing Requirements*	1 Teacher and 1 additional staff person	1 Teacher and 1 additional staff person**

* Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to support a student with more intense service needs.

↓ Special Education classroom for students with deafness or ~~hard of hearing~~ hearing loss

When deaf or hard of hearing services are delivered in a special ed. setting no more than 8 students may be scheduled in an instructional period for middle and elementary Childhood grades 6 - 8 and adolescent education grades 9 - 12.

RECEIVED
JAN 12 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Russel Shepherd Organization: Kan. City Schools

Title: Teacher of Deaf/HH

Street Address: 3804 Lower Falls Rd

City: St. Albans State: WV Zip: 25177

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☑ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. - See 3 Deafness (D) P.26 Eligibility Criteria for Deafness 1. See attached sheet See 3 Hard of Hearing (H) P. 30 Eligibility Criteria for Hard of Hearing
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Section 3 Provision of Services p 75 bullet #9 See attached sheet Section 4 Adequate Staff p. 76 Add communication to list of bullets
Chapter ~~2: Discipline.~~ 6
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required by the public agency. The review team must include the student, parent, school counselor and building administrator.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility team will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on hearing to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, otolaryngologist, or audiologist as having a hearing loss.
3. The student's ~~condition~~ adversely affects educational performance.
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility team will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;
- Classrooms for eligible exceptional students that are adequate and comparable to the classrooms for non-exceptional students;
- 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, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified disability;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted device worn by students in schools in accordance with established procedures to assure ~~they are functioning properly~~ if recommended by IEP Team.
- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teacher's class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

- Significant cognitive and/or sensory impairments;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent;
- Age of the children because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Chapte

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	30/See Class Size Requirement for Instructional Period

- Should be limited to 15 Deaf/HH students. Also need to think about # of hours that itinerant teacher can be with students

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square feet per child of usable indoor

5-6 Deaf/HH students as recommended by Deaf Education schools.

Maximum Number of Students per Instructional Period Based on Level of Service

Special Education Programmatic Level	EC Early Childhood Grades K - 5	MC Middle Childhood Grades 6 - 8	AE Adolescent Education Grades 9 – 12
Level I Service Needs	6	12	12
Level II Service Needs	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*

* Grade configurations should match existing elementary - middle school model

* Staffing ratio must include at least one highly qualified special education teacher; however, this does not preclude the use of additional staff to support a student with Level II service needs.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

- **Special Education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.
- insert paragraph at bottom of page

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Special Education Pre-K	Special Education Pre-K with Typical Peers
Maximum Number of Students per Session	10	Maximum of 20 students per session with no more than 10 of those students with IEPs
Staffing Requirements*	1 Teacher and 1 additional staff person	1 Teacher and 1 additional staff person**

* Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to support a student with more intense service needs.

Special Education classroom for students with deafness or ~~hard of hearing~~ hearing loss

When deaf or hard of hearing services are delivered in a special ed. setting no more than 8 students may be scheduled in an instructional period for middle Childhood grades 6 - 8 and adolescent education grades 9 - 12.

RECEIVED
JAN 12 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Marsha Klusmeyer Organization: Kanawha County Schools

Title: Teacher of Deaf and Hard of Hearing

Street Address: One Roller Road

City: Charlestom State: WV Zip: 25314

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.

Chapter 4: Eligibility. ~~Sec. 3 B. Deafness p. 76~~ Eligibility Criteria for Deafness
1, 2, 3 - see attached page
~~Sec. 3 H. Hard of Hearing p. 36~~ Elig. Criteria - see attached

Chapter 5: Individualized Education Programs.

Chapter 6: Administration of Services.
Sec. 3 Provision of Services p. 75 or put at end - bullet point #9 - preface statement with "if recommended by the IEP team"

~~Chapter 7: Discipline~~
Chap. 6 (cont.) - Section 4 p. 76 Part B. Adequate Staff add another bullet pt. "Communication"
Chap. 6 (cont.) - Section 4 A Provision for Staff - see attached sheet p. 80

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

C. Deaf-blindness

Definition: Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes student ages three through twenty-one.

Eligibility Criteria for Deaf-blindness

An eligibility team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access communication.
2. The student has been diagnosed by an otologist or otolaryngologist, and audiologist as having a hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and fine motor skills;
- Communication;

2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required by the public agency. The review team must include the student, parent, school counselor and building administrator.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility team will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision and residual hearing to access communication.
2. The student has been diagnosed by an otologist, or otolaryngologist, or audiologist as having a hearing loss.
3. The student's hearing loss adversely affects educational performance, without intervention!
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility team will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;
- Classrooms for eligible exceptional students that are adequate and comparable to the classrooms for non-exceptional students;
- 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, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified disability;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted device worn by students in schools in accordance with established procedures to assure they are functioning properly, if recommended by the IEP team.*
- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teacher's class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

- Communication
- Significant cognitive and/or sensory impairments;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent;
- Age of the children because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	30/See Class Size Requirement for Instructional Period

Itinerant Teachers of Deaf and Hard of Hearing Students should be limited to 15 on caseload.

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square feet per child of usable indoor

Deaf students do not learn incidentally. All learning must be teacher directed or in small groups to be effective. Therefore, a small number (5-6 Deaf and Hard of Hearing) of deaf students in a preschool classroom is essential.

grade configuration should match existing elementary and middle school model

Maximum Number of Students per Instructional Period Based on Level of Service

Special Education Programmatic Level	EC Early Childhood Grades K – 5	MC Middle Childhood Grades 6 – 8	AE Adolescent Education Grades 9 – 12
Level I Service Needs	6	12	12
Level II Service Needs	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*

* Staffing ratio must include at least one highly qualified special education teacher; however, this does not preclude the use of additional staff to support a student with Level II service needs.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

- **Special Education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.

insert paragraph at bottom of page

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Special Education Pre-K	Special Education Pre-K with Typical Peers
Maximum Number of Students per Session	10	Maximum of 20 students per session with no more than 10 of those students with IEPs
Staffing Requirements*	1 Teacher and 1 additional staff person	1 Teacher and 1 additional staff person**

* Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to support a student with more intense service needs.

Special Education classroom for students with deafness/hearing loss – When deaf or hard of hearing ~~students~~ services are delivered in a special education setting, no more than 8 students may be scheduled in an instructional period for middle childhood grades 6-8 and adolescent education grades 9-12.

RECEIVED
JAN 12 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : KATHY HUDNALL Organization: KANAWHA COUNTY SCHOOLS

Title: TEACHER OF D/HH, Speech-Language THERAPIST

Street Address: 901 LAUREL ROAD

City: CHARLESTON State: WV Zip: 25314

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☒ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. Section 3, D. Deafness (pg. 26) Eliq. Criteria f/Deafness: * See sheet attached. Section 3, H. Hard of Hearing (pg 30) Eligibility Criteria * See sheet attached.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Section 3, (pg 75) Bullet #9 Section 4, (pg 76) B. Adequate Staff * See sheet attached. * See sheet attached.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

C. Deaf-blindness

Definition: Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes student ages three through twenty-one.

Eligibility Criteria for Deaf-blindness

An eligibility team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access ~~auditory~~ communication. with or without amplification
2. The student has been diagnosed by an otologist or otolaryngologist, and audiologist as having a hearing loss.
3. The student's ~~condition~~ hearing loss adversely affects educational performance. without intervention.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and fine motor skills;
- Communication;

2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required by the public agency. The review team must include the student, parent, school counselor and building administrator.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility team will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on hearing to access ~~auditory~~ communication. vision and residual
2. The student has been diagnosed by an otologist or otolaryngologist, and audiologist as having a hearing loss.
3. The student's ~~condition~~ hearing loss adversely affects educational performance. without intervention.
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility team will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;
- Classrooms for eligible exceptional students that are adequate and comparable to the classrooms for non-exceptional students;
- 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, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified disability;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted device worn by students in schools in accordance with established procedures to assure they are functioning properly;

If recommended by IEP Team

- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teacher's class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

ADD →

- Communication
- Significant cognitive and/or sensory impairments;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent;
- Age of the children because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Maximum Number of Students per Instructional Period Based on Level of Service

Match grade configuration to Elementary and Middle School Models

Special Education Programmatic Level	EC Early Childhood Grades K - 4 K - 5	MC Middle Childhood Grades 5 - 8 6 - 8	AE Adolescent Education Grades 9 – 12
Level I Service Needs	6	12	12
Level II Service Needs	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*

* Staffing ratio must include at least one highly qualified special education teacher; however, this does not preclude the use of additional staff to support a student with Level II service needs.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

- **Special Education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.

INSERT Statement below

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Special Education Pre-K	Special Education Pre-K with Typical Peers
Maximum Number of Students per Session	10	Maximum of 20 students per session with no more than 10 of those students with IEPs
Staffing Requirements*	1 Teacher and 1 additional staff person	1 Teacher and 1 additional staff person**

* Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to support a student with more intense service needs.

- Special Education classroom for Students with Deafness/ Hard of Hearing. When hearing impaired services are delivered in a Special Education setting, no more than eight students may be scheduled in an instructional period.

Chapte

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	30/See Class Size Requirement for Instructional Period

Itinerant Teachers w/deaf+h/h students 15

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square feet per child of usable indoor

ALL learning must be teacher-directed and/or in small groups to be effective 5-6 deaf/hh therefore, maintain a preschool limit of [redacted] students per session.

RECEIVED
JAN 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Christina Ferguson Organization: Kanawha Co. Schools

Title: Teacher of deaf and hh

Street Address: 711 Bauer Avenue

City: Charleston State: WV Zip: 25302

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. - Sec 3 Deafness (D) P.26 Eligibility Criteria for Deafness 1. See attached sheet Sec 3 Hard of Hearing (H) P. 30 Eligibility Criteria for Hard of Hearing
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Section 3 Provision of Services P 75 bullet #9 See attached sheet Section 4 Adequate Staff P. 76 Add communication to list of bullets
Chapter ~~7: Discipline.~~ 6
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required by the public agency. The review team must include the student, parent, school counselor and building administrator.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility team will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision and residual hearing to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, or otolaryngologist, and audiologist as having a hearing loss. [redacted]
3. The student's ~~condition~~ adversely affects educational performance. with out intervention
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility team will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;
- Classrooms for eligible exceptional students that are adequate and comparable to the classrooms for non-exceptional students;
- 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, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified disability;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted device worn by students in schools in accordance with established procedures to assure they are functioning properly, if recommended by IEP Team.
- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

C. Deaf-blindness

Definition: Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes student ages three through twenty-one.

Eligibility Criteria for Deaf-blindness

An eligibility team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, otolaryngologist, ~~or~~ audiologist as having a hearing loss.
3. The student's ~~condition~~ adversely affects educational performance.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and fine motor skills;
- Communication;

C. Deaf-blindness

Definition: Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes student ages three through twenty-one.

Eligibility Criteria for Deaf-blindness

An eligibility team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, otolaryngologist, ~~or~~ audiologist as having a hearing loss.
3. The student's ~~condition~~ adversely affects educational performance.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and fine motor skills;
- Communication;

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teacher's class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

- Significant cognitive and/or sensory impairments;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent;
- Age of the children because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Maximum Number of Students per Instructional Period Based on Level of Service

Special Education Programmatic Level	EC Early Childhood Grades [redacted]	MC Middle Childhood Grades [redacted]	AE Adolescent Education Grades [redacted]
Level I Service Needs	6	12	12
Level II Service Needs	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*

* Grade configurations should match existing elementary + middle school model

* Staffing ratio must include at least one highly qualified special education teacher; however, this does not preclude the use of additional staff to support a student with Level II service needs.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

- **Special Education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.
- insert paragraph at bottom of page

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Special Education Pre-K	Special Education Pre-K with Typical Peers
Maximum Number of Students per Session	10	Maximum of 20 students per session with no more than 10 of those students with IEPs
Staffing Requirements*	1 Teacher and 1 additional staff person	1 Teacher and 1 additional staff person**

* Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to support a student with more intense service needs.

↓ Special Education classroom for students with deafness or ~~hard of hearing~~ hearing loss

When deaf or hard of hearing services are delivered in a special ed. setting no more than 8 students may be scheduled in an instructional period for middle Childhood grades 6-8 and adolescent education grades 9-12.

★ No more than 6 deaf/hh students in self-contained classroom in primary/intermediate classes (grades K-5)

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	[redacted] Class Size Requirement for Instructional Period

Itinerant teachers of deaf/hh students — should be limited to 15 students on caseload

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square feet per child of usable indoor

Deaf students do not learning insidentally. All learning must be teacher-directed and in small groups to be effective. Therefore, small # of deaf preschool students in a classroom is essential (5-6 deaf/hh students.)

RECEIVED
JAN 2 3 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Susan Pelzel Organization: Kan Co Schools

Title: Teacher of Deaf/Hard of Hearing, Itinerant

Street Address: 1508 Rambler Rd

City: Chas State: WV Zip: 25314

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☑ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. Sec 3, D. Deafness, p. 26 Eligibility Criteria for Deafness 1, 2, 3 - see attached sheet Sec 3, H, p. 30, Eligibility Criteria for Hard of Hearing See attached sheet
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Sec 3. Provision of Services, p. 75, #9 bullet, Preface Statement with "if recommended by the IEP team, daily monitoring of hearing aids..... functioning properly"
Chapter ~~7: Discipline.~~ Ch 6, Sec 4, p 76 Part B Adequate Staff: Add another bullet. "Communication" See attached sheet
~~Chapter 8: Private School Students.~~ Ch 6 sec 4, #1, Provision for Staff - see attached sheet
Chapter 9: General Supervision and Accountability for Performance and Compliance.

C. Deaf-blindness

Definition: Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs designed solely for students with deafness or blindness or students who are hard of hearing or partially sighted. This category includes student ages three through twenty-one.

Eligibility Criteria for Deaf-blindness

An eligibility team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition.
2. The student is diagnosed by an optometrist or ophthalmologist for vision loss and by an otologist, otolaryngologist, or audiologist for hearing loss.
3. The student's condition adversely affects educational performance.
4. The student needs special education.

D. Deafness

Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Eligibility Criteria for Deafness

An eligibility team will determine that a student is eligible for special education services as a student who is deaf when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on vision to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, otolaryngologist, audiologist as having a hearing loss.
3. The student's ~~condition~~ adversely affects educational performance.
4. The student needs special education.

E. Developmental Delay

Definition: Developmental delays occur in students, ages three through five, who are functioning at, or lower than, 75% of the normal rate of development in two or more of the following areas:

- Cognition;
- Physical development including gross motor and fine motor skills;
- Communication;

2. On the basis of that review, identify what additional data, if any, are needed to determine that a student is eligible for special education services as an exceptional gifted student in grades nine through twelve using one or more of the following criteria:
   a. The eligibility criteria for one or more of the disabilities as defined in this section; and/or
   b. The definition for economically disadvantaged; and/or
   c. The definition for underachievement, which takes into consideration the student's ability level, educational performance and achievement levels; and/or
   d. The definition for psychological adjustment disorder as documented by a comprehensive psychological evaluation.
3. If the student is eligible as exceptional gifted, the district must develop an IEP. If the student is not eligible as exceptional gifted, the IEP team must write a four-year plan that appropriately addresses the student's educational needs, including honors/advanced education, when appropriate. The implementation and annual review of this plan are required by the public agency. The review team must include the student, parent, school counselor and building administrator.

H. Hard of Hearing

Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

Eligibility Criteria for Hard of Hearing

An eligibility team will determine that a student is eligible for special education services as a student who is hard of hearing when all of the following criteria are met:

1. The student exhibits characteristics consistent with the definition and relies primarily on visual and residual hearing to access ~~auditory~~ communication.
2. The student has been diagnosed by an otologist, or otolaryngologist and/or audiologist as having a hearing loss. hearing loss
3. The student's ~~condition~~ adversely affects educational performance, without intervention.
4. The student needs special education.

I. Mental Impairment

Definition: Mental impairment is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive skill areas. These deficits are manifested during the developmental period and adversely affect the student's educational performance.

Eligibility Criteria for Mental Impairment

An eligibility team will determine that a student is eligible for special education services as a student with a mental impairment when all of the following criteria are met:

Section 3. Provision of Services

The district must provide:

- A continuum of service options in order to respond to the intensity and severity of students needs;
- Services in school facilities that serve age-appropriate non-exceptional peers;
- Classrooms for eligible school age exceptional students in close proximity to classrooms for age appropriate non-exceptional peers;
- Classrooms for eligible exceptional students that are adequate and comparable to the classrooms for non-exceptional students;
- 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, the current Uniform Federal Accessibility Standards and WV State Board of Education Policy 6200;
- 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;
- Appropriate grouping of students with exceptionalities for specially designed instruction based upon meeting the students' similar social, functional and/or academic needs, as specified in their IEPs and without regard to identified disability;
- The opportunity for students with disabilities to earn the required credits for graduation;
- Daily monitoring of hearing aids or the external component of a surgically implanted device worn by students in schools in accordance with established procedures to assure they are functioning properly; if recommended by the IEP team
- Assistive technology devices or assistive technology services, or both, to a student with a disability if required as part of the student's special education, related services or supplemental services;
- On a case-by-case basis, school-purchased assistive technology devices in a student's home or in other settings if the student's IEP Team determines that the child needs access to those devices in order to receive FAPE; and
- Services for young children in the least restrictive environment which includes utilizing approved participating partners in WV Pre-K. The socioeconomic level, ability and/or funding streams should not be viewed as deterrents to providing fully inclusive programs.

Section 4. Provision of Staff

A. Qualified Personnel

Each district must provide highly qualified personnel as defined in West Virginia Board of Education Policy 5202 and set forth in the No Child Left Behind Act (NCLB, 2001) and IDEA 2004 who are appropriately trained for the area(s) of exceptionality in which they have primary responsibility and adequate in number to implement the IEP of each eligible student in the

district. Service personnel must be appropriately trained and supervised by qualified professionals.

