

APPENDIX 2

Janice B. Christopher, Assistant Superintendent, Division of Pupil Services,
Monongalia County Schools, Letter, May 29, 2002

Monongalia County Schools

Dr. Janice B. Christopher
Assistant Superintendent
Division of Pupil Services
13 S. High Street
Morgantown, WV 26501

Telephone (304) 291-9210, Ext. 543
Fax (304) 296-1379

May 29, 2002

Mr. Marc Pentino
Civil Rights Analyst
Suite 500
624 Ninth Street, NW
Washington, DC 20425

Dear Mr. Pentino:

Please find attached Monongalia County Schools' responses to the draft report entitled "Civil Rights Issues in West Virginia." The responses are specific to allegations pertaining specifically to Monongalia County.

Should you have questions after reviewing the attached information, please don't hesitate to let us know.

Sincerely,



Janice B. Christopher, Ed.D.
Assistant Superintendent of Pupil Services

Cc: Dr. Michael J. Vetere, Superintendent
DeEdra Lundeen, Director of Special Education
Dan McGinnis, Manager of Human Resources

With regard to the allegation there are problems in employment and education as well as other discrimination faced by people with disabilities, no examples were given to substantiate the statement. Monongalia County practices nondiscrimination in the hiring process and can cite situations in which accommodations have been made for disabled persons. For example, a secretary whose medical disability prohibits her from driving a car has been given permission to adjust her work hours in order to be driven to work. There has not been a disability discrimination complaint called to administrators' attention that has not been responded to appropriately. Additionally, persons with disabilities are not excluded from employment opportunities if they meet the qualifications for a given job.

With regard to the allegation that Monongalia County fails to recruit and hire significant numbers of minority professionals, resulting in a lack of minority role models for students, it should be noted Monongalia County Schools has always been an equal opportunity employer and has sought minority employees for many years. Even though there are a very limited number of minority applicants seeking positions in our school system, progress has been made. The WV Advisory Committee Draft indicates that only six (6) of the 1,281 full-time school employees were minority at the time of the hearings; however, at the present time the number of minority staff has doubled to a total of twelve (12). Nine (9) African Americans and three (3) Hispanics are full-time employees; eight (8) of the minority staff are professional and four (4) are service personnel. During the past recruiting year, administrative staff recruited at nine colleges and universities, however, only two minority persons expressed interest in employment

with Monongalia County Schools. During the recruiting visitation, the participating administrators observed that minority applicants were more interested in interviewing with large urban school systems and showed a lack of interest in smaller towns and communities. During the 2002-03 recruiting process, Monongalia County Schools will continue to seek minority applicants and will visit a minimum of three colleges and/or universities with predominantly minority populations.

With regard to **Chapter 3, point 2, "Barriers to educational opportunities for people with disabilities,"** Monongalia County Schools provides the following clarifications: Mr. Martin, a plaintiff's attorney not licensed to practice law in West Virginia, offered testimony "citing" a 1998 West Virginia Department of Education (WVDE) – Office of Special Education report on Monongalia County Schools' compliance with the Individuals with Disabilities Education Act (IDEA.) It should be noted that Mr. Martin's "citations" were either out of context or did not provide the full picture as noted in the monitoring report.

Specifically, **with regard to the allegation that Monongalia County Schools "failed to hire qualified special education teachers,"** it should be noted that although certification issues were present for the 35 teachers discussed in the monitoring report, only 2 were teaching on an out-of-field- authorization. The other 33 teachers were in the process of completing the appropriate paperwork to ensure that their certificates/permits were current. As of this date, Monongalia County Schools' special education department, in tandem with the personnel department, has developed an ongoing tracking procedure to

ensure all new and tenured personnel are appropriately certified/permitted at the beginning of each school year. Enclosed please find a redacted copy of said tracking report. Mr. Martin also indicated "Monongalia County Schools does not attempt to comply with certification requirements." This statement is without merit and is simply untrue. See above.

With regard to the allegation that Monongalia County Schools "failed to develop IEPs," it should be noted that WVDE randomly pulled only 50 IEPs for review; this reflects approximately 2 percent (2%) of the total number of current IEPs in Monongalia County. Although there were certainly human errors of note, Monongalia County Schools has and will continue to provide staff development to all administrators and special educators that encompasses the purpose and appropriate methods to ensure compliance with regulations that govern IEPs. Also, as of this date, Monongalia County Schools has a process in place to ensure IEPs are written appropriately; county-level special education coordinators randomly review all IEPs to ensure compliance with IDEA regulations. Enclosed please find a copy of the checklist used when staff monitors IEPs for compliance.

