

**VIRGINIA DEPARTMENT OF EDUCATION  
DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES  
OFFICE OF DISPUTE RESOLUTION AND  
ADMINISTRATIVE SERVICES**

Local Special Education Annual Plan and Report  
2009-2010

Submitted by:

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County/City/Town

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Address

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Date

Questions regarding this plan should be directed to:

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Name

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Telephone Number

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Email Address

In accordance with the attached instructions, please ensure that on or before **May 18, 2009**, the **original and one complete copy** of the Local Special Education Annual Plan and Report is received at the following address:

Melissa C. P. Smith,  
Coordinator of Administrative Services  
Office of Dispute Resolution & Administrative Services  
Department of Education  
P. O. Box 2120  
Richmond, VA 23218-2120

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## **GENERAL INSTRUCTIONS ANNUAL PLAN PROCESS 2009-2010**

All local educational agencies (LEAs), which include local school divisions, state-operated programs (SOPs), and the Virginia School for the Deaf and the Blind at Staunton (VSDB), are required to establish their eligibility to receive funding under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04). IDEA '04, at 20 USC § 1413(a)(1), and its federal implementing regulations, at 34 CFR § 300.201, require that each LEA, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the Virginia Department of Education's (VDOE's) policies and procedures, which have been established in accordance with IDEA '04. This Annual Plan is a component of VDOE's overall responsibility to ensure each LEA's compliance with the implementation of the requirements of IDEA '04, and its federal implementing regulations. A copy of the 2006 federal IDEA implementing regulations is available online at <http://www.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.pdf>. The December 2008 revisions to the federal regulations are available online at <http://www.ed.gov/legislation/FedRegister/finrule/2008-4/120108a.pdf>.

The attached pages provide the necessary forms to assist each LEA in the preparation of their 2009-2010 Annual Plan. Please also refer to the information outlined below, and the Superintendent's Memorandum, dated December 5, 2008, for additional information and contact assistance.

**A. Submission of the Annual Plan “Financial Information Attachment” using the OMEGA System:**

Each LEA must submit, as part of the Annual Plan process, the “Annual Plan Financial Information Attachment” using the Online Management of Grant Awards (OMEGA) System. LEAs are requested to use the following sequence of activities when completing and submitting for approval, their Annual Plan, including the “Annual Plan Financial Information Attachment:”

1. Verify completion of an “OMEGA User Permission Form OP1” – An OP1 Form must be on file with VDOE's Division of Finance for each person in the LEA's OMEGA approval queue for applications for Sections 611 or 619 funding. If your LEA has previously submitted an OP1 Form, and has been granted permission for each individual in the approval queue to either “Create/Cancel,” or to “Approve/Deny” an “Application Request” for “Section 611” and “Section 619,” then you are not required to submit new OP1 Forms. However, if there are new staff members participating in the approval queue, please verify that an OP1 form, requesting the appropriate permissions, has been filed with VDOE's Division of Finance.

Instructions for completing the OP1 Form and online training opportunities are available at [www.doe.virginia.gov/VDOE/omega](http://www.doe.virginia.gov/VDOE/omega). Please mail the completed form to the following address no later than **April 15, 2009**:

Department of Education  
Attn: Accounting Department, 25<sup>th</sup> Floor  
P.O. Box 2120  
Richmond, Virginia 23218-2120

Additional assistance regarding the OP1 Form may be obtained by telephone at (804) 371-0993 or by email at [omega.support@doe.virginia.gov](mailto:omega.support@doe.virginia.gov).

**NOTE:** If you are not a current user of VDOE’s “Single Sign-on for Web Applications System” (SSWS), prior to submitting an OMEGA user permission form to VDOE, you will also need to contact your local SSWS Coordinator, who will establish an SSWS “user logon” and access to OMEGA.

2. After completing all Annual Plan forms in consultation with the local special education advisory committee, the Annual Plan must be approved by the local school board prior to submission to VDOE for review and approval.
3. OMEGA Data Submission – Once the LEA’s 2009-2010 Annual Plan has been reviewed and approved, as outlined in Step 2 above, LEAs are requested to do the following:
  - a. Download the “OMEGA — Annual Plan financial information attachment,” an Excel Spreadsheet, which is available online at the following website:  
<http://www.pen.k12.va.us/VDOE/sss/spedannualplan/spedplanlea.html>
  - b. The Excel spreadsheet mirrors pages 15 and 29 from Part III of this Annual Plan:
    - Page 15 – the “Proposed Grant Budget” form for Section 611 Flow-Through Funds; and
    - Page 29 – the “Proposed Grant Budget” form for Section 619 Preschool Funds.