As required by West Virginia Code §18-20-1c, an IEP may specify training for general education teachers to assist them in implementing the IEP goals and objectives. This training may be provided through individual consultation or formal professional development and must be provided by persons trained or certified to address the student's exceptional needs. In addition, general education teachers are entitled to training regarding the integrated classroom program and additional individualized training developed by the district, if requested, to prepare the teacher to meet the exceptional needs of individual students. Whenever possible, this training must be provided prior to placement. Where prior consultation or training is not possible, it must be provided no later than ten days following the placement of the student into the regular classroom. Unavoidable delays in the provision of training must not result in the exclusion of a student from any class.

B. Adequate Staff

It is the responsibility of the district to provide adequate staff to implement the IEP of each student. The number of students served in an instructional period and the assignment of paraprofessionals/aides must be determined based on the intensity of services required by the students. Teacher's class lists and student schedules must be developed and monitored to ensure the implementation of IEP services. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel can provide reinforcement and practice of previously taught skills or content. Additionally, support personnel may be required to provide assistance to students in response to specific needs related to:

- communication
- Significant cognitive and/or sensory impairments;
- Safety;
- Mobility;
- Personal care;
- Behavior;
- Medical/health; or
- Other unique circumstances.

Additional considerations when making staffing determinations include:

- Planning time;
- Data collection, observation, assessment and report preparation;
- Consultation and IEP planning with general educators;
- IEP management;
- IEP Team meetings and meetings with parent;
- Age of the children because younger children require more assistance with personal tasks such as toileting, dressing and feeding; and
- Travel time for itinerant personnel.

Chapte

Staffing for Case Management/Procedural Accountability

To ensure the provision of FAPE and adherence to procedural requirements, professional special education personnel may be assigned a group of students for whom they not only provide direct/indirect special education services but also for whom they provide specific case management/procedural accountability duties such as sending parent notices, scheduling IEP meetings, reporting progress to parents, coordinating services, tracking timelines and managing paperwork. The maximum number of students assigned to service providers is as follows:

Maximum Limits for Case Management Assignments	
Teachers of students with Developmental Delays ages 3-5	20
Teachers of the Gifted	45
Speech Therapists	50
Teachers of all other Exceptionalities	30/See Class Size Requirement for Instructional Period

Itinerant Teachers of Deaf and Hard of Hearing Students should be limited to 10 on caseload.

These are maximum limits within which the school/district administrator, in consideration of the teacher's schedule and overall responsibilities, must determine the number of students assigned to specific teachers or providers. When student numbers increase after the Second Month report is submitted, waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

Class Size Requirements for Instructional Period

General educators and special educators, including speech language pathologists, work together to provide appropriate instruction for students with disabilities in all instructional environments. A general or special educator may provide direct instruction with the colleague educator providing consultation or modification of materials. Shared instructional models may be implemented or students may work at stations developed or directed by general and/or special educators.

- **All WV Pre-K classrooms** (including special education) must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session. Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. The provision of additional support staff is determined based on student needs and the IEP. The teacher-child ratios for Policy 2419 and 2525 are maximum requirements. This means a local board of education can enroll a smaller number of children in the classroom, if needed. Additionally, all Universal Pre-K classrooms (including special education) must provide a minimum of thirty-five square feet per child of usable indoor

Deaf students do not learn incidentally. All learning must be teacher directed or in small groups to be effective. Therefore, a small number (5-6 Deaf and Hard of Hearing Students) of deaf students in a preschool classroom is essential.

Maximum Number of Students per Instructional Period Based on Level of Service

Special Education Programmatic Level	EC Early Childhood Grades K - 4	MC Middle Childhood Grades 5 - 8	AE Adolescent Education Grades 9 – 12
Level I Service Needs	6	12	12
Level II Service Needs	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*	10 minimum staffing ratio 1:5*

Grade configuration should match existing elementary and middle school model.

* Staffing ratio must include at least one highly qualified special education teacher; however, this does not preclude the use of additional staff to support a student with Level II service needs.

Waivers to maximum limits may be requested in writing through the WVDE. Waivers may require an on-site visit, be considered on a case-by-case basis and remain valid for the current school year only.

- Special Education classroom for students with hearing loss
- **Special Education classroom for students with giftedness** – When gifted services are delivered in a special education setting, no more than fifteen students may be scheduled in an instructional period.

The following chart provides maximum class size for children with developmental delays, ages three through five.

Maximum Number of Students Per Session for Children with Developmental Delays

Type of Pre-K Program	Special Education Pre-K	Special Education Pre-K with Typical Peers
Maximum Number of Students per Session	10	Maximum of 20 students per session with no more than 10 of those students with IEPs
Staffing Requirements*	1 Teacher and 1 additional staff person	1 Teacher and 1 additional staff person**

* Staffing ratio must include at least one highly qualified special education teacher. This staffing requirement does not preclude the use of additional staff to support a student with more intense service needs.

When students who are deaf or hard of hearing are delivered services in a special education setting, no more than eight students may be scheduled in an instructional period for middle childhood, grades 6-8, and for adolescent education, grades 9-12.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 1:21 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 13:20:30)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Jane K. McBride
Organization: WV Schools for the Deaf & Blind
Email: jkmcbrid@access.k12.wv.us
Title: Superintendent
Address1: 301 East Main Street
Address2:
City/State/Zip: Romney, WV 26757
Role: Superintendent
Posted: 2007-01-12 13:20:30
Posted from IP: 168.216.252.120

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

After discussion with the school's staff, we believe that the eligibility criteria for deafness and hard-of-hearing should not be separated. Rather there should be a single eligibility descriptor of hearing impaired or hearing loss. Degree of hearing loss should

not determine the child's mode of communication as this varies from individual to individual and is based on personal needs. An individual, regardless of degree of hearing loss and/or use of amplification or other surgical devices, e.g., cochlear implants, may primarily rely on auditory or vision skills or a combination of the two for both receptive and expressive communication.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: gbalcour@access.k12.wv.us
Sent: Friday, January 12, 2007 8:50 AM
To: rbolling@access.k12.wv.us
Subject: 2419 comments

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419:
Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Denver Drake, Gail Balcourt, Tim Via Organization: Braxton County Schools_____

Title: Principal and Assistant Principals

Street Address: 100 Carter Braxton Drive
City: Sutton_____ State: WV_____Zip: 26601_____

Please check the box below that best describes your role.

⁭ School System Superintendent ⁭ School System Staff ⁭ Parent/Family
X Principal ⁭ Teacher ⁭ Business/Industry
⁭ Professional Support Staff ⁭ Service Personnel ⁭ Community Member

---

COMMENTS/SUGGESTIONS
§126-16-1. General.
"The year in which the student is twenty-one years of age prior to September 1 or the student has met graduation requirements for a standard high school diploma." - Good clarification

§126-16-2. Purpose.

§126-16-3. Incorporation by Reference.

§126-16-4. Summary.

§126-16-5. Severability.

Chapter 1: Free Appropriate Public Education.

C. Using Private and Public Insurance Funds to Provide FAPE – Good Clarification
Section 3. Exceptions to FAPE – "Students who have graduated high school with a standard high school diploma, but this is a change in placement and requires Prior Written Notice (PWN)" – is this a typo?

Chapter 2: Child Find.
Requirements for district to develop local interagency agreements is an expansion of requirements of law.

B. Student Assistant Team - Strike "should" language ("SAT should consider whole-school approaches, scientifically-based programs and positive behavior supports, including accommodations and instructional interventions conducted in the general education environment.") - Language will act as an expansion of requirements

"The SAT must provide written documentation to the parents of the results of interventions and the recommendations made by the SAT in regard to the student's program and invite parental feedback to the team about those recommendations." – Explain the requirements of 2510 §9

Chapter 3: Evaluation/Reevaluation.
"The eighty day timeline will not apply to a district if:" – Good clarification
2. "Consent for Evaluation" – Good clarification
Chapter 4: Eligibility.
Section 1 Eligibility Determination, video conferences – how about a realistic suggestion
§L Specific Learning Disabilities Eligibility Determination: RTI – to be effective the changes will require additional resources, intense and on-going training efforts and an additional 3 staff. How will this be implemented at the middle school level?

Chapter 5: Individualized Education Programs.
§1 F. Invitation to IEP Team Meetings – video conferencing - !!!!
§4 A. Transfer from a West Virginia School District "district must make reasonable efforts" — will be subject to wide interpretations. "FAPE within one school day of the parent consultation" – not workable because it takes time to get IEP's and evaluations. It takes time to schedule staff, who can pull them off the shelf.
C. Transmittal of Records "respond within one school day" – not reasonable and

beyond the Federal requirements.
§5 A. Transition Planning "The DHHR has the responsibility to:" – why are DHHR requirements in educational policy?

Chapter 6: Administration of Services.
B. Adequate Staff – Class Size Requirements for Instructional Period All WV Pre-K classrooms "Pre-K classrooms are limited to no more than twenty students per session. Pre-K classrooms require at least one aide regardless of the number of students being served. " – is beyond the requirements of 2520 §9.2 which establishes a ratio of 1 adult to 10 children.
Integrated classrooms – "no more than 30% of the total class enrollment during any single class period in the four core academic subjects, i.e., Reading/ Language Arts, Science, Social Studies and Math." – Impact projections at least 4 teachers in our school.

Chapter 7: Discipline.

Chapter 8: Private School Students.

Chapter 9: General Supervision and Accountability for Performance and Compliance.

Chapter 10: Procedural Safeguards.

Chapter 11: Dispute Resolution.

Glossary.

Acronyms and Abbreviations.

Please direct all comments to:

Robin Bolling
Office of Special Education Achievement
West Virginia Department of Education
Capitol Building 6, Room 304

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 12:16 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 12:16:04)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Roxanne Staubs
Organization: Jefferson County Schools
Email: Roxannnestaubs@frontiernet.net
Title: Special Education aide
Address1: 126 West 6th Avenue
Address2:
City/State/Zip: Ranson, Wv 25438
Role: School System Staff
Posted: 2007-01-12 12:16:04
Posted from IP: 168.216.207.44

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Individuals conducting evaluations shall be:
1. Appropriately certified, licensed or otherwise qualified to administer the evaluations for
which they are responsible;
2. Trained in the use of the specific evaluation instruments or techniques for which they are
responsible;

[redacted]. Knowledgeable (DEFINE HOW MUCH KNOWLEDGE IS A COMPREHENSIVE UNDERSTANDING OF THE DISABILITY) in the area of concern; and

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---
Students with Level II needs require a majority (DEFINE Majority)of the following to function within a
school setting:.....

Testing for AYP should be based on PLEPs or accuracy of progress will never be mesurable.

Comments for section Chapter 6: Administration of Services

Reduction in the ratio of aides to students whom are severly disabled
will create an unsafe enviorment for the employee and the student.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 12:20 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 12:19:46)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Joyce Fisher
Organization:
Email: obxdreamn@citlink.net
Title:
Address1: 1009 Wildrose Lane
Address2:
City/State/Zip: Harpers Ferry, WV 25425
Role: Parent-Family
Posted: 2007-01-12 12:19:46
Posted from IP: 168.216.207.44

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Individuals conducting evaluations shall be:
1. Appropriately certified, licensed or otherwise qualified to administer the evaluations for
which they are responsible;
2. Trained in the use of the specific evaluation instruments or techniques for which they are
responsible;

3. Knowledgeable (DEFINE HOW MUCH KNOWLEDGE IS A COMPREHENSIVE UNDERSTANDING OF THE DISABILITY) in the area of concern; and

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---
Students with Level II needs require a majority (DEFINE Majority)of the following to function within a
school setting:.....

Testing for AYP should be based on PLEPs or true accuracy of progress will never be measurable

Comments for section Chapter 6: Administration of Services

Reduction in the ratio of aides to students whom are severly disabled will create an unsafe enviorment for the employee and the student.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 11:10 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 11:10:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Steve Parsons
Organization:
Email: stmorgan2002@aol.com
Title:
Address1: 4301 10th Ave. Apt.203B
Address2:
City/State/Zip: Parkersburg, WVa 26101
Role: Parent-Family
Posted: 2007-01-12 11:10:07
Posted from IP: 75.108.25.89

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

[redacted]

Comments for section Chapter 6: Administration of Services

Changing the teacher/student ratio will create many problems in the classroom and with the teachers. First by this change you will lessen the quality of the education. The teachers will not have time to work with each student on a level they need to achieve their goals. IEP's must be followed and written, when will a teacher have time to do this? If a teacher is working one on one, who is working with the other nine students? This brings up a safty issue, when you mix students like this you will have the aggressive and the nonaggressive together. Last year my daughter was choked by another student because the teacher was working with another student. It only takes a second for some of these children to be put in a dangerous situation. How do you preform ABA, PECS, ect. with this many students with only one teacher and one aid? How do you educate this many students with the same number of levels with only one teacher?

This is only a few of my conserns for this policy change. I know that what the commity suggested for this change and what was put into this policy are two very different things. You cannot put these teachers and students into this enviroment just to help the budget. If you look down the road five years I'm sure you will see that the good teachers will have left because all they will be doing is babysitting, and no other teachers will want to enter this feild. These kids will be left out. You will also have law suites from students getting hurt and the cost of tring to clean all this up and do whats right.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 11:02 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 11:01:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Diana WInters
Organization: Gihon Elementary School
Email: dwinters@access.k12.wv.us
Title: teacher
Address1: 2000 Belmont Road
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Teacher
Posted: 2007-01-12 11:01:56
Posted from IP: 168.216.116.197

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I am very disappointed that all children will not be able to receive speech and language therapy. Criteria # 3 should be removed so all children can benefit. As a second grade teacher I have encountered children with what you are referring as a mild problem have

difficulty during reading , phonics and spelling.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

1.I do not agree with the change in the percentage of special education children that will be assigned to the regular classroom.
I also disagree with removing the caseload requirement from speech therapy. There are only so many minutes in a day. I want our speech therapist to provide service in a timely matter addressing the degree of severity.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 10:56 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 10:56:11)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Janet Gould
Organization: Hampshire County Schools
Email: jgould@access.k12.wv.us
Title: Teacher of gifted students
Address1: HC-71, Box 103C
Address2:
City/State/Zip: Capon Bridge, WV 26711-9505
Role: Teacher
Posted: 2007-01-12 10:56:11
Posted from IP: 168.216.235.118

Comments for section 126-16-1 General

The way the Policy is displayed on the website is misleading. When one clicks to read Policy 2419 what is given is the Procedures Manual. The actual proposed Policy 2419 is embedded within the Executive Summary (sandwiched between the Executive Summary and the Comment Form). I request that the actual Policy be identified as such to the public. Once this correction is made the comment period should be extended to allow for the public to notice the correction and comment accordingly.
In the Executive Summary under 'Impact' the proposed new format is described as "more user friendly and better organized". I sincerely hope that by separating the Policy into 2 parts that there are no future plans to eventually remove the Procedures Manual from public comment. I request that the Procedures Manual remain part of the actual Policy 2419.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Second sentence needs to state, "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.

Comments for section Chapter 4: Eligibility

Under the "Three-Prong Test of Eligibility" p.23, even though a disclaimer is added to #2 regarding students with giftedness, that needs to be reflected in the summarizing statement(after #3) as well. For example: "A student is not eligible for special education [for disabilities] unless all three of the above components are satisfied and documented."
Under gifted eligibility criteria, item #3 (p. 28)it states there is an approved test list for the identification of gifted students in the Appendix. First, this list is NOT in the Appendix. Second, I'm unsure why an approved test list is necessary for identification of gifted and not for any other exceptionality. I would like to see this test list publically displayed before the policy is approved and have explained why this list is necessary for gifted identification only.
Under gifted eligibility criteria, item #3 (p. 28) when discussing what differentiated instruction may include, "acceleration of content at grade level" is confusing. Acceleration, by its nature, entails content at above grade level. I think a clearer way of stating this might be: acceleration of content while student remains in the chronologically appropriate grade.

Regarding the proposed use of Response to Intervention: It is good to give the option to use the severe discrepancy model for eligibility until June 30, 2009 because before then it will become evident that RTI will be overwhelming, time-consuming, and impossible to accomplish with existing staff. In light of the fact that "Only after a student has been provided an opportunity to learn with the additional targeted supports provided within a tiered instructional model should referral and eligibility for special education and related services be considered" I recommend language be inserted that clarifies exactly who is responsible for the "ongoing progress monitoring of student performance", individualized interventions (implemented for a minimum of 8-12 weeks in Tier 2 alone), and the small group instruction (provided "in addition to the core instruction") mandated in Tiers 1 & 2. Since the student is not yet special education eligible it would seem that it would fall on th!
e regular educator. The current wording leaves this unclear.

Comments for section Chapter 5: Individualized Education Programs
---
On p. 55, under section 3 (Related Services) the 11th service listed should state, "Early identification and assessment of students' exceptionalities" (rather than disabilities, since it also applies to gifted). Likewise on p. 56 in the summary it should state, "Although services may be of benefit to a student with an exceptionality" (rather than disability).

Comments for section Chapter 6: Administration of Services

Maximum Limits for Case Management Assignments (p. 77): a caseload of 20 for teachers of students with Developmental Delays ages 3-5 is too high considering how much help younger students need with everything they do. I recommend a maximum caseload of 15.

P. 77, I recommend that teachers of gifted have the same maximum caseload as Teachers of all other Exceptionalities (30) since they have all the same duties and additionally are most often itinerant. It is time to bury the old misconception that gifted students are "the cream of the crop" which is what the current caseload of 45 is based on. Modifying curriculum, developing independent studies, assessing, direct teaching, consulting with multiple teachers at multiple locations, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, trainings, etc. take up the same amount of time preparing for students at either end of the special education spectrum which should result in equal maximum caseloads.
Gifted students are as complex, and often more so, than students with most disabilities. Gifted students with disabilities such as ADHD, Behavior Disorders, Visual Impairments,

Hearing Impairments, Asperger's, etc. are exceedingly complex students to work with. Additionally much time is spent advocating for these students with their regular educators. Exceptional Gifted students remain on an IEP due to the fact that they are AT RISK STUDENTS and therefore should be designated as Level 2 students resulting in a lowered caseload. Profoundly gifted students, multiply labeled gifted students, and Exceptional Gifted students should be included in the Level 2 designation. Level 2 needs for these students should be developed and added to the currently proposed list.