With regard to the allegation that Monongalia County Schools "failed to collect required data," it should be noted that WVDE randomly reviewed as few as 10 teacher class lists. This is approximately seven percent (7 %) of the total special education teacher class lists. As stated above, human error can cause class lists to be skewed. As of this date, Monongalia County Schools periodically (at least quarterly) double-checks

the accuracy of teacher class lists via WVEIS printout. Enclosed please find a redacted sample of a teacher class list that would be sent to the school for review and revision, if needed. This process ensures, to the extent possible, the accuracy of teacher class lists.

With regard to extended school year (ESY) data collection by teachers, it should be noted that Monongalia County Schools' special educators have always been provided staff development that encompasses how to collect appropriate data for the determination of ESY. It should also be noted that special educators have consistently collected data for ESY. However, in 1997/98, just after the reauthorization of IDEA, Monongalia County Schools had no centralized method of ESY data collection. As of this date, Monongalia County Schools uses the enclosed forms for the collection and reporting of extended school year data.

With regard to the allegation that Monongalia County Schools "failed to eliminate segregated classrooms," this statement is simply untrue. Monongalia County Schools has, within the physical constraints of each school facility, eliminated all segregated classrooms. Monongalia has and will continue to provide a very inclusive atmosphere to all special needs students in all schools. The Monongalia County Board of Education attempted to pass an 80 million dollar bond in November 1998 specifically for upgrading and/or building new facilities. This, of course, included ensuring compliance with the Harris vs. Marockie ruling at each school in Monongalia County. Although this bond failed, the Board of Education is in the process of attempting to pass another bond in the fall, 2002. A copy of the 1998 Monongalia County Schools Master Facilities Plan and

bond election results is available for OCR's review upon request during regular business hours.

With regard to the allegation that the submission of written plans for correcting the violations indicated in the WVDE's 1998 monitoring report "would not be enough, in light of the county's record of failing to comply with the 1991 court order and with other corrective actions ordered by state and federal authorities," this is, again, untrue. Enclosed please find a copy of the corrective actions submitted by Monongalia County Schools to WVDE. To date, all corrective actions have been completed and/or are on-going.

Mr. Martin's statement that "a pattern of consistently ignoring special education students exists in Monongalia County" is unfounded, lacks merit and is untrue.

Monongalia County Schools has and continues to provide a continuum of quality special education and related services to identified special needs students in our public schools. The Office of Civil Rights has an open invitation to visit our schools, including our alternative learning center (ALC) and behavior intervention classrooms (BIC) to review the fine programs and services we provide for all of our exceptional students.

With regard to the allegation that criminal background checks were not done for all persons before employment and that one specific citation suggests a lower employment standard for personnel who serve disabled students, it is important to note there may have been human oversight regarding a particular individual but it seems

very inappropriate to conclude that this had anything to do with the fact that this person would be working with disabled children. Monongalia County Schools does have a procedure in place for making sure that all employees have a criminal background check before being recommended to the Board of Education for employment. In fact, since January 1, 2002, WV Code requires that all new prospective staff undergo two levels of fingerprinting and criminal background checks—State and National.

With regard to the allegation that “County officials have not been forthcoming with documents they are required to make public, this is, again, untrue. Specifically, it is Monongalia County Schools’ understanding that, in compliance with the Office of Civil Rights’ rulings, all documents, including job postings, which are for public review, must include a nondiscrimination clause. Enclosed please find a copy of a letter from Dr. Janice Christopher, requiring such inserts into publication as well as a copy of the current nondiscrimination clause place in all publications.

Mr. Martin also alleges that the “Monongalia County School Board withholds its plan for the use of IDEA funds.” Again, this is simply untrue. At no time has review of any public document been refused by the Board of Education. With regard to the Special Education IDEA Entitlement Funds Grant, enclosed please find a copy of the annual publication of the invitation to any citizen to review this plan. Also, please know that this document, in final form as approved by the WVDE, is always on file in the Monongalia County Schools’ Office of Special Education and can be accessed by anyone

who would like to review it by making an appointment for that review during regular business hours.

With regard to the allegation that there is a climate of hostility and insensitivity to students with disabilities and their parents, and, more specifically, that "when a parent asks about something, they are not responded to, but are attacked", please know that Monongalia County Schools staff works diligently and respectfully with all parents of exceptional students in our public schools. Unfortunately, on rare occasions parents do interpret disagreement between themselves and the school district as insensitivity to their desires/concerns. During the 2001/02 school year, parents of exceptional children in Monongalia County have filed only one state complaint; parents of exceptional children in Monongalia County have filed no OCR or civil suits. Monongalia County Schools works cooperatively in a "give and take" relationship with the parents of exceptional students, to the extent that the parent is willing to be a cooperative partner in the process. To foster a cooperative atmosphere with parents, Monongalia County Schools has developed a "Handbook for Parents of Exceptional Students," provided to them on request or simultaneous to requesting permission to initially evaluate their child. This handbook provides the parent with information so they can become knowledgeable partners with Monongalia County Schools to provide a free, appropriate, public education to their identified special needs child. Please find included in the attached information a copy of the Handbook.