Please insert into the spreadsheet exactly the same data and text information that appears on pages 15 and 29 of Part III of this Annual Plan, as approved by the local school board. If you did not complete the “Proposed Grant Budget” form for either Section 611 or for Section 619 funding, please leave that portion of the Excel spreadsheet blank.

**NOTE:** By using the “TAB” key, you can move between the cells in the Excel spreadsheet in which data may be entered.

- c. Save the revised spreadsheet to your computer.
- d. Login to the Virginia Department of Education’s SSWS at the following website:  
<https://p1pe.doe.virginia.gov/ssws/login.page.do> (NOTE: The website suffix is “do” rather than “doe”.)
- e. Select the Application Name “Online Management of Education Grant Awards – OMEGA.”
- f. On the OMEGA home page, on the left hand side of the screen is a column entitled, “I want to...” From that list, select “Submit an application.” That will bring up OMEGA’s “Application Request Page.”
- g. On the “Application Request Page,” the first step is to “Choose the Award Year.” This will be **2009**.

- h. The next question is “Do you wish to submit a consolidated application?” The answer is **“Yes.”** (Please note that failure to select “Yes” may delay approval of your Annual Plan.)
- i. **“Choose the Project Groups”** -- If, when completing the documents in Part III of this Annual Plan, you complete both page 15 and page 29, the “Proposed Grant Budget” forms, then in OMEGA, under “Choose the Project Groups,” select **BOTH** “IDEA Part B Section 611 Special Education” and “IDEA Part B Section 619 – Special Education Preschool” as part of the **SAME** consolidated application. However, if when completing your Annual Plan documents, you complete only one of the “Proposed Grant Budget” forms, either page 15 **OR** page 29, then under “Choose the Project Groups,” select only the funding stream for which you completed a “Proposed Grant Budget” form as part of this Annual Plan.

**NOTE:** If you currently use OMEGA to submit NCLB applications, those funding streams may appear under “Choose the Project Group.” Please be careful to select only the IDEA Part B selections, which are applicable to your Annual Plan.

- j. The next step is to “Browse.” Selecting “Browse” will allow you to locate and attach the revised Excel spreadsheet that you saved in step “c.” above.
- k. Once the file containing the Excel spreadsheet has been attached, select “Go to Submit” from the options at the bottom of the screen. This will bring up a “Confirmation Page.” The “Confirmation Page” will allow you to ensure that the file you uploaded is the appropriate file, and that you selected the appropriate “Project Group(s).” Once you have verified that the information is ready for submission, select “Submit Request.”
- l. Once the OMEGA application is submitted, it will be routed to the individual(s) within the LEA, who are authorized to approve OMEGA applications, and it will appear in the approvers’ OMEGA “To Do List.” The application must be approved by each LEA-level approver, who is required, before it will be submitted via OMEGA to VDOE for review. At a minimum, at the LEA level, the OMEGA application must be approved by the individual authorized to provide “Level 4” approval, typically the Superintendent or other authorized designee.

**NOTE:** A Webex training session, which will walk through the steps outlined above, is available online, and is entitled, “Finance - OMEGA - 2006 SPED Annual Plan, Part III Upload.” To access this training session, or other training sessions for OMEGA, go to <http://www.doe.virginia.gov/VDOE/omega/> and select the link for “Archived Webinar Sessions.” The videos are listed according to program area. Select “Finance.” The appropriate Webex training is the first listed under “Finance.”

- 4. Once the required financial data from Part III of this Annual Plan is submitted using OMEGA, each LEA should mail one original and one complete copy of all Annual Plan documents, including pages 15, and 29 from Part III to the following address:

Melissa C. P. Smith, Coordinator of Administrative Services

Office of Dispute Resolution and Administrative Services  
Virginia Department of Education  
P.O. Box 2120  
Richmond, Virginia 23218-2120

It is not necessary to submit a hardcopy of the Excel spreadsheet, which is submitted via OMEGA.

5. To ensure a timely approval process, the original and copy of the Annual Plan must be received by VDOE no later than **May 18, 2009**. Similarly, the OMEGA submission must receive “Level 4” approval at the LEA level no later than **May 18, 2009**.

**B. Local Policies and Procedures:**

Each LEA must provide assurances via their Annual Plan that their local policies and procedures are in compliance with the requirements of, and any revisions to, the IDEA '04, its federal implementing regulations, and Virginia's state special education regulations. However, LEAs are no longer required to submit copies of their local policies and procedures, or revisions to those policies and procedures, to VDOE for collection and review.