P. 77, the waivers to maximum caseload limits need to have two limitations added: number and duration. If a waiver is approved the teacher deserves to know how many students can be added and for how long, before another teacher is hired.

Under Class Size Requirements for Instructional Period (p. 77): The following statement contradicts itself, "All WV Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but with no more than ten students with disabilities per session." There is no public school or community with natural proportions of 50% of the population disabled. By stating "no more than 10 with disabilities" and a caseload of 20, natural proportions are totally disregarded. My recommendation is to retain the first half of the statement ending with "community". Strike "but with no more than ten…"

Integrated classrooms (p. 78): This is a much-needed addition to 2419 but the 30% needs to apply to Level 1 students only. If there are any Level 2 students integrated the percentage needs to drop to 5%. It could only take one Level 2 student to severely impact the education of the rest of the students in that classroom.

Special Education classrooms for students with disabilities (p. 78) needs to be rephrased to: Special Education classrooms for students with exceptionalities" so that it includes gifted students who also have Level 1 and Level 2 needs. Examples of Level 2 needs (profoundly gifted, multiply labeled gifted, exceptional gifted):
*a markedly modified curriculum with a focus on radical acceleration;
*close adult instruction, assistance and/or supervision to include, but not be limited to, the development & use of independent studies, virtual classes, curriculum compacting, radical acceleration, overcoming underachievement;
*transition activities that focus on dual enrollment, college or AP level classes prior to high school age.

The statement "Students with Level II needs require a majority of the following to function within a school setting" will have administrators insisting that a student demonstrate 5 out of 9. I recommend that the wording be changed to: "Students with Level II needs require 2 or more of the following…"

There is a typing mistake in the per Instructional Period Based on Level of Service chart on p. 80. Since Level I students have fewer service needs the per period maximum should be higher than that of Level II students who have more service needs. So under EC Early Childhood Grades K-4: Level 1 needs should be 10 and Level II needs should be 6 (rather than vice versa as printed).

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---
On p. 101, under #5 it should read that "The West Virginia Advisory Council for the Education of Exceptional Children is supported in order to provide guidance with respect to the education and related services for children with [exceptionalities] in the state" rather than "disabilities" as they also provide guidance on the education of gifted students.

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Add the terms "duplicated" and "unduplicated" to the glossary with understandable definitions. These are terms I've run across as a teacher and didn't understand.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 10:55 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 10:55:15)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Regina Mayolo
Organization: WV Assistive Technology System
Email: rmayolo@hsc.wvu.edu
Title: Technical Assistance Specialist
Address1: 959 Hartman Run Road
Address2:
City/State/Zip: Morgantown, WV 26505
Role: Community Member
Posted: 2007-01-12 10:55:15
Posted from IP: 141.151.169.191

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I work with a number of students who would be classified as Level 1 who need assistive devices and services to achieve their educational goals. Why are these not listed under Level 1 services?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

1-12

Mary Jane Kendall
10 Maple Lane
Elkview, WV 25071

Community Member

General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic

Chapter 4:

Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give.

Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals.

Pge 21 section 1 – professionals who are qualified to interpret the results of the assessments used in the eligibility determination process must be members of the e.c.

Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc....

Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers).

Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials. Our in-house school psychologists are qualified to

make this diagnosis. The way written they are prohibited from full practice and schools will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs.

pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define period of time and marked degree.

Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!

P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.

Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.

#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list

Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.

Pg. 29 #1 line 4 – remove verbal- performance score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample

Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination

Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.

Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.

Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!

Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.

Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.

Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.
#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member

Pg. 34 Under the RTI model there needs to be timelines added at each tier

Pg. 34 Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

Pg. 34 Who conducts the screenings?

Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.

Pg. 35 Tier III lines 5 & 6 – evaluations on be completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.

Pg. 35 define period of time under data collection

Pg. 35 define frequency of data collection under progress monitoring

Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.

Pg. 35 professional development in progress monitoring needs to be provided

Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.

Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!

Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?

Pg. 36 – last sentence – what is - reasonable?

Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.

Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period

Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!
And paragraph 4 – last sentence change may to WILL!

Pg. 38 executive functioning is a good addition

Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.

Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....

Pg. 42 elig. Criteria- 2.a. what is significantly below? – needs defined? Or do we need the flexibility of not defining it?

p. 50 – a representative of the district who is qualified – examples. – please add school psychologist.

p. 52 – no. 9 change refuses to does not

p. 76 add the word "shall" be required to provide assistance to students in response to specific needs

p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities

p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 when instructional responsibilities are shared change the word "block" to "period"

P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.

p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.

P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons

P 80 do not base caseloads per instructional class period on the student's level of needs

P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well

P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.

P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations

Glossary – add a definition for "mastery"

Finish

RONALD BRUNT
187-A Rutledge Road
Charleston, WV 25311

1-12

Community member

General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic

Chapter 4:

Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give.

Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals.

Pge 21 section 1 – professionals who are qualified to interpret the results of the assessments used in the eligibility determination process must be members of the e.c.

Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc....

Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers).

Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials. Our in-house school psychologists are qualified to make this diagnosis. The way written they are prohibited from full practice and schools

will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs.

pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define period of time and marked degree.

Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!

P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.

Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.

#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list

Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.

Pg. 29 #1 line 4 – remove verbal- performance score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample

Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination

Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.

Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.

Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!

Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.

Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.

Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.
#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member

Pg. 34 Under the RTI model there needs to be timelines added at each tier

Pg. 34 Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

Pg. 34 Who conducts the screenings?

Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.

Pg. 35 Tier III lines 5 & 6 – evaluations on be completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.

Pg. 35 define period of time under data collection

Pg. 35 define frequency of data collection under progress monitoring

Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.

Pg. 35 professional development in progress monitoring needs to be provided

Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.

Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!

Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?

Pg. 36 – last sentence – what is - reasonable?

Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.

Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period

Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!
And paragraph 4 – last sentence change may to WILL!

Pg. 38 executive functioning is a good addition

Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.

Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....

Pg. 42 elig. Criteria- 2.a. what is significantly below? – needs defined? Or do we need the flexibility of not defining it?

p. 50 – a representative of the district who is qualified – examples. – please add school psychologist.

p. 52 – no. 9 change refuses to does not

p. 76 add the word "shall" be required to provide assistance to students in response to specific needs

p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities

p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 when instructional responsibilities are shared change the word "block" to "period"

P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.

p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.

P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons

P 80 do not base caseloads per instructional class period on the student's level of needs

P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well

P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.

P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations

Glossary – add a definition for "mastery"

Mary Jane Kendall
10 Maple Lane
Elkview, WV 25071

Community Member

General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic

Chapter 4:

Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give.

Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals.

Pge 21 section 1 – professionals who are qualified to interpret the results of the assessments used in the eligibility determination process must be members of the e.c.

Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc....

Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers).

Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials. Our in-house school psychologists are qualified to

make this diagnosis. The way written they are prohibited from full practice and schools will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs.

pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define period of time and marked degree.

Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!

P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.

Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.

#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list

Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.

Pg. 29 #1 line 4 – remove verbal- performance score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample

Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination

Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.

Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.

Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!

Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.

Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.

Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.
#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member

Pg. 34 Under the RTI model there needs to be timelines added at each tier

Pg. 34 Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

Pg. 34 Who conducts the screenings?

Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.

Pg. 35 Tier III lines 5 & 6 – evaluations on be completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.

Pg. 35 define period of time under data collection

Pg. 35 define frequency of data collection under progress monitoring

Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.

Pg. 35 professional development in progress monitoring needs to be provided

Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.

Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!

Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?

Pg. 36 – last sentence – what is - reasonable?

Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.

Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period

Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!
And paragraph 4 – last sentence change may to WILL!

Pg. 38 executive functioning is a good addition

Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.

Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....

Pg. 42 elig. Criteria- 2.a. what is significantly below? – needs defined? Or do we need the flexibility of not defining it?

p. 50 – a representative of the district who is qualified – examples. – please add school psychologist.

p. 52 – no. 9 change refuses to does not

p. 76 add the word "shall" be required to provide assistance to students in response to specific needs

p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities

p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 when instructional responsibilities are shared change the word "block" to "period"

P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.

p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.

P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons

P 80 do not base caseloads per instructional class period on the student's level of needs

P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well

P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.

P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations

Glossary – add a definition for "mastery"

Beth Fouty Young

Kanawha County Schools

School Psychologist

Kanawha County Board of Education

c/o Capital Community Education

200 Elizabeth Street

Charleston, WV 25311

Professional Support Staff

General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic

Chapter 4:

Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give.

Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals.

Pge 21 section 1 – professionals who are qualified to interpret the results of the assessments used in the eligibility determination process must be members of the e.c.

Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc....

Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers).

Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials. Our in-house school psychologists are qualified to make this diagnosis. The way written they are prohibited from full practice and schools will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs.

pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define period of time and marked degree.

Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!

P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.

Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.

#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list

Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.

Pg. 29 #1 line 4 – remove verbal- performance score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample

Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination

Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.

Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.

Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!

Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.

Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.

Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.
#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member

Pg. 34 Under the RTI model there needs to be timelines added at each tier

Pg. 34 Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

Pg. 34 Who conducts the screenings?

Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.

Pg. 35 Tier III lines 5 & 6 – evaluations on be completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.

Pg. 35 define period of time under data collection

Pg. 35 define frequency of data collection under progress monitoring

Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.

Pg. 35 professional development in progress monitoring needs to be provided

Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.

Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!

Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?

Pg. 36 – last sentence – what is - reasonable?

Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.

Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period

Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!
And paragraph 4 – last sentence change may to WILL!

Pg. 38 executive functioning is a good addition

Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.

Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....

Pg. 42 elig. Criteria- 2.a. what is significantly below? – needs defined? Or do we need the flexibility of not defining it?

p. 50 – a representative of the district who is qualified – examples. – please add school psychologist.

p. 52 – no. 9 change refuses to does not

p. 76 add the word "shall" be required to provide assistance to students in response to specific needs

p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities

p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 when instructional responsibilities are shared change the word "block" to "period"

P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.

p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.

P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons

P 80 do not base caseloads per instructional class period on the student's level of needs

P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well

P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.

P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations

Glossary – add a definition for "mastery"

Marianne Forbes

Kanawha County Schools

Educational Specialist

Kanawha County Board of Education

c/o Capital Community Education

200 Elizabeth Street

Charleston, WV 25311

Professional Support Staff

General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic

Chapter 4:

Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give.

Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals.

Pge 21 section 1 – professionals who are qualified to interpret the results of the assessments used in the eligibility determination process must be members of the e.c.

Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc....

Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers).

Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials. Our in-house school psychologists are qualified to make this diagnosis. The way written they are prohibited from full practice and schools will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs.

pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define period of time and marked degree.

Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!

P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.

Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.

#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list

Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.

Pg. 29 #1 line 4 – remove verbal- performance score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample

Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination

Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.

Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.

Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!

Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.

Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.

Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.
#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member

Pg. 34 Under the RTI model there needs to be timelines added at each tier

Pg. 34 Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

Pg. 34 Who conducts the screenings?

Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.

Pg. 35 Tier III lines 5 & 6 – evaluations on be completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.

Pg. 35 define period of time under data collection

Pg. 35 define frequency of data collection under progress monitoring

Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.

Pg. 35 professional development in progress monitoring needs to be provided

Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.

Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!

Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?

Pg. 36 – last sentence – what is - reasonable?

Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.

Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period

Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!
And paragraph 4 – last sentence change may to WILL!

Pg. 38 executive functioning is a good addition

Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.

Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....

Pg. 42 elig. Criteria- 2.a. what is significantly below? – needs defined? Or do we need the flexibility of not defining it?

p. 50 – a representative of the district who is qualified – examples. – please add school psychologist.

p. 52 – no. 9 change refuses to does not

p. 76 add the word "shall" be required to provide assistance to students in response to specific needs

p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities

p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 when instructional responsibilities are shared change the word "block" to "period"

P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.

p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.

P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons

P 80 do not base caseloads per instructional class period on the student's level of needs

P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well

P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.

P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations

Glossary – add a definition for "mastery"

Sarah Kendall

Kanawha County Schools

School Psychologist

Kanawha County Board of Education

c/o Capital Community Education

200 Elizabeth Street

Charleston, WV 25311

Professional Support Staff

General comment – why are we moving to a medical model – and not moving to be more educationally based. This is a problem! Private medial and or psychological evaluations that are to be considered by school systems need to have a requirement that a component of their evaluations include substantial information collected from the school, including an interview with the classroom teacher and/or other appropriate school staff and at least one observation within the educational setting – particularly for any consideration for eligibilities that involve disorders from DSM-IV. Straight physical diagnoses would be less problematic

Chapter 4:

Pg. 16 – we are spending tremendous amounts of time already trying to engage disinterested parents in meetings and in the sp.ed. process. Now a 2nd mailing or hand delivery is required followed by more measures including phone calls, visits, correspondence, then if still no response have to send a another PWN. They don't come to the mdet meeting and we send pwn, we make 3-5 or more attempts to get consent and they don't respond and then we send another pwn. We are happy when parents show an interest in participating and we encourage that, but this is taking it too far. How about if no response to first request for written consent, we call or mail or visit, and then if still no response we send a letter saying that we are going to go ahead unless they immediately contact us/combined with a PWN?. The vast majority of the time, chasing these parents is an effort in futility and takes time that the schools are not equipped to give.

Pg. 21 section 1 – last sentence – first paragraph add – at least two – in front of qualified professionals.

Pge 21 section 1 – professionals who are qualified to interpret the results of the assessments used in the eligibility determination process must be members of the e.c.

Pg. 21 Eligibility: Elig. Com. Members should include AT LEAST a special educator and a SCHOOL PSYCHOLOGIST (A speech therapists isn't qualified to determine eligibility for LD, MI, etc....

Pg. 22 top of page – lack of appropriate instruction needs defined to include absences, multiple school changes and retentions (so not unfairly compared to same-aged peers).

Pg. 25 Autism #2 – add "certified school psychologist", "licensed school psychologist" just before psychiatrist. Needs to list both certified and licensed because both qualified and they are separate credentials. Our in-house school psychologists are qualified to make this diagnosis. The way written they are prohibited from full practice and schools will be forced to pay for all autism evals. As there will likely be no in-house-on staff psychiatrists, physicians or licensed psychologists to complete these evaluations. – WILL BE AN ENORMOUS EXPENSE TO THE STATE/COUNTIES and unfairly limits the practice of school psychs.

pg. 27. Emotional/Behavioral Disorder – definition – need to operationally define period of time and marked degree.

Pg. 28 elig. Criteria 2a. for a long period of time needs to be change to for a period of at least 6 months – THIS IS VERY IMPORTANT AS OTHERWISE CONDITION COULD JUST BE A TRANSIENT ADJUSTMENT DISORDER!

P 28 ELIG. CRITERIA need to exclude student's who are socially maladjusted, o.d.d. and/or c.d. unless have accompanying emotional disorder.

Pg. 28 Gifted #2 Last line on page – remove word or and insert word and (last word on page). As written student qualifies gifted if someone says need for specially designed instruction and not because of high academics on standardized assessment.

#1 appendix listing approved tests a problem as new tests are developed and become available that may be as or more appropriate than those on the list

Pg. 29 gifted #1 line 2 – remove word "feels" should not be based on feelings – should be based on clinically significant test scores.

Pg. 29 #1 line 4 – remove verbal- performance score difference – CAS doesn't have that. Insert clinically significant differences that occur in 10-15 % or less of the standardization sample

Pg. 29 special considerations no. 1 – add - and the supporting reasons for this determination

Pg. 29 – the clinically significant 10% or less is a great addition and was sorely needed.

Pg. 30 bottom of page – can't be ALL of the following criteria – can only be 1 or 2, but not both 1 and 2, and all of 3-6.

Pg. 30 Maybe gifted criteria should be defined high intellectual ability and/OR academic achievement that falls at or above the 98th percentile . See kids all the time who don't make elig. On IQ yet have extraordinarily high achievement. IQ should not be the end all for gifted!

Pg. 31 top of page – everywhere it says psychologist – needs to say school psychologist – straight licensed psychologists who are not school psychologists are frequently not versed let alone well-versed in the regs. And school sp.ed. practices.

Pg. 32 bottom of page no. 1 regarding lack of appropriate instruction – add – which can include absences, multiple student moves, and retentions which make the child to be compared to children who have been exposed to more instruction at higher level – which an make the student's scores appear to be artificially low when age based. For example an 8 year old who is retained in the second grade is assessed against scores of 8 year olds in the third grade – who have been exposed to third grade material when he has not.

Pg. 33 SLD – EC membership #1 lines 2 and 3 remove statement "less than school age" – or we'll have pk students referred for ld.
#2 line 2 – define reading specialist in glossary – and change ec membership to mandate school psychologist and reading specialist – delete speech therapist as ec member

Pg. 34 Under the RTI model there needs to be timelines added at each tier

Pg. 34 Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

Pg. 34 Who conducts the screenings?

Pg. 34 SLD tier 2 – need to define how often and what duration supplemental instruction is to be provided (ie. 30 minutes/day or 10 mine 3xweek). Also define adequate progress by percentage points (ie. 20 percent increase of Benchmark given supplemental services such as 30 minutes per day and child has good attendance). Adequate instruction and attendance needs to be a part of this.

Pg. 35 Tier III lines 5 & 6 – evaluations on be completed after Tier III services provided unsuccessfully. Tier III services should be additional supplemental services over and beyond Tier II.

Pg. 35 define period of time under data collection

Pg. 35 define frequency of data collection under progress monitoring

Pg. 35 Under tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for sp.ed. and related services.

Pg. 35 professional development in progress monitoring needs to be provided

Pg. 35 tier 3 last sentence – add "psycho-educational' in between "necessitate a comprehensive" and "evaluation". Very important to do this as it defines the comprehensive evaluation.

Pg. 36 eligibility standards Line 1 use word shall rather than may – very important!

Pg. 36 level of learning – why only reading fluency added and not all 5 components of reading?

Pg. 36 – last sentence – what is - reasonable?

Pg. 37 standard 3 – exclusion factors –add- inadequate instruction which may result from poor attendance, multiple school changes, lack of participation in educational endeavors, or retention which results in the child being unfairly compared with same-aged peers in a higher grade, and achievement that is commensurate with or higher than intellectual ability. A kid with an 82 IQ who is achieving at below grade level at 87 is not ld.

Pg. 38 the comment, "does not necessarily constitute additional paperwork requirements." When are teachers supposed to document and generate reports? Elementary teachers only get a 30-minute planning period

Pg. 38 – evaluation components – paragraph 2 sentence 1 change may to WILL!
And paragraph 4 – last sentence change may to WILL!

Pg. 38 executive functioning is a good addition

Pg. 40 validating underachievement – maybe define lack of appropriate instruction or at least give examples of it as I have in other sections.

Pg. 45 definition line 2 – after force add "or by an internal incident such as stroke, meningitis, or hydroencephaltitus, etc....

Pg. 42 elig. Criteria- 2.a. what is significantly below? – needs defined? Or do we need the flexibility of not defining it?

p. 50 – a representative of the district who is qualified – examples. – please add school psychologist.

p. 52 – no. 9 change refuses to does not

p. 76 add the word "shall" be required to provide assistance to students in response to specific needs

p. 77 under maximum case mgt. assignments change 30 to 20 for teachers of all other exceptionalities

p 78 integrated classrooms – change from no more than 30% to 35 of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 when instructional responsibilities are shared change the word "block" to "period"

P. 78 in a co-teacher model staffing considerations shall include a minimum of weekly co- planning.

p. 78 sp.e.d. classrooms for students with disabilities. Delete this section of Level I and II.

P 80 Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 125-16-6 Section 6.1.5 with the following exceptions: - early childhood reduced to 6 – sp.ed. preK with typical peers change staff requirements to 1 teacher and 2 additional staff persons

P 80 do not base caseloads per instructional class period on the student's level of needs

P 80 C. needs to includes verbal, nonverbal, and/or written threats of 1., 2., and 3 as well

P 65 special school – when are we going to actually have these – they are very needed – have kids that need it – but ieps are not written to special school – because currently none and would have to go to residential because closest special schools too far away.

P 65 separate class - need more staffing to address coteaching situations and still allow for separate class situations

Glossary – add a definition for "mastery"

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-12 10:11:09)

Date: Fri, 12 Jan 2007 11:10:23 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 10:11 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 10:11:09)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Kathy Showen
Organization: Putnam County Schools
Email: kshowen@access.k12.wv.us
Title: School Psychologist
Address1: 9 Courthouse Drive
Address2:
City/State/Zip: Winfield, WV 25213
Role: Professional Support
Posted: 2007-01-12 10:11:09
Posted from IP: 168.216.25.188

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Under Austim eligiblity (#2), please add school psychologists as professionals who may diagnose the disorder.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-12 10:10:56)

Date: Fri, 12 Jan 2007 11:10:37 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 10:11 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 10:10:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name: Fred Rentschler
Organization: Brooke Co.
Email: frentsch@stratuswave.net
Title: Speech-Language Pathologist
Address1: 117 Beechwood Addition
Address2:
City/State/Zip: Wheeling, WV 26003
Role: School System Staff
Posted: 2007-01-12 10:10:56
Posted from IP: 168.216.241.221

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education

---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

The proposed requirements for eligibility for assistance with an articulation disorder are too restrictive. Many children in need of therapy
will be excluded based on a set score, which isn't sensitive enough to reveal the distracting nature a "moderate" or sometimes even a "mild" disorder presents to the listener. Articulation tests should continue to be
used as they are now - as one tool to help provide direction, with the clinician's expertise at diagnosing these problems and their subsequent effects on each student being the final word as to which students need intervention and which students do not.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

YAHOO! MAIL

Print - Close Window

From: "Robin Bolling" <rbolling@access.k12.wv.us>

To: jamicewest5@yahoo.com

Subject: FW: Comment Received for Policy 2419 (2007-01-12 10:02:53)

Date: Fri, 12 Jan 2007 11:11:08 -0500

-----Original Message-----
From: Nobody [mailto:nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 10:03 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 10:02:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
#
Name:
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role:
Posted: 2007-01-12 10:02:53
Posted from IP: 168.216.241.90

Comments for section 126-16-1 General

I do not feel that a teacher should have to give so much proof for a child
to be placed in a speech program or kept in a speech program for stuttering.
Many children who need speech services for this reason will be left out and
they will continue to have problems in this area as an adult. This will
adversely effect their quality of life and may be the difference of them
getting a job or not getting a job. I think that this section of the policy
should be rewritten so that the qualifications will be kept the same as they
previously were for students with this problem.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for
Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 9:35 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 09:34:57)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Andrea Ellis
Organization:
Email: azellis@yahoo.com
Title: Speech Language Pathologist
Address1: 16 River Avenue
Address2:
City/State/Zip: Buckhannon, WV 26201
Role: Professional Support
Posted: 2007-01-12 09:34:57
Posted from IP: 168.216.231.163

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a school based speech-language pathologist, I am very concerned with the proposed wording of the eligibility criteria for articulation/phonology disorders. I would like to see "standard score" removed from criteria #1. Speech intelligibility and standard scores

do not always corrolate. I have seen plenty of students in 24 years on the job who are difficult to understand but don't demonstrate it on an artic test. I would also suggest removing criteria #3 completely.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

I would like to see qualified professionals (speech-language pathologists only) working with students with speech-language impairments. Our students deserve qualified professionals delivering services. A "regular" substitute teacher provided services to my caseload some 12 years ago while I was on maternity leave. The majority of those students whom I added to my caseload that year, just prior to my leave, did not correct as readily (and some not at all) and I feel it was because an unqualified teacher was used as a substitute.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 9:34 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 09:34:26)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name:
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role:
Posted: 2007-01-12 09:34:26
Posted from IP: 168.216.234.74

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Strike the severity ratings of moderate to severe for articulation disorders ✓

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility ✓
---
eliminate the caseload waivers for speech/language impaired

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 8:49 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 08:48:52)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Lynn Blackburn
Organization: berkeley county Schools
Email: lblackbu@access.k12.wv.us
Title: Special Educator
Address1: 301 S. Alabama Ave.
Address2:
City/State/Zip: Martinsburg, WV 25401
Role: Teacher
Posted: 2007-01-12 08:48:52
Posted from IP: 168.216.211.129

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I understand the goal of the policy is to provide flexibility for servicing students- unfortunitly I see counties using this section to cut personnel to save money. More not less personnel is needed if we want to successfully integrated special need students into regular class environments. Likewise catgorizing students by 1 or 2 is still a form of labeling and enables counties to increase numbers of students in programs that should not be increased if students are to be served effectively. IEP stands for Individualized Education Plan-it's hard to individualize instruction when you're servicing 12 or more students K-3 with a variety of needs. This is not just my perception of the policy but based on past experiences on how counties interperate and enact policies.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

I keep hearing that a new test is being developed to better meet the needs of our students that don't need alternate assessment-Where is it?
and Why is it taking so long to develop? If we as educator were so delayed in providing appropriated services our jobs would be in question. If we are to be teaching state standards then lets assess the students on the standards at their functioning level

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Jacqui Young [jlyoung@access.k12.wv.us]
Sent: Sunday, January 14, 2007 9:54 AM
To: Robin Bolling (Robin Bolling)

Attached comments were in my email. Received 9:30 pm on the 12th. (Appears to be same comment from 5 different people.

Jacqui

Date	Name	Comment	Action/ Type	Rationale
1-12	Kanawha County Schools Teachers of Deaf and Hearing Impaired • Cherie Smith • Susan Pelzel • Kathy Hudnall • Russel Shepherd • Marsha Klusmeyer • Christina Ferguson	Chapter 4: Eligibility Section 3 Deafness (D) p. 26 Eligibility Criteria for Deafness See attached sheet Section 3 Hard of Hearing (H) p. 30 Eligibility Criteria for Hard of Hearing See attached sheet Chapter 6: Administration of Services. Section 3 Provision of Services p. 75 bullet #9 Add "If recommended by IEP team" Section 4 Adequate Staff p. 76 Add communication to list of bullets. p. 77 Under "Maximum Limits for Case Management Assignments add the following: Itinerant Teachers with Deaf and Hard of Hearing Students – 15. p. 77 Under bulleted item "All WV Pre-K classrooms add: *"All learning must be teacher-directed and/or in small groups to be effective, therefore, maintain a preschool limit of 5-6 deaf/hard of hearing students per session."* p. 80 Match grade configuration to elementary and Middle School Models (Change K-4 to K-5; change 5-8 to 6-8.) p. 80 Under "Maximum Number of Students per Instructional Period Based on Level of Services add the following statement: *"Special Education classroom for students with Deafness/Hard of Hearing. When hearing impaired services are delivered in a Special Education setting, no more than eight students may be scheduled in an instructional period."*		

Lois Ingles Wood County Schools LD/Multicategorical Specialist

Chapter 2: Child Find.

Page 9B. First paragraph – people need a better understanding of "pre-referral". Is SAT now the responsibility of special education or is it a general education process? State needs to give training to counties about proper use of SAT – is it seen as only the way to special education.

Page 9 – bottom of the page – SAT determines need for testing must send PWN – If parent has been involved in SAT why is there a need for PWN? Will guidance be given to SAT as to what and how a PWN is written? Remember SAT is a general education process. Is this also in Policy 2510?

Chapter 3: Evaluation/Reevaluation.

80 calendar days for evaluation – needs to state that. That includes all holidays during the time frame (when students are not in attendance). Are reevaluations continuing at 60 days?

Chapter 4: Eligibility.

Please place receipt of consent back on the form for parent signature to evaluate. We are a county who have eligibility at the Board office – we invite the school team to the meeting – many times they don't come – How many of the list must be in attendance to have the EC? (Page 21) Same for an EC for LD – what happens if the general education teacher doesn't come? We can not force them.

Page 23 - #8 at top of page – Who constitutes group member? Every teacher, anyone who does a part of the MDET, the EC team, etc?

Page 32 – OHI – There has to be a way to strengthen this definition. This is the <u>most abused</u> category and we as a central office get in trouble if we attempt to really adhere to "existence of educational needs" and "adversely affects". Most of there students need someone to case manage them not specially designed instruction but then who does the case management?

Page 33 – I am not sure WV will be ready by July 1, 2009 to move away from the discrepancy model especially for secondary schools.

Chapter 5: Individualized Education Programs.

Page 56 – What is the definition of peer-reviewed research? Needs to be in the policy.

Chapter 6: Administration of Services:

Page 80 – How does duplicated students figure into this? What is the maximum load when in elementary school there are not absolute period of times? Secondary 6 per day you could have 60 students on caseload. Needs to be made clear.

Chapter 8: What happens when some of your private schools never participate? Are they still entitled to funds?

Beverly McCoy

Thank you for the opportunity to comment on the proposed changes to Policy 2419. The organizational format certainly makes it easier to access, and additional detail is helpful in many cases. I do have several specific areas of concern, as identified below:

Caseloads:

The collapsing of student needs into just 2 categories – level 1 and level 2 – hinders the ability to provide for students' needs on an individual basis.

Having caseloads as high as 10 students per teacher for those students with the highest needs will be damaging to students. It has been reported that West Virginia schools have difficulty getting and keeping an adequate number of highly qualified special education teachers. Turnover is reported to be significant. This change is not going to improve the working conditions of teachers working with the students with the most significant needs, and is likely to result in major difficulty recruiting and retaining highly qualified teachers.

Increasing the caseloads as proposed is likely to provide a financial incentive for districts to provide special education services in the more restrictive environment of a special education class rather than the regular education environment. The proposed change is likely to dramatically diminish the ability of students with more significant needs to have individualized participation in regular education classes.

Eligibility criteria:

For autism, requiring both #1 AND #2 seems redundant.

For mental impairment, the eligibility criteria are not going to be understandable to the vast majority of parents. The reference to "an…intelligence test" is particularly of concern since a single test is likely to not appropriately characterize the functioning level of many children.

IEPs

Clarification needs to be made to limit the extent of discussion and decision-making regarding IEPs/proposals/responded conducted outside an IEP meeting. When district personnel meet to discuss a student's program and the parents cannot participate, the parents cannot have full and equal participation in the process.

The definition of "consensus" needs to be clarified to indicate that it is on an issue-by-issue basis, not on the IEP as a whole.

Regular educators need to participate through attendance unless that is waived in writing by the parents.

IEP DEVELOPMENT

Section D – "easily" should not be a defining criterion – "accurately" should be substituted.

Current regulations on the participation of referring and receiving teachers should continue to apply.

Invitations need to be provided no less than 10 days in advance to give to allow families to participate with the least disruption to their other obligations and to allow sufficient time for dates to be considered and alternatives to be found if the proposed date is not workable.

Section F – the transitions services section needs to incorporate specific reference to the adaptive skills of communication and social skills, both of which are vitally important to employability.

Section G – current wording regarding ability to participate in extracurricular and nonacademic activities is more appropriate than the proposed wording.

Chapter 6, page 78 – the limitation on the percentage of students with disabilities should apply to all regular education courses, not just those in the core areas.

Chapter 8, page 98 – "unreasonableness" reference is vague and not sufficiently informative to parents and others; for the final two items on the page, it is alarming that reimbursement could be reduced under those circumstances. Putting students at significant risk of serious emotional harm is unacceptable.

The section on IEEs needs to clarify that an IEE is available for each area evaluated by the district, even if the parent cannot find a single site that can do all the evaluations. It also needs to clarify that parents/students are entitled to the IEE for each cycle in which the district conducts an evaluation.

Sharon Leivestad	Pre-school Teacher	Romney Elementary School
Julie Wilson	Pre-school Teacher	Romney Elementary School
Lisa Haines	Pre-school Teacher	Romney Elementary School
Loretta Hott	Pre-school Teacher	Romney Elementary School

After reviewing Policy 2491, We would like to express our concerns on Chapter 6: Administration of Services.

As we understand it, this section states: A maximum of 20 students (ages 3 – 5) per session with no more than 10 of those students with IEPs for Development Delays. That is, 10 special needs per day along with 10 regular students.

At this time, we have one class with 7 regular students and 7 special needs students. It is extremely difficult to attend to each child's needs whether they are delayed or not.

The majority of the special needs children we get have some form of social behavior problem. Therefore you have to make sure they are treating their classmates properly. (We have had several biters which requires us to never take our eyes off that student for fear another student could get injured. We have had runners with no regard to safety issues. They require all eyes on them during the recess for fear of losing them.)

The majority of the development delayed students come in without toileting skills. At least one of us has to attend to their needs which means that person is in the bathroom all day leaving the other to attend to the rest of the class.

Just because we have regular students does not mean they act in appropriate ways either. They require a lot of attention because 3 – 5 year olds have no idea how to move from class to lunch, lunch to recess, and recess to class. Even though we don't mind reteaching this everyday, it is very difficult when you have one wanting to go potty, another is running off and a third one is screaming because the biter just took a hunk out of their arm.

We recently switched one student for another in our classes. Student A was getting further and further behind because we had so many students in the classroom that we were not able to attend to his needs. Student B, although he still has some problems, was showing signs of improvement in that class, which was a rather small class (only 9 students). The switch starts next week, and we felt that was the only alternative we had. It is a difficult task for 2 staff members to meet the needs of each child at the present time. If this policy goes into place as it is now written, it will increase the caseloads to the point that it will be unfair to the students who require extra help to be on age appropriate levels with their peers.

In other classrooms 30% of their class enrollment falls under the special needs category. Unfortunately for our classroom, which is 50% special needs, this has not been the case. It has been very stressful and detrimental for all students in the classroom regular and special needs.

Should we continue with the proposed changes, we will truly be defeating the purpose behind the NO CHILD LEFT BEHIND.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 8:33 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 08:32:56)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Lisa McKinney-Jackson
Organization: Raleigh Co Board of Education
Email: lisadanj@verizon.net
Title: speech-language pathologist
Address1: 105 Third Avenue
Address2:
City/State/Zip: Fayetteville, WV 25840
Role: School System Staff
Posted: 2007-01-12 08:32:56
Posted from IP: 168.216.100.206

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

I feel that the wording of "standard score" should be removed and replaced with "one of which is a standardized test". Sometimes we use informal testing as well as standardized testing. Further, remove "severity ratings" from criteria 2. The reason for this is

because not all tests give a severity rating and we would be quite limited as to what tests we could give. On criteria 3, this whole section should be deleted. I feel that this should be decided on a case by case basis and not by state law. Some mild articulation delays/deficits do need the attention of the SLP, and a blanket statement saying that we have to only see students with moderate or severe delays is wrong.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---
In the matter of caseload waivers - I feel that SLP be exempted from caseload waivers. The reason for this is that we could be expected to see many more students than we have the time to give quality services to. If we are made to have more students than our time permits, they would not get services that they need in the matter of time or quality. Try to find ways to retain slps in the school system instead.