**C. Private School Set-Aside Requirements:**

The appropriate signature on page 5 of Part III of the 2009-2010 Annual Plan will provide assurance that each school division will comply with the 2006 federal IDEA implementing regulations regarding parentally-placed private school students, at 34 CFR §§ 300.129 to 300.144. Nonetheless, each school division must also maintain local records demonstrating its compliance, including the requirement to set aside a proportionate share of its Section 611 and Section 619 subgrant to provide services to this population. These local records are subject to review and public disclosure.

Upon notification of its grant award, each school division must calculate the proportionate share amounts from its 611 and 619 subgrants to be spent on parentally-placed private school students. These calculations should be completed in accordance with “Appendix B” of the of the 2006 federal IDEA implementing regulations, at page 46814. If set-aside funds received in accordance with the 2009-2010 Annual Plan are not spent by the end of the 2009-2010 fiscal year, any remaining funds must be obligated for one additional year to provide special education and related services to children with disabilities who are parentally placed in a private school, and may not be used for other purposes.

**D. Excess Costs and Maintenance of Effort Requirements:**

Each school division must also maintain local records demonstrating compliance with the Excess Costs, and Maintenance of Effort provisions of the 2006 federal IDEA implementing regulations. These local records are subject to review and public disclosure, including in the event of a financial audit, or if an applicable state complaint or due process action is filed. Each school division should use Appendix A of the federal IDEA implementing regulations, at page 46813, to complete its Excess Cost calculations. The federal mandates regarding Maintenance of Effort may be reviewed in the federal IDEA implementing regulations, at §§ 300.154(g)(2), and 300.203-300.205. The appropriate signature on page 5 of Part III of the 2009-2010 Annual Plan will provide assurance to VDOE of the school division's compliance with these requirements.

**E. Annual Plan Submission Tips:**

- All Annual Plan documents must include original signatures.
- It is not necessary to submit copies of forms, as they are not needed for VDOE’s review.
- It is not necessary to resubmit the pages of directions that are included in the 2009-2010 Annual Plan packet.
- Please do not bind or staple the Annual Plan documents, or place them in notebooks. As an alternative, rubber bands or binder clips may be used.
- Please do not submit double-sided copies of your Annual Plan. The plan must be separated and disseminated to several different reviewers upon arrival at VDOE.
- If you have any questions, please feel free to contact a VDOE staff member using the following information:

<b>Plan Section</b>	<b>Contact Person</b>	<b>Telephone</b>	<b>E-mail Address</b>
Part I, OMEGA submission, & General Questions	Melissa C. P. Smith	(804) 371-0524	<a href="mailto:Melissa.Smith@doe.virginia.gov">Melissa.Smith@doe.virginia.gov</a>
	Suzanne Creasey	(804) 225-2923	<a href="mailto:Suzanne.Creasey@doe.virginia.gov">Suzanne.Creasey@doe.virginia.gov</a>
Local Special Education Advisory Committee	Judy Hudgins	(804) 371-7421	<a href="mailto:Judy.Hudgins@doe.virginia.gov">Judy.Hudgins@doe.virginia.gov</a>
Special Education in Local and Regional Jail Programs	Jeff Phenicie	(804) 786-0308	<a href="mailto:Jeff.Phenicie@doe.virginia.gov">Jeff.Phenicie@doe.virginia.gov</a>
Report on the Implementation of the 2007-2008 Plan	Judy Douglas	(804) 225-2771	<a href="mailto:Judy.Douglas@doe.virginia.gov">Judy.Douglas@doe.virginia.gov</a>
611 Applications	Sherry Hubbard	(804) 225-2339	<a href="mailto:Sherry.Hubbard@doe.virginia.gov">Sherry.Hubbard@doe.virginia.gov</a>
619 Applications	Phyllis Mondak	(804) 225-2675	<a href="mailto:Phyllis.Mondak@doe.virginia.gov">Phyllis.Mondak@doe.virginia.gov</a>
	Cecil Overton	(804) 786-9153	<a href="mailto:Cecil.Overton@doe.virginia.gov">Cecil.Overton@doe.virginia.gov</a>
Coordinated Early Intervening Services	Susan Cumbia	(804) 371-2725	<a href="mailto:Susan.Cumbia@doe.virginia.gov">Susan.Cumbia@doe.virginia.gov</a>
OMEGA Support & OPI Form	James Cutler	(804) 371-0993	<a href="mailto:Omega.Support@doe.virginia.gov">Omega.Support@doe.virginia.gov</a>