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Please add the wording "speech language services provided by a qualified speech-language pathologist". This makes our definition equal with OT and PT definitions. The students that we see deserve to have a qualified SLP delivering their speech, fluency, language, and voice therapy needs.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 8:32 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 08:31:57)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Lisa Watson
Organization: Parent
Email: Rwatson06@cebridge.net
Title:
Address1: Rt 1 Box 293A
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Parent-Family
Posted: 2007-01-12 08:31:57
Posted from IP: 64.119.242.5

Comments for section 126-16-1 General

I disagree with the new proposed criteria for special speech services for children with mild articulation problems. The service that is currently provided allows children the opportunity to correct their speech problem at a young age. For many families this would not be addressed if it weren't for the school program. Part of a child's education is to also prepare them to be able to communicate in future careers, social functions, etc. Verbal speech is just as important as writing skills. My child started receiving this service in September 2006 and it has already made a big difference in her speech and other being able to understand her.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 4:27 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 04:26:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name:
Organization:
Email:
Title:
Address1:
Address2:
City/State/Zip: ,
Role: School System Staff
Posted: 2007-01-12 04:26:49
Posted from IP: 146.82.212.138

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---
Much clearer than in past. Better readability.

Comments for section Chapter 2: Child Find
---
p9 Sect.B.paragraph 2 SAT- 5 days turnaround for SAT referralis not defined as to what type of day. Calendar days or school days should be specified. it is good to have time specified for notification and meeting time (10 days) but these times/days should be clarified.
it is good to ask SAT to specify intervention timeline.
last paragraph- PWN should be provided to parent when the parent does not attend. This is not specified and should be.
Part D.- Referrals for testing for PK, Home school and private school students should be processed by special ed dir. this should read PK students not enrolled in district PK programs. PK kids enrolled in school based programs should go through the School SAT committee like all other students.

Comments for section Chapter 3: Evaluation/Reevaluation

p12, sect 1 paragraph 1-This is an addition of yet another team in the process separate from the SAT or IEP but containing same members. There does not need to be another team specified. If so, this team should not be able to conduct business with or without a meeting especially if the parent is a member. This paragraph makes no sense in real life application.
p13 sect. B parag. 1-The components listed that the IEP must review in re evaluation predetermines the re-evaluation plan. There is no use to do a separate meeting and complete a plan when the items that must be re evaluated are predetermined by policy.Again this policy states that 'the team may conduct a review with or without a meeting' but the establishment of a TEAM indicates that a meeting is in order.
p14 para 4- PWN given to parent/student exiting even to graduation is redundant and not needed.
p14 sect C Additional evauations requested by IEP/EC team within 45 days is too short a time. Type of days should be specified. In small counties with few related service workers, 45 days is too short a time.
p17 part C #4 Initial eval can be conducted if parent is ward of state indicates that surrogate parents are no longer required.This should be clarified.
p17 Part D. in state and out of state sharing of records with or without a consent should be specified OR this section should be eliminated and covered only in policy 4350. A restatement of policy 4350 is not necessary in 2419. This blends policy and creates confusion.

Comments for section Chapter 4: Eligibility

p 21 Sect 1 Bullets-The list of people in the last bullet should be eliminated. This is district/school decision and should be left on that level not in policy.
p23 Sect 2 parag. 1 There is a typo here. it specifies IEP team and should read EC team x 2. Becomes confusing.
p23 last paragraph of sect.2- 'EC report is not required following re eval for gifted' is totally inappropriate. If a report is not generated, there is no proof of required reevaluation and no date to enter into WVEIS. A single area of exceptionality should not be singled out as not needing something all other exceptionalities need as it becomes confusing to school personnel. Keep it standardized.
pg23 3 prong section-does not tie with page 21. These two sections should meld well and eliminate confusion not create it.
p24 EC for Autism- DSM diagnostice criteria is listed as required for AU eligibility. #2 says the physician must diagnose. He/she will use DSM criteria therefore it is redundant. Furthermore, if DSM criteria is listed in one category of Eligibility, it should be listed in all categories and that is not true in this proposed policy. DSM criteria for HI and Vi is not listed but requires physician written diagnosis. There should be no discrepancy in these category areas. p25 #5 'emotional disorder' covers all traits of autism pg 27. These two sections clash/conflict.
p27 Sect E (DD)under special considerations-#6- If DD is result of vision or hearing loss, EC shall be for those categories but not if it is result of MI. This proposed policy singles out VI and HI as special exceptions and should not. There is no point to have DD category if district can not use DD in certain circumstances. we understand the intent is to assure certified personnel but this is true of other areas as well.
p27 Sect F, #1 E/BD should include 'traumatic issues' as a rule out along with sensory, intellectual and health factors This whole section should mirror federal regulations. #4 does not state DSM diagnosis of depression or need for physician statement which causes it to be too vague.
p28 EC criteria for E/BD #2 specify what 'long period' is exactly or tame the time factor out of this criteria. Too vague and confusing to district personnel.
p28 Criteria for GF- spell it out exactly. This is too vague. Give district personnel a black and white eligible/not eligible guideline.
p30 top of page #2 very very unclear. clarify this section
p30 sect H definition of Hard Hearing. Fluctuating hearing loss should not be listed here. Give a black/white criteria for districts to use in qualification for this area.
page 32 sect K OHI- check with pediatrics. They no longer recognized ADD, only ADHD.
p32 LD criteria Definition includes 'brain injury'. Eliminate this wording. If disabled due to brain injury check TBI criteria, not SLD.
p33 RTI This whole section on RTI should not be included in 2419 and particularly not attached to SLD criteria. This is a regular education function and should take place BEFORE any consideration is given to a disability. This RTI info has no place in THIS

policy but absolutely must be a part of general education policy. IF it MUST be included in 2419, it should be more appropriately included in the SAT section. This is one of the more important interventions that should be required in each district but to tie it to exceptional children and children with disabilities through policy is wrong. These interventions should be available to all students experiencing academic difficulty PRIOR to referral to alternate programming. By definition, that is spelled out in the RTI tiered program here but to imbed it in 2419 policy for Students with disabilities is the wrong place.
p40 Elig determination models. WV Dept of Education should specify how Eligibliy should be determined for ALL students state wide. There should be no ability of districts to use different models of determination. This will simply delay students getting assistance when they move from one district to another throughout the state. One purpose of revision of 2419 into a Policy + PROCEDURE manual is to maximize statewide district to district procedure. Giving choice effectively cancels this level playing field for our state students. Pick a modelto be in place by a specified date and hold EVERY district to that model/date.
p42 S/L impaired criteria- this section effectively changes qualification for students that are SL impaired from past years. Students with mild impairments will be unserved by this criteria at critical times when speech development/articulation is crucial and ties directly into reading abilites via phonemic awareness. Listen to SLP's statewide for help in this section. They have a LOT of good ideas and can help clarifiy this section.
p 45 sect N- TBI is not only caused by external physical force. With WV leading the nation in encephalitis cases in the past few years, internal forces such as encephalitis have caused many many TBI students in our schoools. Stroke is also on the rise with much much younger children.....this too is internal TBI.

Comments for section Chapter 5: Individualized Education Programs
---
p57 #3 related services- Assistive technology should be listed as supplementary aid. Related services should not include medical services.
p59 ESY determination #1- define 'significant regression'. define time span for recoup/relearn skills. On the IEP form, redesign the ESY section to make it more specific/usable/standardized district to district statewide.
p62 EC for APTA- Define very specifically so statewide standardization can be met for 'significant impairment of cognitive abiliites and adaptive skills'
p70 A.and B. Transfer students-This time (two days parent consult and one day placement) is much too short for provision of FAPE for a transfer student when the student has an IEP from another state/district. There is no realism here regading information received when students move state to state or district to district.
sect C. "transmittal" of records implies faxing of records. If this is required, please specify electronic transmittal or mailing.

Comments for section Chapter 6: Administration of Services
---
p76 first paragraph on page- This section concerns me regarding out of class time that will be experienced and amount of funding that will be required for training and subs. Districts will have much concern in the changes in caseload as described in this chapter. Preliminary investigation indicates an increase in personnel will be required and therefore an increase in needed district funding to implement the newly defined caseload. In the current climate, funding concerns are at the forefront in all WV districts. A state wide study should be implemented prior to adoption of this section to evaluate the increase in funding that will be necessary should this section be adopted.
If caseload requirements described in this proposal policy are adopted, not only will personnel certified to serve students with disabilities increase but it will have the probility of increasing personnel in general education as well (as evidenced by requirement for %ages for students with disabilities in regular education/integrated environments) If students with disabilities in a small rural school with ONE teacher per grade level (or a split class) exceeds the required percentage for a grade, the district will be forced to hire a general education teacher to meet the requirements of 2419 for % of students with disabilites included in that grade level class. This has a potentially major economic impact for small rural counties with small schools or a limited number of schools.
pg 80 by this proposal, students that are gifted require a smaller class size than their regular education peers. Again, this may impact personnel and funding in districts and increase distress in regular ed personnel.

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Sandra McQuain Organization: WVDE

Title: Coordinator

Street Address: _____

City: _____ State: _____ Zip: _____

Please check the box below that best describes your role.

State Education Agency

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs. Attached
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

Comments to Policy 2419
Sandra McQuain
Coordinator
WVDE

Chapter 5: Individualized Education Program, Section 1. J.

Please change "Placement Options for School-Age Students" to "Placement Options for Students Ages 6-21". Age 6-21 is further defined as the student's ages as of December 1 during the school year covered by the IEP.

> The current language does not define school age. It is imprecise and will exacerbate the ongoing problem of IEP teams using the incorrect placement options for children ages 5 and 6.

Please change "Placement Options for Preschool Students" to "Placement Options for Students Ages 3-5. Further define age 3-5 as the student's age as of December 1 during the school year covered by the IEP.

> The current language does not define preschool. This term is imprecise and will exacerbate the ongoing problem of IEP teams using the incorrect placement options for children ages 5 and 6.

Section 1.J. Placement Options for "Preschool (Children ages 3-5) requires the following revisions. Current proposed policy refers to "percentage of time" but does not explain percentage of what time (i.e., what is included in calculating the time). This is a major change from previous policy, and therefore needs more extensive explanation.

Placement Options for Preschool Students

ADD:
The first factor to consider in determining how to designate the educational environment (placement option) in which the student age 3-5 receives regular and special education services is whether her or she attends a regular early childhood program (ECP), as defined below. If so, the child's placement is one of the three options under Early Childhood Program. Attendance at the ECP need NOT be the result of placement or funding by the public school to be considered in determining the placement option. All time the child spends in either regular or special education placement whether public or private is considered.

Early Childhood program .....Three educational environment categories include...

After the three options. Insert the following:

If a child attends a regular ECP, the percentage of time in the ECP (regardless of funding source) plus the time spent receiving special education and related services outside the

regular ECP must be used to determine the percentage of time. The numerator is the amount of time in the ECP; the denominator is the time in the ECP plus the time in special education and related services outside the ECP. The result is multiplied by 100. For example:

$$\frac{\text{Regular ECP 6 hrs. per week}}{\text{ECP 6 Hrs. + Sp Ed Preschool 12 hrs per week}} \quad X \quad 100 \quad = 33\%$$

If the student does not attend an ECP or kindergarten, determine in which of the following educational environments (placement options) the student will receive services.

(Formatting needs to be changed to show which options are included under the "special ed program" category and which are not – home is not. The proposed information on service provider location is accurate, but I changed it somewhat. Speech is usually the only service provided under this option, and this is the example used in federal instructions.) Please revise as follows:

1. Special Education Program – A student is in a special education program if special education and related services are provided in an educational environment that includes less than 50% students without disabilities, and the student receives no services in a regular ECP. Special education programs include, but are not limited to

a. Separate class - special education classrooms in regular school buildings, child care facilities, hospital facilities on an outpatient basis and other community based settings.

(DELETE trailers or portables outside regular school buildings. WVDE does not want to encourage this practice)

b. Special School – public or private day school designed specifically for children with disabilities; and
c. Residential Facility – public or private residential schools or residential medical facilities on an inpatient basis.

2. **Home**. The child does not attend a regular early childhood program or a special education program and receives some or all of his or her special education services in the home, that is, in the principal resident of the child's family or caregivers, including babysitters.

3. **Service Provider Location** – The child receives all special education and related services from a service provider and does not receive any services at home or attend an early childhood program or a special education program as defined above. This includes, for example, speech/language therapy provided in private clinicians' offices,

clinicians' offices located in school buildings, hospital facilities on an outpatient basis, libraries and other public locations.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 11:46 AM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 11:45:39)

Follow Up Flag: Follow up
Flag Status: Red

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kim Shomo
Organization: Richmond Elementary
Email: kshomo@kcs.kana.k12.wv.us
Title: Teacher
Address1: 4620 Spring Hill Avenue
Address2:
City/State/Zip: So.Chas, WV 25309
Role: School System Staff
Posted: 2007-01-12 11:45:39
Posted from IP: 168.216.125.106

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

In reference to the eligibility requirements for Traumatic Brain Injury: I do not feel that this should only pertain to those who have suffered an external physical force. What about those who are TBI as a result of and illness? This would be a great disservice to those students and to our school sytem. There are a number of students who currently receive special services due to illness related circumstances that have resulted in a TBI. Without the help of our special educators, these students would not be able to be successful in the classroom and folow our guidelines of No Child Left Behind.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 7:53 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 19:52:43)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sondra Shaw
Organization:
Email: sonniesha@yahoo.com
Title: Special Education Teacher
Address1: Rt 5 Box 61
Address2:
City/State/Zip: Buckhannon, Wv 26201
Role: Teacher
Posted: 2007-01-12 19:52:43
Posted from IP: 208.253.96.66

Comments for section 126-16-1 General

I strongly oppose this policy. This would place even strictor eligibility criteria for identification for placement into special education services.There is a definite increase in need for services rather than a decrease. This policy is wordy, lengthy, confusing and quite inappropriate. As educators, we should be here to help students, embrace learning, and care for the students; not create policies to eliminate services and ignor students.

Comments for section 126-16-2 Purpose
---
t

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 5:53 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 17:53:08)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Susan Collazo
Organization: Richmond Elementary
Email: scollazo@kcs.kana.k12.wv.us
Title: Teacher
Address1: 510 Montrose Drive
Address2:
City/State/Zip: South Charleston , WV 25303
Role: Teacher
Posted: 2007-01-12 17:53:08
Posted from IP: 71.164.37.89

Comments for section 126-16-1 General

To only serve those with external brain injuries would unfairly eliminate those children whose brain injuries are as a result of high fevers, Rheye's Syndrome and many other such illnesses. Their needs are as revelant as externally brain injured children and should have services to help them rehabilitate. Please consider including these children in services offered.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Charleston Area Medical Center
Medical Rehabilitation Center
General Hospital
501 Morris Street
Charleston, WV 25301

facsimile transmittal

To: Robin Boling Fax:

From: Jan Sterling, MSW (304-388-7828) Fax: (304) 388-3956
Joyce Broglio, MSW (304-388-3302)
Debbie Martin, RN (304-388-6306)
Jewel Reed, CRRN (304-388-6326)

Re: TBI Pages:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

☐ Orders ☐ Demographics ☐ History and Physical ☐ Therapy Notes ☐ Labs, Xrays, Other notes

Comment re TBI changes

Note: This facsimile transmission is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. I believe children suffering disorders of the brain such as encephalitis and meningitis should receive the same services as those with brain injury acquired by external force.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 3:29 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 15:29:05)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Melissa Given
Organization: Kanawha County Schools
Email: mgiven@kcs.kana.k12.wv.us
Title: Itinerant Teacher
Address1: 848 Alta Road
Address2:
City/State/Zip: Chas, WV 25314
Role: Teacher
Posted: 2007-01-12 15:29:05
Posted from IP: 168.216.90.222

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I would like to make a comment regarding the Maximun Number of Sudents per Instructional Period Based on Level of Service. I believe that the ratio for the Level II Service Needs is too high. If you consider the needs listed on p. 79 of this document, it is apparent that these students will need more support than 1: 5, or 2:10. My fear is that counties will hold to this formula, and the instructional services for these students will suffer. There are also times when personal hygiene needs are addressed, and 2 adults are needed to meet these needs.
I would also like to address the caseload for Itinerant teachers. Do we fall into the category of "All Other Exceptionalities", which states we would have a class size of 30 per period? Or was this category of service delivery not addressed? I currently have 9 students assigned to my caseload, and I do not know how I could meet the needs of many more students.
Thank you for your consideration!

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 3:42 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 15:42:03)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Bev Nichols
Organization: Clay County Schools
Email: bnichols@access.k12.wv.us
Title: Director of Special Education
Address1: 242 Church Street
Address2:
City/State/Zip: Clay, WV 25043
Role: School System Staff
Posted: 2007-01-12 15:42:03
Posted from IP: 168.216.74.8

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

(p.9 Section 3B) List minimum required team members for SAT.

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

(p. 35) Tier 2 indicates a time period for interventions. It would helpful if Tier 3 had a time period indicated.
(p. 37 Standard 3 - Exclusion Factors)Add #7 Lack of instruction due to low attendance

Comments for section Chapter 5: Individualized Education Programs

(p. 70 Section A & B) A temporary placement within one day of parent consultation is manageable, however some parents either don't have an IEP or a clue of what services their child was receiving. We always contact the previous school district for the information. The issue with this is getting the required information within one day from them (i.e. the person responsible is out, teacher can't call until tomorrow).

Comments for section Chapter 6: Administration of Services

(p. 80 Section B) Limiting K-4 Level I to 6 students may increase my staffing needs. Can we use additional staff to increase this number?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Very helpful.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 3:57 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 15:56:48)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Cindy Daniel
Organization: Kanawha County Schools
Email: cldaniel@access.k12.wv.us
Title: Asst. Superintendent
Address1: 200 Elizabeth Street
Address2:
City/State/Zip: Charleston, WV 25311
Role: School System Staff
Posted: 2007-01-12 15:56:48
Posted from IP: 168.216.115.2

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Requiring the RTI model for K-12 by 2009 is unrealistic, especially for large counties like Kanawha. There must be consideration for staffing, training, etc. We are currently piloting RtI in a few elementary schools and have added an interventionist in order to

make the pilot successful.
Please don't require counties to implement this without adequate funding and professional development. RtI is an excellent model for early intervention, but funding must accompany this mandate!

Start with the elementary requirement by 2009 and then move to secondary. Please keep in mind that we have 69 K-12 schools in our county!

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 3:05 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 15:05:27)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Sharon Clagett
Organization:
Email: Sharonclagett@hotmail.com
Title: Speech Pathologist
Address1: 941 Farms Drive
Address2:
City/State/Zip: Fairmont, WV 26554
Role: Professional Support
Posted: 2007-01-12 15:05:27
Posted from IP: 168.216.158.146

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Remove Criteria #3 from the eligibility criteria for the placement in SLI programs. There is NO reference in IDEA regarding the "degree of severity" when determining iligibility for any exceptionality. Children of all severity ratings have needs which are individual

to them. Degree of need does not exclude a student from receiving services. Children with more mild and less moderate ratings still are affected adversely by that disability. Their access to services should not be blocked. Criteria #3 is in direct contradiction to the state's own definition of "articulation/phonology" disorder. Not one of these children should be left out of services or "left behind."
The Documentation of Adverse Effects on Educational Performance for Students with Speech/Language Disorders" should be on the same level of what is needed for other disabilities. The proposed information as described is cumbersome and excessive. Professionals can document as needed.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Physical Therapy is defined as "Services provided by a qualified physical therapist."
Occupational therapy is defined as "Services provided by a qualified occupational therapist, which include . . ."
SPEECH LANGUAGE PATHOLOGY SERVICES HAS NO EQUIVALENT STATEMENT. "SERVICES PROVIDED BY A QUALIFIED SPEECH PATHOLOGIST" IS NOT IN THE GLOSSARY.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:56 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 14:55:47)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Shelia Kay Woods
Organization: Jefferson County Schools
Email: esjwoods3@frontiernet.net
Title: Special Education Aide
Address1: 44 Cleveland St
Address2:
City/State/Zip: Harpers Ferry, WV 25425
Role: Service Personnel
Posted: 2007-01-12 14:55:47
Posted from IP: 168.216.194.245

Comments for section 126-16-1 General

I am sending my comments as a parent first off . I have a third grader that I really don't know would be passing if it were not for the help he is now recieving through the special education program. I know that my son does still have a tough time doing the assignments in his regular class of peers and that although his teacher understands this there is only so much she can do for him with all of the other students in this class.

I will now comment from my job point of view as a special education aide. I am very happy to help all of the children and teachers that I work with. I feel my job is very important for the extra support I can offer to the regular education teachers. I think it is important for these children to know that we are there to help assist them when they need it. I truly believe that the depend on us.

The changes that are about to be made I do believe are not in the best interest of the children. I do not think that the number of special ed students should be raised in the regular ed classes without the support of more help. The regular ed teachers already have a big job by just having 20 children in one room to add those who will also need special help at all different levels is just to much to ask the teachers to even try and do. I also feel that this will put more pressure on some of the children who already feel a little self-consious about not being able to perform as well as the other regular students. I think the numbers are good now and would hate to see this change because of the effect it may have on so many lives.

I only have one mor thing to comment on the parts of the special ed adies. I feel that every special ed child has needs that are different from each others and that they need different ways of teaching to meet these needs therefore I feel that it is the aides who have a better hand of being able to assist those children in small groups and/or individually to help these children learn effectively.
I thinks that the aides have a better chance of doing this because they may only a few students who they can devote more time for as where the teachers can't do due to the number of children they have just trying to get them through the states requirements for each grade level. I believe that all children need help in learning, but some children just need more and that is what an aide is for. I think the teachers welcome and thank the help the recieve.

In closing I am just saying that the loss of aides or the growing of regular classes having more special ed students in them is not what I justify as helping it is going to make the life of a teacher harder and more difficult to enjoy due to the stress of trying to help all when it is not easy to so alone in most cases. I truly believe that our(aides) support is needed. Thanks for hearing my comments and concerns.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:50 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 14:50:03)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: James Marks
Organization: Berkeley County
Email: marksgregl@verizon.net
Title: Autism Teacher
Address1: 1312 W. King Street
Address2:
City/State/Zip: Martinsburg, WV 25401
Role: Teacher
Posted: 2007-01-12 14:50:03
Posted from IP: 168.216.225.247

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

It certainly is apparent that the trends are going in a direction that is opposite of the benefits to a better quality education for both regular and special student needs. This is indicated in the ratio of special needs students in the regular classroom as well as the limited number of personell that will be assigned for special needs student's. It is also apparent in the case loads that will be permitted in the assignment of designated students to one teacher in the special education environment. More students to fewer teacher with less aides...yep, West Virginia is taking another giant step backwards for our future! Ummm...I wounder if budget might have something to do with it?

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:43 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 14:42:49)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Melissa Gravley
Organization: school
Email: missbasket@charter.net
Title: teacher
Address1: 156 Cayman Drive
Address2:
City/State/Zip: Beckley, wv 25801
Role: Teacher
Posted: 2007-01-12 14:42:49
Posted from IP: 168.216.80.113

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Disabilities should be divided and ratios kept low. This must be done to keep teachers highly qualified. There should no more than one to four students in a special education room, five to twenty would be way to many four a teacher to teach.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:41 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 14:41:02)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Kim Fulton
Organization: Wood County Schools
Email: kfulton@access.k12.wv.us
Title: Autism Teacher
Address1: 1511 Division Street Ext
Address2:
City/State/Zip: Parkersburg, WV 26101
Role: Teacher
Posted: 2007-01-12 14:41:02
Posted from IP: 168.216.102.112

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

As demonstrated in a public hearing in Parkersburg, many of us had great concern in regards to the proposed special ed caseloads. You state that the caseloads standards have been modified to encourage services based on needs of student as opposed to area of exceptionality; however I tend to disagree that the needs of students with Autism would be met. You propose 2 levels (Level 1, Level 2) where a teacher could have up to 10 level 2 students (who are more severe and have multiple needs in all areas vs. only 6 at a time with Level 1 students. In the 12 years I have been teaching Autism do you know how many of my students of Autism would qualify for the Level 1 tier??? Maybe 1 or 2. The majority of my students past and present spend more than 60% of their day with me (even when they are in settings with their peers, many require staff to help facilitate interaction with others and participate in the activity)! It does not make any sense to me that you would propose havi!
ng a higher caseload for teachers with students who need the most help. No Child Left Behind includes these kids too! To lump all disabilities together regarding caseloads, definitely does not take into the consideration the needs of students in particular those with Autism. It is a different disability than LD, BD and MI.

Just as stated in Policy 2419, Autism is a disability that affects verbal and nonverbal communication, social interaction and ADVERSELY affects educational performance. Students are often nonverbal, with little or no way communicating, engage in stemming behaviors, repetitive activities, and are resistive to changes within the environment and daily routine (this includes changes in staff) , as well as sensory needs. Characteristics vary from mild to severe; with most I have had in the last 12 years being severe. In addition to these needs, many students are severely deficit in personal/self help skills such as toileting (many are not potty trained, require schedule and hierarchy of prompts to complete) and feeding (use of utensils, manipulating/opening items, manners, etc), most can not travel throughout the building without supervision. The ramifications of not being able to communicate expressively and/or receptively, often ends in a behavior. Behaviors include but no!
t limited to crying, screaming, self abuse, aggression towards staff, other peers, personal property and just an overall sensory meltdown.

It does make me wonder if those proposing the caseload switch, would like to spend a week in a classroom just with current caseloads, then double that experience, (and that might not get you to 10) before deciding this would be better for kids with Autism. You would find that you have little down time, as our kids need to be actively engaged otherwise their time is unproductive, whether that is with academics, readiness skills or leisure activities. All of these areas require structure, schedules (usually visual) and hierarchy of prompts (often they don't know how to play/ interact with toys as intended or each other).

I don't consider myself a "babysitter" as some professionals in both regular and special ed has commented of themselves. Regardless of my student's disability and all their unique needs, I have expectations of them, as well as of my staff. Just because they aren't in "reg. ed." or taking the WESTEST, doesn't mean we don't work on anything. Those teachers that "baby-sit" now won't feel the effects, as they will continue to due the same thing- very little. Those like me will continue to work hard at our job but "you and this policy" may eventually force them to leave because they will feel like they are not adequately doing their job.(As it is now most teachers who take an Autism teaching position are not fully certified to start with and have little experience). The amount of work for an Autism teacher with 3-5 kids is tremendous now (well I should say a dedicated teacher) - and I am not even talking about the school responsibilities (IEP, meetings, etc). I mean making !
PECS (Picture Exchange Communication System) pictures used to help non verbal students communicate needs and wants, making picture/ visual schedules to indicate to the child what is happening next or what the teacher is asking, etc., making modifications to worksheets, activities, or just making workshop materials for more severe students to access readiness skills, preparing multiple levels of academics to teach, writing and making social skills stories (again different stories/activities would be needed for the different needs of the student- it isn't one size fits all ! And that is how this policy is looking!!!

The majority of these students do not learn like traditional students, many aspects of their day have to be adapted or modified, they are not paper pencil students, nor do they respond well to traditional rows of desks settings, and large areas with noise and lots of people. This brings me to my next point- classroom setting and structure. Those who read

any kind of research regarding students with Autism know that the classroom environment is extremely important to the child's learning and well being. The classroom should consist of academics teaching areas, leisure/play area, individual work stations (each child having their own desk with work and finished boxes), sensory area, calming area, and snack area (if appropriate). My classroom is set up in this way, plus you have to allow for shelving and storage for materials. In no way would this room be able to accommodate the above environment structure and have 6-7 additional kids. Again, you talk about serving the bes!
t interest of the student- this would not.

Research also shows small group instruction and opportunities to be with their peers enhance their learning and overall well being. Do you consider 10 a small group?? I sure don't and neither did any reg. ed. teacher I talked to, most saying 4-5 was a small group. Title 1 small group instruction- 4 kids at a time!!!!! Reading Resource small group 4-5 kids. And let's not forget these are "reg. ed." kids that just need a little extra help. And you want to put up to 10 children with autism in a class?????
If these kids could be in a group that large, then they would be in regular ed.
Way too much stimulation, opportunity to mimicking inappropriate behaviors, missed opportunities for communication instruction, praise, etc. Currently, I integrate my students into settings with their peers at appropriate times – this takes a 1:1 ratio with child to help facilitate interaction and participation of that activity, otherwise the child would just sit and stem, be in their own world, they aren't going to initiate social interaction, very few do, without lots of prompting, social skills stories and language, role modeling, etc. Children with autism generally progress more rapidly when they receive carefully designed instruction provided 1:1. My students IEP's are just that, individually designed instruction. While some teaching overlaps, my IEP's are not of the one size fits all. My day is full of differentiated instruction- different levels for different needs. Focus areas of instruction include-academics, readiness skills, communication, play/ social skills, se!
nsory activities, personal independence, and positive behavior supports. Not just reading, writing and arithmetic.

Safety is another area of concern with that many children. Again the students I currently have need supervision walking to speech, lunch, playground (recess with peers), their specials- gym, music, library, and bathroom. Supervision is also needed due to student's dietary restrictions, allergic restrictions, putting inedible objects in their mouths (yes, I had a student who displayed pica behaviors (eating inedible objects and he was quick!) 1:5 supervision ration would not be satisfactory, even if you had the best, well trained service personnel (and just as a side note, most service personnel have had little or no experience with Autistic children and those who want to don't have the opportunity because every year they get RIF and I have to start the year off with someone "green" again.) Some autistic children are often aggressive and may injure themselves, peers or items within the room. I have experienced this many times over the last 12 years and again I had less t!
han 10 kids. The most I've had was 7.

As I have sat here expressing my concern, it continues to play through my mind of what people are thinking. How could this scenario be best for the children I work with? I realize that the impact would be less on other children with disabilities and that we (Autism) may be the minority, but this policy (caseload proposal) is not what is best for the kids. One of many great articles to read would be by Temple Grandin (well known and respected expert in the Autism community). In the words of Temple Grandin –"I cannot over emphasize the important role that good teachers and therapists play in enabling autistics to leas a fuller life. A good autism program needs dedicated people and should use a variety of treatment methods in combination with an intense, structured environment."

In addressing members of the panel Tues. evening Dec 12, I stated that I would be doing the children a disservice if the caseload changed. However, I should have said "That Policy 2419 (caseload proposal) would be a disservice to the children with Autism." It is extremely difficult to write all that I want to inform you about in regards to how this change would affect the students I work with. I really hope that the board takes another look at "lumping" all disabilities together concerning caseload. They are different disabilities, with different needs, and should have different caseload standards.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:37 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 14:37:07)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Patricia Schaeffer-Dresler
Organization: Early Intervention: WVBTT/WVSD
Email: pmschaeffer@gmail.com
Title: Educator: Deaf/Hard of Hearing
Address1: 1006 Deerwood Drive
Address2:
City/State/Zip: Morgantown, WV 26508
Role: Teacher
Posted: 2007-01-12 14:37:07
Posted from IP: 141.153.89.123

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comment Regarding WV Board of Education Proposed Policy 2419, Regulations for the Education of Exceptional Children:

Chapter 4 Eligibility

Section E: State Eligibility Criteria for Developmental Delay: (page 27)

#6. If the developmental delay is the result of a vision and/or hearing loss, eligibility shall be determined under that exceptionality if the student meets the eligibility for that exceptionality.

Comments:

Children with hearing loss are best off when identified as having that disability, beginning at age three. This proposal is a positive contribution to the new regulations, because it recognizes that children with hearing loss have unique educational needs that are unique and different from the generic category of "developmental delays". This provides an opportunity for school districts to evaluate carefully the audiological, speech and language, cognitive and academic needs directly related to the impact of the child's hearing loss, and to insure that the appropriate personnel are involved in the child's educational services. This is especially important in the critical early language learning years of birth to five which brain development research tells us cannot be later regained.

Section D: State Eligibility Criteria for Deafness (page 26)
Definition: Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects a student's educational performance.

Section H: State Eligibility Criteria for Hard of Hearing (page 30)
Definition: Hard of hearing is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deafness.

The Federal IDEA 2004 uses the same definition for deafness, except that it uses "that" instead of "which".

The Federal IDEA 2004 uses the same definition, EXCEPT that it says "hearing impairment" instead of "hard of hearing".

Comments: Given the technological advances of digital hearing aids, cochlear implants, and assisting listening devices, the distinction between deafness and hard of hearing is no longer relevant. The Federal use of "hearing impairment", more accurately reflects the fact that the actual level of hearing loss, (whether mild/moderate/severe/profound/deafness is on a continuum. Just as vision impairment is inclusive of blindness, so should hearing impairment be the same. Would it not be possible to combine deafness/hard of hearing as either "hearing impairment" or "hearing loss"?

Eligibility Criteria for Deaf/Hard of Hearing (pages 26 & 30)

Deafness: The student exhibits characteristics consistent with the definition, and relies primarily on vision to access auditory communication.

Hard of Hearing: The student exhibits characteristics consistent with the definition, and relies primarily on hearing to access auditory communication.

Comments: This is a distinction based upon communication methodology used by the child, and does not necessarily reflect the reality of current technological advances (see comments above). A child with a profound hearing loss that has received and uses effectively a cochlear implant, is still deaf, but often functions more like a child who is hard of hearing.

The deafness definition that says "relies primarily on vision to access auditory communication" is confusing—is that just speechreading and/or cued speech for accessing auditory communication? Is that meant to include children who use sign language to access visual communication? Would it not reflect current technological and educational

opportunities for children with hearing loss to combine the categories of deafness/hard of hearing into "hearing loss" or "hearing impairment" (political correctness notwithstanding?)

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:20 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 14:20:23)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: James Pretre
Organization:
Email: Pretres@aol.com
Title:
Address1: 42 Trotters Trail
Address2:
City/State/Zip: Shenandoah Junction, WV 25442
Role: Parent-Family
Posted: 2007-01-12 14:20:23
Posted from IP: 67.136.76.149

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

Comments for section Chapter 6: Administration of Services

First I would like to take exception to the WVDE's anticipation that there will be fewer students eligible for special education services during the next 3 – 5 years. If you look at the current numbers in our Birth to 3 and Pre-K programs you can clearly see that this number will, as it has over the last several years, continue to dramatically increase. I would like to call into question the data analysis that the WVDE used to determine an upcoming decrease. Nationwide the trend over the last several years has shown a continual growth and that is not expected to change. If you look the CDC's numbers for Autism alone, it is quite staggering. Not to mention the tremendous population growth in our area indicates that a decrease is unlikely in any category or classification of students. Perhaps the eastern panhandle is drastically different from other areas of the state, but our needs must be met and our children given the free and appropriate public education they are ent!
itled to.

Increasing the number of students that are integrated into our general education classrooms is the right approach, but we do not have the staff to support such an increase. Having our special education teachers provide and support instruction in the general education classrooms means that we will need even more teachers. We, in Jefferson County, cannot maintain the current level of teacher demand; how are we going to be able increase this need? In our Autism program for example, which has more than 25 students and growing, we have ONE highly qualified teacher. Our county must compete with surrounding states where first year teachers are being offered salaries as much as $13,000 more than WV and that number only grows exponentially with tenured teachers and those who are highly qualified. One neighboring Virginia County is looking to add more than 1000 teaching positions for the 2007-2008 school year. Believe me when I tell you that they will aggressively pursue our teac!
hers. For the 2006-2007 school year this county recruited 48 of our teachers. This is only going to get worse.

Raising the maximum number of students per instructional period for Level II Service Needs to 10 is too much for our teachers to manage effectively while providing a quality education to our special needs students. Our teachers are stressed today with current levels and caseloads. Before we make such a large increase in the maximum number I would invite you to spend a day in one of special needs classrooms so that you can experience first hand what our teachers are faced with. More importantly I feel that our children will suffer the most because the teachers will be unable to provide the quality and quantity of time necessary for our children to make gains. If this goes into effect and my son's classroom is more than doubled in size, I will have him independently tested to gain a starting point then have him retest after a period time of determine if any progress is being made or if as I suspect there will be a regression.