## PART I

- Superintendent's Certification for School Divisions
- Policy Statements

**SUPERINTENDENT’S CERTIFICATION  
For Annual Plan Year 2009-2010**

For the purpose of implementing the provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA ‘04), I certify that throughout the period of the 2009-2010 grant award, \_\_\_\_\_ School Division will comply with all the requirements of Part B of IDEA ‘04, and its federal implementing regulations, dated October 13, 2006 and revised December 31, 2008, at 34 C.F.R. Part 300 *et al.*, including, but not limited to:

- (1) All of the eligibility requirements of Section 613 of IDEA ‘04;
- (2) Each of the requirements of IDEA ‘04 outlined in the Virginia Department of Education’s document dated November 2005, and entitled, “Required Modifications to Local Policies and Procedures;” and
- (3) Each of the requirements of the IDEA ‘04 federal implementing regulations, as outlined in the Virginia Department of Education’s “Addendum to Local Policies and Procedures,” dated 2007.

I certify that \_\_\_\_\_ School Division has developed local policies and procedures for the provision of special education and related services, which are kept current, and which ensure compliance with the requirements of, and any revisions to, the IDEA ‘04, its federal implementing regulations, and the Virginia Board of Education’s regulations, including those requirements outlined in the following two documents:

- The Virginia Department of Education’s document entitled, “Required Modifications to Local Policies and Procedures,” dated November 2005; and
- The Virginia Department of Education’s document entitled, “Addendum to Local Policies and Procedures,” dated 2007.

I certify that this 2009-2010 Annual Plan and any revisions to the school division’s local policies and procedures for the provision of special education and related services were developed in consultation with the local Special Education Advisory Committee and were approved by the School Board on \_\_\_\_\_ (Date).

Finally, I certify that all students, including those who may be placed in regional programs by this agency, are afforded all assurances as delineated in this document.

\_\_\_\_\_  
**Superintendent or Designee**

\_\_\_\_\_  
**Date**

## POLICY STATEMENTS

The \_\_\_\_\_ (LEA) assures that it has in effect policies, procedures, and programs, which comply with the federal IDEA implementing regulations, including 34 CFR §§ 300.201-300.213, and which are consistent with the policies and procedures that the Virginia Department of Education (VDOE) has established in accordance with IDEA '04, and its federal implementing regulations, including 34 CFR §§ 300.101–300.163, and 300.165–300.174, to ensure each of the following:

- A free appropriate public education will be available for each child with disabilities, ages two to 21, inclusive.
- A full educational opportunity goal is provided for all children with disabilities, from birth to age 21, inclusive, including appropriate career education, pre-vocational education, and vocational education.
- All children, ages two to 21, inclusive, residing in the LEA who have disabilities and need special education and related services, who have not been parentally-placed in a private or home school, are identified, located, evaluated, and placed in an appropriate educational program.
- An individualized education program will be maintained for each child with a disability, as required.
- To the maximum extent appropriate, children with disabilities will be educated with children who are nondisabled in the Least Restrictive Environment.
- Children with disabilities and their parents or guardians are guaranteed procedural safeguards in the process of identification, evaluation, educational placement, or the provision of a free appropriate public education, including the right to access dispute resolution options.
- Surrogate parents will be appointed, when appropriate, to act as advocates to serve the education interest of children, age two to 21, inclusive, who are suspected of being or are determined to be disabled.
- Testing and evaluative materials used for the purpose of classifying and placing children with disabilities are selected and administered so as not to be racially or culturally discriminatory.
- Program evaluation shall be conducted annually.
- The confidentiality of personally identifiable information, which is collected, maintained, or used under IDEA '04, shall be protected.
- Children with disabilities, who are participating in Part C early intervention programs, and who will be participating in Part B preschool programs, will experience a smooth and effective transition between the programs.

- All children, ages two to 21, inclusive, who have disabilities and need special education and related services, and who are parentally-placed in a private school or home school, which is located within the geographic boundaries of the LEA, are identified, located, evaluated and provided services, in accordance with the results of a timely and meaningful consultation process.
- Homeless children with disabilities will be served in accordance with the requirements of the McKinney-Vento Homeless Assistance Act.
- Special education and related service personnel, including paraprofessionals, are appropriately and adequately prepared and trained, and measurable steps will be taken to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities.
- Valid and reliable data is submitted to VDOE, as requested, including regarding the performance goals and indicators established by VDOE to determine the progress of children with disabilities, and the performance of the LEA toward targets outlined in Virginia’s State Performance Plan.
- Policies and procedures will be in effect which are designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.
- Children with disabilities are not required to obtain prescription medication as a condition of attending school, receiving an evaluation, or receiving special education and related services.
- Children with disabilities are given the right to participate in the State Assessment System.
- There will be on-going parent consultation.
- Funding will be used to develop and implement coordinated, early intervening educational services, as required.
- Children with disabilities who attend charter schools are provided services in the same manner as other children with disabilities, who attend public schools.
- Instructional materials will be provided to children with a visual impairment or other print disabilities in a timely manner.
- Efforts will be made to cooperate with the United States Department of Education (USED) to ensure the linkage of records pertaining to migratory children with disabilities.
- All documents relating to the LEA’s eligibility under IDEA will be made available to the public.

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**Superintendent or Designee/School Division**

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**Date**

## PART II

- Local Special Education Advisory Committee
- Special Education in Local and Regional Jails
- Report on the Implementation of the 2007-2008 Plan

## LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE

There shall be a local advisory committee for special education appointed by each local school board to advise the school board through the division superintendent. The composition of the committee shall include parents of children with disabilities and persons with disabilities.<sup>1</sup>

A. Membership.

Local school division personnel shall serve only as consultants to the committee.

B. The function of the local advisory committee shall be as follows:

1. Advise the local school division of unmet needs in the education of children with disabilities;
2. Assist the local school division in the formulation and development of plans for improving performance of children with disabilities specified in the Virginia Special Education Improvement Plan.
3. Participate in the development of priorities and strategies for meeting the identified needs of children with disabilities;
4. Submit periodic reports and recommendations regarding the education of children with disabilities to the division superintendent for transmission to the local school board;
5. Assist the local school division in interpreting plans to the community for meeting the special needs of children with disabilities for educational services; and
6. Review the policies and procedures for the provision of special education and related services prior to submission by the local school board and the Virginia Department of Education.

C. Public notice shall be published annually listing the names of committee members and including a description of ways in which interested parties may express their views to the committee.

D. Committee meetings shall be held at least quarterly and shall be open to the public.

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<sup>1</sup> See the Virginia Regulations, at 8 VAC 20-80-90 E.

**School Division**

**2008-2009 LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE (LAC)**

NAME	FULL MAILING ADDRESS AND ZIP CODE	AGENCY OR GROUP REPRESENTED
Chairperson:		
<b>Continue on next page as needed.</b>		

Date the LAC reviewed the 2009-2010 Annual Plan and Application \_\_\_\_/\_\_\_\_/\_\_\_\_

**NOTES:**

- School divisions are requested to notify the Virginia Department of Education at (804) 371-7421 if the person serving as the LAC chairperson changes.
- Local school division employees who regularly attend LAC meetings are not members of the committee and should only be listed as "consultants".
- All information submitted as part of the LEA's Annual Plan is subject to requests made in accordance with Virginia's Freedom of Information Act (Code of Virginia, at § 2.2-3700 *et al.*). Therefore, please consider each LAC member's preference regarding which address is reported.

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**School Division**

**2008-2009 LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE (LAC)**

<b>NAME</b>	<b>FULL MAILING ADDRESS AND ZIP CODE</b>	<b>AGENCY OR GROUP REPRESENTED</b>

**2009-2010 SPECIAL EDUCATION IN LOCAL AND REGIONAL JAILS**

Each local school division with a regional or local jail in its jurisdiction shall establish an interagency agreement with the sheriff or jail administrator responsible for the operation of the jail. The interagency agreement shall address staffing and security issues associated with the provision of special education and related services in the jail. It is suggested that you review your agreement annually.

**Interagency Agreement**

Name of Local or Regional Jail: \_\_\_\_\_

**Directions: Please check the appropriate response. Either yes or no must be checked for question 1.**

1. Is there a local or regional jail located within the geographic boundaries of your school division?

**Yes.** \_\_\_\_\_ Check and continue on to question 2.

**No.** \_\_\_\_\_ You have completed the special education in jails section of the annual plan.

2. Has the Interagency Agreement between your school division and the jail been revised since the submission of your most recent annual plan?

**Yes.** \_\_\_\_\_ Check and submit your revised Interagency Agreement with the 2009-2010 annual plan.

**No.** \_\_\_\_\_ Your existing Interagency Agreement will remain in effect until revisions are made. You do not need to submit it.

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**School Division**

**REPORT ON IMPLEMENTATION  
OF THE 2007-2008 ANNUAL PLAN**

Submit a report indicating the extent to which the annual plan for the 2007-2008 school year has been implemented (Code of Virginia § 22.1-215).

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The school division used Part B funds from the 2007-2008 grant award to implement coordinated early intervening services.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

IF YES:

Total Expenditures

\_\_\_\_\_

Total Number of Students Served

\_\_\_\_\_