"…and without regard to identified disability." This is a very dangerous statement. My son has autism. Although autism does not define who he is or what is capable of achieving our teachers and classroom settings need to be setup to handle the special characteristics, behaviors and needs of his disability. If you, as a teacher, are ill-equipped (not appropriately trained for the area of exceptionality) to handle a child with autism you will not be able to effectively teach that child because you will not know how to reach that child or even communicate with that child. In fact you could harm or put that child in harms way. In our county this school year alone we have had 2 incidences involving NON-highly qualified teachers over seeing different autism classrooms that put a child in harms way or have actually harmed a child. One teacher was removed from the autism program the other has been let go by the county. Are we going to stand by and wait for a child to be seri!
ously injured or for a major lawsuit to occur before the WVDE is willing to address the true problems? The school system needs to know my son has autism so they can effectively provide him with a quality education.

It seems evidently clear that the revisions to 2419 are in part not addressing the true problems we have in our Special Education services but rather a lowering of standards and accountability. We are on a very slippery slope.

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:16 PM
To: fibanez@wvde.state.wv.us; rbolling@ACCESS.K12.WV.US
Subject: Comment Received for Policy 2419 (2007-01-12 14:16:17)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Michael Hughes
Organization: Hampshire High School
Email: mhughes@access.k12.wv.us
Title: Teacher
Address1: HC 71 Box 103-C
Address2:
City/State/Zip: Capon Bridge, WV 26711
Role: Teacher
Posted: 2007-01-12 14:16:17
Posted from IP: 168.216.255.223

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

2nd sentence should say: "Chapter 2 discussed procedures to locate and identify students with suspected exceptionalities" (rather than disabilities) because it includes gifted.

Comments for section Chapter 4: Eligibility

Item #3 (p28:differentiated instruction my include "acceleration of content at grade level" -- this is confusing. Acceleration, by its nature, entails content above grade

level. Would be clearer to say, "acceleration of content while student remains in chronologically appropriate grade."
Regarding Response to Intervention: this will be overwhelming with the existing staff. Need to state who exactly is responsible for provding the individualized interventions and small group instruction along with core instruction. It seems this will fall on the regular educator, but the wording is unclear.

Comments for section Chapter 5: Individualized Education Programs
---
Teachers of gifted should have same maximum caseload as teachers of all other exceptionalities (30). They have the same duties, and most are intinerant. Gifted students are as complex as students with most disabilities, and often more so. Modifying curriculum, developing independent studies, assessing, direct teaching, onsulting, monitoring, accelerating, enriching, working to reverse underachievement, plus all the same forms, meetings, and trainings take up the same amountg of time preparing for students at either end of the special education spectrum, which should result in equal maximum caseloads.
Waivers to maximum caseload limits need to have 2 limitations added: number and duration. If a waiver is approved, the teacher should know how many students will be added, and for how long, before another teacher is hired.
Class Size Requirements (p77): The statement: "Pre-K classrooms must to the extent practicable reflect the natural proportions of students with disabilities to those without disabilities within the school or community, but no more than 10 students with disabilities per session." In a class of 20, this could result in 50% of the students having disabilities. Retain the first half of the statement, ending with "community." Strike "but with no more than 10...".
Integrated Classrooms (p78): the 30% needs to apply to Level 1 students only. If level 2 students are integrated, the percentage needs to drop to 10% or less, depending on severity and effect on the class as a whole.
Rephrase "Special Education classrooms for students with disabilities" to "...for students with exceptionalities", so that gifted students who have Level 1 and Level 2 needs will be included.
Change: "Students with Level 2 needs require a majority of the following to function within a school setting" to "...require more than 2 of the following ...". This will avoid the tendency to insist a student demonstrate 5 out of 9.

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 2:00 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 13:59:35)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Melinda Walton
Organization: Tyler County Schools
Email: mwalton@access.k12.wv.us
Title: Special Education Director
Address1: P.O. Box 25
Address2:
City/State/Zip: Middlebourne, WV 26149
Role: School System Staff
Posted: 2007-01-12 13:59:35
Posted from IP: 168.216.255.83

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find
---
1. Sectiona 3.B: "When the SAT determines a referral....prior written notice must be provided..." The language indicates that PWN is always provided whether or not the parent attended/participated.

2. Section 2.D: "....written parental consent for initial evaluation must be obtained within ten school days of receipt of referral." Due to the number of referral received in a given timeframe from mutiple schools in a district, it is not possible to process the paperwork within 10 days of receipt of referral and maintain the 80 day evaluation timeline.

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Page 28, Section 3.G: Gifted indicates that there is an appendix of approved tests which is not currently found in the proposed revisions.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Consideration needs to be given to caseload limits, both case management and Level II per period caseloads, for SMI/PMI and autistic population. Increasing the caseload for eight to ten for children with developmental delays in a setting is not adequate to meet the needs of children with moderate to severe delays. Additional language needs to be added to allow the use of additional staff.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

The use of Prior Written Notice requirements needs to be made more clear.

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 1:54 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 13:54:03)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Greg Cruey
Organization: McDowell County Schools
Email: gcruey@access.k12.wv.us
Title: Special Education Teacher
Address1: Anawalt Elementary School
Address2: Box 230
City/State/Zip: Anawalt, WV 24808
Role: Teacher
Posted: 2007-01-12 13:54:03
Posted from IP: 168.216.108.18

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

In the section on eligibility for specific learning disabilities (page 33) under Eligibility Committee (EC) Membership for SLD Determination, reading specialists seem to be elevated in the proposed policy to a level of clinical expertise I have previously

attributed to them. While I admit that their input is obviously essential under the RTI model, the idea that a reading specialist (who may have almost no training in disability law and may be largely unfamiliar with IDEA) is included as an example of someone "qualified to conduct individual diagnostic examinations" is something I find disturbing. I understand that their assessment of a child's reading ability (arrived at through individual diagnostic examinations) is probably essential. But I see them as no more "qualified to conduct individual diagnostic examinations" to determine whether a child has a LEARNING DISABILITY as defined by IDEA than someone with a master's degree in special education and certification in speci!
fic learning disabilities - a special education specialist. Why reading specialists are included on the list in that section when special education specialists are NOT is beyond me. And unless the role of a reading specialist is more clearly defined as related to READING, or unless the required credentials are spelled out more clearly than simply saying "reading specialist," I have to view this passage as an effort to circumvent the process of getting children with real disabilities placed in special education by bringing in decision makers who, because their expertise is primarily in another field, do not quickly recognize disabilities.

Timelines need to be added under the RTI model for each tier. Additional staff is also going to be needed to fully implement the RTI model and a clear caseload limit is needed for the number of students with interventions an educator (an educator) will be expected to serve.

The question of who conducts the screenings shoudl be clarified.

On page 35 under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Time and planning will be a major issue that needs to see time sturctured into the policy. When are teachers suppose to document and generate reports? As it is, elementary teachers generally only get a 30-minute planning period.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

On page 78, when instructional responsibilities are shared change the word "block" to "period." And in a co-teacher model, staffing considerations should include some minimum quantity of weekly co-planning time.

Maximum number of students per instruction period should continue to reflect the current requirements in Policy 2419 126-16-6 Section 6.1.5 and caseloads per instructional class period should not be based on the student's level of needs.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 1:32 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 13:31:53)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Paula Townsend
Organization: Barbour County Schools
Email: ptownsend26250@yahoo.com
Title: Speech-Language Pathologist
Address1: RR 1 Box 298
Address2:
City/State/Zip: Philippi, WV 26416
Role: Professional Support
Posted: 2007-01-12 13:31:53
Posted from IP: 168.216.213.62

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

As a Speech-Language Pathologist, I am very concerned about the new eligibility guidelines for students with articulation/phonology disorders. I feel that these more restrictive criteria will prohibit services to some students who have a mild disability, but still

require specialized instruction to acheive adequate communication skills. Furthermore, there is NO reference in IDEA regarding consideration of "degree of severity" when determining eligibility for any exceptionality.

According to IDEA, a child becomes eligible for a service when he/she has a need that can not be met within the regular classroom setting. Degree of need does not exclude a student from receiving services. There is either an identified need or there isn't. Other exceptionalities do not exclude an entire group of children based on degree of severity (ex: mild autism, mild mental impairment, mild hearing impairment, etc.). The eligibility team then determines the best placement for the child according to his/her needs.

It has been documented in literature that student's with mild articulation disorders are affected adversely. Furthermore, these students are entitled to speech services under IDEA. Denying them such services would constitute violating their rights to FAPE (free and appropriate public education). I submit the following recommendations as changes to the Eligibility Criteria for Articulation/Phonology Disorders (pg. 43):

1. Remove wording "standard score" from criteria #1. This wording could be replaced with "one of which is a standardized test".
2. Remove wording "and severity ratings" from criteria #2. Not all standardized tests include a severity rating. This would limit which tests could be administered during an assessment.
3. Remove criteria #3 altogether.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

Caseload Waivers (pg. 77) I request exempting Speech Caseloads from waivers. Since the state of WV is in real crisis regarding shortages of SLPs, using waivers could potentially be abused. I feel that there are some very good ways to look at recruitment and retention of SLPs in WV public schools. Providing waivers for some counties would be an "easy out".

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

In the Glossary, regarding the definition of "Speech-Language Pathology" (pg. 159), I request adding the wording "Speech-Language services provided by a qualified speech-language pathologist". This would provide consistent wording with regard to the definitions for Occupational Therapy and Physical Therapy. I also believe that those students receiving Speech/Language Pathology services do indeed deserve a qualified professional to deliver such services.

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 12:39 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 12:38:50)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Megan Layman
Organization: Jefferson County Schools
Email:
Title: Long Term Substitute Teacher
Address1: 700 D Thomas Lane
Address2:
City/State/Zip: Martinsburg, WV 25401
Role: Teacher
Posted: 2007-01-12 12:38:50
Posted from IP: 168.216.207.44

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

I wanted to comment specifically on this aspect of the proposition. Reduction in the ratio of aides to students whom are severely disabled
will create an unsafe enviornment for the employee and the student. In a crisis situation, working with an inadequate amount of staff could lead to serious safety issues. In addition, ordinary classroom activities are more productive when students with disabilities receive increased one on one assistance, which is only possible with a higher ratio of aides to students.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 12:23 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 12:22:58)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Catie Bohon
Organization: Harrison Co. Bd. of Ed.
Email: cbohon@access.k12.wv.us
Title: Speech-Language Pathologist
Address1: Rt. 1, Box 109
Address2:
City/State/Zip: Monongah, WV 26554
Role: Professional Support
Posted: 2007-01-12 12:22:58
Posted from IP: 168.216.184.15

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Part M Speech Language Impairment.
Correct speech is a basic skill that all children should acquire by age 6, therefore, documentation of a speech disorder stands alone as an adverse affect on educational

performance and does not need any further documentation of adverse affects. Appendix B should be removed from the document, along with #4 under eligibility criteria.

The use of age norms is more appropriate documentation of a disorder than a standard score, therefore #1 should be removed also. The WVSLHA should have a committe to come up with statewide guidelines for best practices.

Some speech sound errors do not significantly reduce intelligibility, therefore #3 should be removed as a criteria that must be met.

Comments for section Chapter 5: Individualized Education Programs

---

Comments for section Chapter 6: Administration of Services

WVSLHA should have a committee to come up with a formula for caseload weight as opposed to a straight count of students.

Speech Therapists need some protection against being forced to teach in regular education classrooms.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance

---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations

1-12

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : J. Pamela Adkins Bruch Organization: Jefferson Co. Schools

Title: Speech Pathologist

Street Address: 44 Lacosta Blvd.

City: Martinsburg State: WV Zip: 25405

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☒ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. Criterion for Speech Impairment Remove wording and severity ratings from criterion. Not all standardized tests have severity ratings. This would limit the number of tests that could be used.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Exemption of speech impairment (speech pathology) services from caseload waiver.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Marcy Walker Organization: Jeff. County Schools

Title: MOMI teacher

Street Address: 3117 Kabletown Rd

City: Charles Town State: WV Zip: 25414

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☑ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General. Concerned abt the class size of MOMI programs. What does Level 1 & 2 do to the ratio of students/aides in classroom.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January ~~5~~ 17, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Ron Braun Organization: Berkeley Co. Schools

Title: Director of Sp. Ed.

Street Address: 515 W. Martin St.

City: Martinsburg. State: WV Zip: 25401

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

7. ☒ Director

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chap. 1 Sec. 3

Chapter 3: Evaluation/Reevaluation. Page 14 B. Drop requirement for PWN on graduation with Standard Diploma. Also Chp. 1 Sec. 3.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

Thanks for finally giving us a good workable format.
Generally great job! Thanks

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 3:26 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 15:26:21)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Charles Szasz
Organization: Kanawha County Schools
Email: cszasz@mac.com
Title: Lead School Psychologist
Address1: 200 Elizabeth Street
Address2:
City/State/Zip: Charleston, WV 25311
Role: School System Staff
Posted: 2007-01-12 15:26:21
Posted from IP: 168.216.73.164

Comments for section 126-16-1 General

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Specific Learning Disability - I very concern about the proposed RtI based guidelines for identification of specific learning diabilities. They do not include processing deficits as well as intelligence as additional factors that are needed to determined SLD

eligiblility. The Federal definition of a specific learning disability includes "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself.... to listen, think, speak, read, write, spell or do mathematical calculations". A good example of this is phonological processing, which we know is a very good predictor of a child ability to learn to read. There are also other processing components that are also important - successive processing, memory ability, visual processing, etc to mention only a few. RtI by itself has NOT been shown to be a valid method of identifying learning disabled children by itself. RtI needs to be suppleme!
nted by processing deficits as a requirement in addition to a student failing to respond to RtI to identify SLD.

Intelligence is also a key component of identifying SLD. Aside from identifying children who are mentally impaired, intelligence levels are not specified for SLD eligibility. If intelligence is not considered in SLD elibibility then there is a great probability that children with less than average intelligence will be misidentified as SLD. These so called "slow learners" (IQs in upper 70s and lower 80s) will not profit from SLD placement because of limited ability. Intelligence historically has be a key area when evaluating children for learning problems.

When I was on the SLD committee that was charged to incorporate RtI into Policy 2419, Dr. Boyer conveyed to me that processing deficits and intelligence have to be included in the RtI model. When I spoke with Linda Palenchar about a month ago, she indicated that they were not considered to be factors. Why the sudden 180 degree change of opinion? Again, RtI by itself has NOT been shown to be a valid method of identifying learning disabled children by itself. RtI needs to be supplemented by processing deficits and levels of intelligence as requirements in addition to a student failing to respond to RtI to identify SLD.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

Comments for section Acronyms and Abbreviations
---

late

Robin Bolling

From: Nobody [nobody@wvde.state.wv.us]
Sent: Friday, January 12, 2007 7:33 PM
To: fibanez@wvde.state.wv.us; rbolling@access.k12.wv.us
Subject: Comment Received for Policy 2419 (2007-01-12 19:33:02)

Please save this email in a "Comments Received Online" folder.
Your folder will be a backup. All comments are saved in our database.
The Complete Comments Report from the database can be found here:
http://129.71.2.32/r.html?id=47db82dd78880f2ad5bdb6084df94c77
This is an encrypted URL. Please Bookmark it.

Comment Received for Policy 2419
##
Name: Lynn C. Adams
Organization: Capon Bridge Elementary
Email: jmhannah@hardynet.com
Title: Special Educator
Address1: HC 63 Box 2250
Address2:
City/State/Zip: Romney, WV 26757
Role: Professional Support
Posted: 2007-01-12 19:33:02
Posted from IP: 168.216.235.37

Comments for section 126-16-1 General

The procedures manual should remain an actual part of Policy 2419.

Comments for section 126-16-2 Purpose

Comments for section 126-16-3 Incorporation by Reference

Comments for section 126-16-4 Summary

Comments for section 126-16-5 Severability

Comments for section Chapter 1: Free Appropriate Public Education
---

Comments for section Chapter 2: Child Find

Comments for section Chapter 3: Evaluation/Reevaluation

Comments for section Chapter 4: Eligibility

Response to Intervention model will be an unmanageable approach to qualifying children for special education services. Current staffing levels will preclude proper implementation of such an approach. Staff is already stretched to the limit; at the same time NCLB

proficiency demands grow. Teachers sometimes hestitant to refer a child to SAT now due to the paperwork involved.I am concerned that children will not be referred for services because of the burden such an approach for eligiblity determination will place on all staff.
I further believe it must be made clear whose responsibility it will be to provide the tiered interventions. Lastly, if those people are to be special educators than more staff in this department, not less, is needed.

Comments for section Chapter 5: Individualized Education Programs
---

Comments for section Chapter 6: Administration of Services

Caseload of twenty is impractical and dangerous for preschool services. These children often have truly severe conditions and behaviorial concerns. Preschoolers are small and quick. I recommend 12, or possibly 15, as a caseload for the preschool years. Given that you are expecting these classes to have an equal to greater number of non-handicapped peers(who themselves can be a handful,)you are truly allowing a recipe for disaster.

Comments for section Chapter 7: Discipline

Comments for section Chapter 8: Private School Students

Comments for section Chapter 9: General Supervision and Accountability for Performance and Compliance
---

Comments for section Chapter 10: Procedural Safeguards

Comments for section Chapter 11: Dispute Resolution

Comments for section Glossary

I am unfamiliar with the terms "duplicated" and"unduplicated". As a teacher with a Masters and 30 years of experience, I assume that others might also need clarification of this term.

Comments for section Acronyms and Abbreviations

RECEIVED
JAN 12 2007
By

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name : Susan Armstrong Organization: _____

Title: Speech / Language Pathologist

Street Address: P.O. Box 122 799 R Huggins Rd

City: Williamstown State: WV Zip: 26187

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☑ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS
§126-16-1. General.

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility. Page 43 "Speech intelligibility is determined to be moderately or severely impaired". This needs to include mildly impaired as well. I work with several children with single phoneme errors i.e. mild but still noticeable in connected speech.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance.

Charleston Area Medical Center
Medical Rehabilitation Center
General Hospital
501 Morris Street
Charleston, WV 25301

facsimile transmittal

To: Robin Boling Fax:

From: Jan Sterling, MSW (304-388-7828) Fax: (304) 388-3956
Joyce Broglio, MSW (304-388-3302)
Debbie Martin, RN (304-388-6306)
Jewel Reed, CRRN (304-388-6326)

Re: TBI Pages:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

☐ Orders ☐ Demographics ☐ History and Physical ☐ Therapy Notes ☐ Labs, Xrays, Other notes

Comment re TBI changes

Note: This facsimile transmission is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 12, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: RAMON S. LANSANG Organization: CAMC

Title: MEDICAL TBI PROGRAM DIRECTOR

Street Address: 501 MORRIS ST,

City: CHARLESTON State: WV Zip: 25301

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS

§126-16-1. General. BRAIN INJURY CAN COME FROM NON-TRAUMA INDUCED CONDITIONS SUCH AS HYPOXIA (LACK OF OXYGEN), CENTRAL NERVOUS SYSTEM INFECTIONS, BRAIN TUMORS AND STROKES AND THEREFORE PEOPLE/CHILDREN AFFECTED BY SUCH CONDITIONS MAY VERY WELL SUFFER FROM IMPAIRMENTS IN COGNITION, SENSORY-PERCEPTUAL, MOTOR ABILITY AND SPEECH DEFICITS AND AS SUCH THESE CHILDREN WILL ALSO REQUIRE SPECIAL EDUCATION SERVICES IN MANY INSTANCES

01/11/2007 THU 16:16 FAX

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 12, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary

Name: Kenneth C. Wright md Organization:

Title: Board Certified in Physical medicine & Rehabilitation

Street Address: 401 - J Bibby St

City: Charleston State: WV Zip: 25301

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☒ Physician
- ☐ School System Staff
- ☐ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS

§126-16-1. General

01/11/2007 THU 16:20 FAX

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 8, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Francine DeRiccio Organization: T.A. Lowery Elementary (preK-5)

Title: SPED Teacher

Street Address: 103 Shenandoah Jct Rd

City: Shenandoah Jct State: WV Zip: 25442

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☒ Teacher
- ☐ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

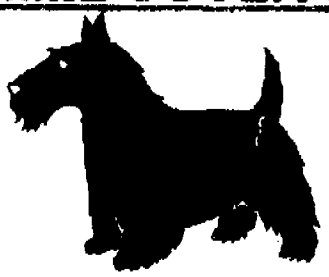
COMMENTS/SUGGESTIONS

§126-16-1. General.

The prediction that fewer students will be identified for Special Education services in the near future does not appear to be the trend in the Eastern Panhandle of the State. We continue to have an influx of new students weekly it seems. (Insert Documentation Evidence)

Parents seem to want identifying labels to remain as they feel the "label" assists in getting appropriate services and assists those delivering the services to their children in developing student IEP's

FACSIMILE COVER SHEET



FROM: T.A. Lowery Elementary School
103 Shenandoah Junction Road
Shenandoah Junction, WV 25442
Phone: 304-728-7250
Fax: 304-728-7631

TO: Robin Balling
(304) 558-3741

SUBJECT:

(* General comments, Chapter 6 & 9)

Thanks for clarifying some points last night.

Francine

Chapter 3: Evaluation/Reevaluation.
Chapter 4: Eligibility.
Chapter 5: Individualized Education Programs.
Chapter 6: Administration of Services. Sufficient staff support (teachers and/or aides) to ensure IEP implementation is a concern for all staff and parents. Supports will afford the maximum student success. - Integrated classrooms - 30% too high for elementary level classes.
Chapter 7: Discipline.
Chapter 8: Private School Students.
Chapter 9: General Supervision and Accountability for Performance and Compliance. (APTA - Standardized test vs. Writtest.)

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Paula R Kerner
School Capital High
Position Regular Ed. Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period ≥ Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Greg Dodd

School Georgetown

Position Teacher

Greg Dodd

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Karen Donathan

School GWHS

Position teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Kathleen D'Esposito

School GWHS

Position teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

304.558.3741

dline: January 5

POLICY 2419

Name Gene Petry

School GWHS

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Deadline: January 8/2

POLICY 2419

School: Jefferson High

Position Office Aide

Fax: 304-558-3741

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Jacqui Please insert

Robin Bolling

From: Jacqui Young [jlyoung@access.k12.wv.us]
Sent: Sunday, January 14, 2007 3:58 PM
To: Robin Bolling (Robin Bolling)
Subject: Both Missing Comments are below

		Eligibility Criteria #3 – Articulation/Phonology Disorder 3 main points to be made 1. Excludes a whole class of student in which the disorder clearly adversely affects educational performance but intelligibility is only mildly impaired. • Many examples have been given depicting student with one or two sound errors. I would concur with my colleagues who have commented before me. • I would like to stress an example of K or 1st Grade student with multiple misarticulating and mild intelligibility issues. Misproductions include "l,th,f,k,g,v,s,z,sh" and difficulty with production of consonantal blends. • Under the new regulations this could does not qualify for services. • A child presenting with this speech pattern would clearly have academic difficulties to some degree. More often than not, this child would struggle with decoding and sound blending and his speech delay would significantly impact acquiring reading readiness and early reading skills. • SEVERAL students currently on my caseload come to mind. • I KNOW as communication specialist, that speech production is the foundation		

123

		upon which reading skills are built. In order to effectively acquire a printed code, the verbal code from which it is built must be well established. Everyone across the nation is saying this and there has been much evidence to support it! • Denying these students access to speech services will without a doubt, impede the learning process and deprive them of a FAPE. • Inconceivable that the state dept of ed could suggest such a thing! • Degree of intelligibility should not be a criteria that must be met for eligibility. It most certainly needs to be a consideration, but not a criteria that must be met. This criteria needs to be stricken form the policy entirely.
1-4-07	Bernadette Rush Harrison County Speech Pathologist	2. Criteria #3 dealing with degree of intelligibility would create caseloads of the public school SLP that were entirely composed of children with severe disabilities. • Our caseload limit remains at 50. It is currently very challenging to serve 50 students who have varying degrees of impairment. I would think that serving 50 students with severe impairments would be an impossible task. • It would require more tx time per student and more individual tx sessions……as opposed to group sessions. • The average tx group for most of us now is 3. In a 30 minute session student response time for each would be 10 minutes at BEST……5-7 minutes realistically. This would not be adequate for a student with a severe impairment…..even if seen 3-4 times a week.

- It would not b e possible for SLPs to appropriately serve that many children with severe impairments.

3. Defining intelligibility into "mild, moderate and severe" categories is a very subjective thing.
   - Formal intelligibility ratings or not commonly known or used in the public schools.
   - Informal measures could be used but the results would be inconsistent from county to county across the state.

I am Nancy Laughlin, a licensed and certified speech therapist working in the Marion County Schools. And I am here to speak on behalf of my 18 fellow speech therapists in Marion County regarding the proposed changes to the category of speech/language impairment regulations in 2419.

Although there are several areas of concern, I will limit my comments to the very obvious area of Articulation/Phonology.

The RED FLAGS were raised when we saw that there are now 5 criteria – ALL OF WHICH MUST BE MET – in order for a student to be eligible to receive services for an articulation/ phonological disorder. Previously there were two. No other disorder requires that extensive scrutiny – even language, which encompasses a much broader range of skills and abilities.

Therefore, we have particular concerns with criteria 1 and 3.

1. Regarding criterion #1, requiring two procedures is best practice. Requiring a standard score is, however, inappropriate for students above the age of 7. All speech sounds should be developed by age 7, and any student exhibiting speech sound errors beyond that age has exceeded developmental norms.

Most widely used standardized articulation tests target the 4 to 7 year level and are inappropriate to administer to older students. Also, consider that most students who have had any therapy will pass a single-word articulation test; their speech breaks down in conversation. Most standardized articulation tests assess single words. Criterion #2 covers the situation for older students when application of developmental norms and severity ratings verify that speech sounds have not developed with or without intervention. Leave the determination of assessment procedures up to the professionals.

2. Regarding criterion #3, which imposes a severity rating requirement: you know that the severity of an articulation disorder varies widely from student to student. For example, that typical w/r single sound error may be mild to 6 year-old Tyson Matthews, but not so mild to first grader Robert Ricer. Likewise, a residual single sound error for some MI students may be cause for celebration and dismissal. Again- leave that recommendation to the professionals.

   I'm sure that you have heard in previous public comments that ASHA opposes eligibility criteria that eliminate mild articulation disorders. That's their job to protect our jobs and the welfare of our clients. However, their opposition is backed by solid evidenced-based research that documents the negative effects of single sound (hence MILD) articulation errors. The social, emotional and career implications of even a mild articulation error are long term and far reaching.

1-4-07	Nancy Laughlin, Speech therapist Marion County Schools	Leave those decisions in the hands of the Eligibility and IEP teams. You also know that US Dept of Education has already clarified that students should not be denied speech therapy services if they do not demonstrate a concomitant academic problem. The intent of IDEA is not to deny students with speech disorders the right to special education services based on academic achievement. Good speaking is considered a stand-alone educational skill. The Documentation of Adverse Effects on educational performance for Students with Speech/Language Disorders or Appendix B is confusing and unnecessary. I quote from a USE Office of Education letter: ***The impact of the child's communicative status on academic performance is not deemed the sole or even the primary determinant of the child's need for special educational services. It is the communicative status – and professional judgments made in regard to assessments of communicative abilities – which as overriding significance.*** AND NOW I WANT YOU TO MEET SOME STUDENTS WHO HAVE RECEIVED SPEECH THERAPY SERVICES IN THE MARION COUNTY SCHOOLS Ryann Moore and Dominica Hermosilla – were students whose parents requested evaluations when they entered 7th grade. They both exhibited inconsistent frontal lisps and did not necessarily show up on an articulation test, but were nevertheless evident in conversational speech. These girls were both very bright. Ryann was in the

gifted program. Analysis of conversational speech, not a standardized single-word articulation test – revealed correct [s,z] productions at 17-20% in conversation. Therapy progressed rapidly and by year-end Dominica was dismissed, Ryann was to be rechecked when 8th grade started. When school started that next year, Ryann came to me and said, "Boy, Mr0e0 Laughlin, do you have your work cut out for you. I got bra0e0." So we did some compensatory therapy. I monitored her and finally dismissed. Today these girls are both senior honor students. Dominica is on the prom court, works a local restaurant, runs cross county and is going to the Art Institute of Pittsburgh to major in graphic design. Ryann is captain of the state finalist soccer team and will attend WVU or WV Weslyan.

Next I want you to meet Trey Satterfield, or as he called himself in the first grade TWEY SATTEWFIELD. Trey received speech therapy for a mild articulation disorder – that pesky [r]. Today Trey is the Student Body President at Fairmont Senior High. He's an honor student and will attend WVU to major in business. When I called to ask permission to tell his story, his mom said yes, and added that, "Trey is the best speaker in our family. We all have that WV twang, but not trey, because he learned to pronounce his words correctly in speech therapy at an early age." Do you think they would have ever run for office or been elected if he were running for the PWESIDENT of the Student Body at FAIWMONT SENIOW High?

Lastly, I want you to meet Alexander Janes, or as his friends know him – Lex. Lex received therapy for a persistent frontal lisp in second through sixth grades. Today Les is the outgoing president of the WV Association of

Student Councils – an office that requires major campaigning among known and unknown peers. He is also a National Merit Finalist and is being pursued by colleges and universities all over the east, including face to face visits and interviews. When I called to ask permission to tell his story, his mother related that his speech problem absolutely impacted his educational performance, even though he was identified gifted. She said that unfortunately, even some teachers presume that students who are not articulate are also not very bright. As a result of speech therapy, Lex has always received compliments for his public speaking ability. We're proud to clam Lex and the others as successes.

Other states where these changes that are proposed in 2419 have already been implemented are very different from our mostly rural and consolidated school populations.

FIRST – Other areas have active private sector services to pick up what the school systems reject. In WV we are not blessed with a n abundance of private therapy services, nor are we blessed with families whose incomes can accommodate private therapy.

SECOND, those families who have medical insurance that covers paramedical treatment are finding that their insurance will not pay for services that are supposed to be provided through the school system. Sounds like litigation waiting to happen, if and when their children are denied services in the schools.

Therefore, regarding criteria to determine eligibility for Articulation/ Phonology Disorders:

1. We urge you to remove the requirement that eligibility be based upon a standardized

		articulation test 2. We urge you to remove any requirement based on severity 3. We urge you to remove or revise the Appendix B requirements documenting the negative effects on educational performance. The students I just told you about are all students who exhibited MILD articulation disorders. Under the proposed regulations, they would not have been eligible for speech therapy. Are these the kind of students we want to leave behind? Or, in fact, should NO CHILD BE LEFT BEHIND?		

Jacqueline Kinder-Young, M.S.
Office of Special Education Achievement
West Virginia Department of Education
1900 Kanawha Boulevard East
Building 6, Room 304
Charleston, West Virginia 25305
(304) 558-2696 telephone
(304) 558-3741 fax
jlyoung@access.k12.wv.us

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name

School

Position

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Karen K. Dutteren
School Spring Mills Middle
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions.

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Jennifer Unger

School Spring Mills Middle

Position teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Karen Criswell

School Spring Mills Middle

Position Health / PE

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Laura Giles-Lod
School Spring Mills Middle
Position ESL, PLATO

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Carol Hamilton
School Spring Mills
Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period -- Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions
- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Becky Singer

School Spring Mills Mid.

Position LD Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Teresa Gladwell
Schoo Spring Mills Middle
Position teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for studeots with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January #12

POLICY 2419

Name Janet McCoy

School Spring Mills

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.

3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name M Adams

School Mills

Position Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Pam King

School SMMS

Position Computer Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Kimberly Moore
School Spring Mills Middle
Position Guidance Counselor

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Kim Herman
School S/M/S
Position art teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name Mary Kay Durst

School Spring Mills

Position Teacher

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - **Individualized Education Program**

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Golden Cole
School Spring Mills Middle
Position LD Math

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 12

POLICY 2419

Name Elice M. Gregory
School Spring Mills Midd
Position Reg Ed. Teacher

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January # 12

POLICY 2419

Name LBlack

School SMMS

Position Science teache

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?

p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.

p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

POLICY 2419: Regulations for the Education of Students with Exceptionalities

COMMENT PERIOD BEGINS: November 27, 2006

COMMENT PERIOD ENDS: January 5, 2007

COMMENT RESPONSE FORM

The following form is provided to assist those who choose to comment on Policy 2419: Regulations for the Education of Students with Exceptionalities. Additional sheets may be attached, if necessary.

Name: Frances McCormick Organization: WV Service Personnel Assoc.

Title: Special Ed. Aide - B.D. Class

Street Address: 105 Sycamore Lane

City: Hurricane State: WV Zip: 25526

Please check the box below that best describes your role.

- ☐ School System Superintendent
- ☐ Principal
- ☐ Professional Support Staff
- ☐ School System Staff
- ☐ Teacher
- ☒ Service Personnel
- ☐ Parent/Family
- ☐ Business/Industry
- ☐ Community Member

COMMENTS/SUGGESTIONS

§126-16-1. General.

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Andrea Alfsed
MI High School Teacher
AFT

POLICY 2419
AFT RECOMMENDED COMMENTS

Chapter 4 - **Eligibility**

p. 34 1) Under the RTI model there needs to be timelines added at each tier.

2) Additional staff is needed to fully implement the RTI model.

p. 35 3) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.

Chapter 6 - **Administration of Services**

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .

p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.

p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.

p. 78 4) When instructional responsibilities are shared change the word "block" to period.

5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.

p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.

p. 80 7) Maximum number of students per instruction period – Continue with the ~~requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following~~ exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peeps change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"

Fax: 304.558.3741

Deadline: January 5

POLICY 2419

Name Ellen M. Shapiro
Kanawha County Schools
School Stonewall Jackson Middle
Position Itinerant Teacher of the Visually Impaired

Chapter 4 - Eligibility

p. 34 1) Under the RTI model there needs to be timelines added at each tier.
2) Additional staff is needed to fully implement the RTI model. A caseload limit is needed for the number of students with interventions an educator will be expected to serve.
3) Who conducts the screenings?
p. 35 4) Under Tier 3 add the word "shall" necessitate a comprehensive evaluation to determine the needs for special education and related services.
5) Professional development in progress monitoring needs to be provided.
p. 38 6) The comment, "does not necessarily constitute additional paperwork requirements." When are teachers suppose to document and generate reports? Elementary teachers only get a 30-minute planning period.

Chapter 5 - Individualized Education Program

p. 51 1) Excusal provision – How much notification is provided to the teacher that he/she has been 'excused' from a meeting? When is the 'In Lieu of Attendance' report due?

Chapter 6 - Administration of Services

p. 76 1) Add the word "shall" be required to provide assistance to students in response to specific needs . . .
p. 77 2) Under maximum case management assignments change 30 to 20 for teachers of all other exceptionalities.
p. 78 3) Integrated Classrooms – change from no more than 30% to 25% of the total classroom enrollment during any single regular education class period shall include students with disabilities excluding communication disorders.
p. 78 4) When instructional responsibilities are shared change the word "block" to period.
5) In a co-teacher model staffing considerations shall include a minimum of weekly co-planning.
p. 78 6) Special Education classrooms for students with disabilities. Delete this section of Level I and II.
p. 80 7) Maximum number of students per instruction period – Continue with the requirements in current Policy 2419 126-16-6 Section 6.1.5 with the following exceptions:

- Early childhood reduced to 6
- Special education pre-K with typical peers change staff requirements to 1 teacher and 2 additional staff persons.

8) Do not base caseloads per instructional class period on the student's level of needs.

Glossary

1) Add a definition for "Mastery"