With regard to the allegation that the Monongalia County School Board "can and sometimes does refuse to continue dealing with the parent as advocate for the disabled young person," this statement is, again, untrue. Monongalia County Schools is required by IDEA regulations to inform a student who will be reaching majority (turning eighteen [18] years old) prior to the next Individualized Education Program (IEP) meeting that all rights regarding his/her decision making with respect to his/her education will be imparted to him/her upon his/her eighteenth (18th) birthday. It is Monongalia County Schools practice to adhere to these regulations. Enclosed please find a copy of the brochure Monongalia County Schools provides to identified special needs students to inform them of the transfer of rights upon age of majority. At no time does Monongalia County Schools refuse to deal with the parent as the child's advocate. On the contrary, Monongalia County schools **always** continues to invite and encourage parents to be a part of the student's IEP team meetings unless specifically requested by the student who has reached majority not to include the parent.

With regard to the allegation that Monongalia County School Board disregards people with disabilities by having county personnel "housed upstairs in a building that is inaccessible to people with mobility impairment...", again, is simply untrue. The Monongalia County Schools' central office building is accessible to persons with mobility impairment. Specifically, there are designated handicapped parking spaces outside an accessible doorway. The boardroom and bathroom on the first floor are handicapped accessible. Any persons housed on the second or third floor that need to meet with a mobility-impaired person simply meets that person on the first, accessible

floor. For example, the West Virginia Education Association's representative assigned to represent all of Monongalia County Schools' WVEA members is, himself, mobility impaired. Accommodations are made for him each time he comes into the central office, which is often, with no problem at all.

With regard to the allegation that deaf children may suffer from isolation in mainstream classrooms, Monongalia County Schools agrees. By the very nature of the disability, hearing impaired and deaf children are isolated from their teachers and peers because they cannot communicate effectively. However, Monongalia County Schools provides, to the extent possible and appropriate, an inclusionary program for all hearing impaired and deaf students. Specifically, all hearing impaired and deaf students are provided some, if not all, of their instruction with non-identified, age appropriate peers. This follows with the IDEA's premise of least restrictive environment. Interpreters are used as deemed appropriate by each individual student's IEP. Monongalia County Schools disagrees with the statement that the West Virginia School for the Deaf in Romney, West Virginia provides "accessible instruction." The West Virginia School for the Deaf is a residential facility for deaf students; it does not accept/teach age appropriate hearing peers. Therefore, again based on the IDEA's premise of least restrictive environment, an inclusive regular education placement with an interpreter in Monongalia County Schools is less restrictive than a residential placement with no interpreter at Romney.

With regard to the allegation that only three of ten interpreters in Monongalia County Schools are certified, this is untrue. First, Monongalia County Schools has never had more than 4 interpreters working simultaneously during any one school year. Currently, Monongalia County Schools has 3 interpreters working with deaf children; one interpreter is herself deaf, one teaches/taught American Sign Language at Fairmont State College, and one is the child of deaf parents. Although Monongalia County Schools agrees that there are not enough quality, knowledgeable interpreters in West Virginia, Monongalia County Schools is fortunate to employ quality, proficient interpreters.

With regard to the statement that there is a demand among hearing students in elementary-secondary schools to learn ASL as a foreign language, but the public schools do not offer it, Monongalia County Schools agrees in the first part and disagrees in the second. Monongalia County Schools has long acknowledged the fact that many students in all grade levels are interested in American Sign Language. Therefore, from 1990 - 1999 Monongalia County Schools taught American Sign Language as a credit-generating elective in foreign language. Monongalia County Schools has also taught ASL through curricular and extra-curricular thematic units. Monongalia County Schools values teaching ASL for more than simply generating possible interpreters; we believe it is a way to build a bridge of understanding and communication between the deaf and their hearing peers that will last a lifetime.

Finally, with regard to allegations of favoritism and nepotism in the hiring process, please know that Monongalia County Schools follows all state personnel laws which

provide significant safeguards to prevent the very allegation made at the hearing. Our question about this allegation is whether there is evidence that a minority applicant was indeed denied a job as a result of nepotism or was this simply an accusation based on hearsay or malicious intent. The Monongalia County school district takes pride in the quality of its staff; we know such staff contributes significantly to the excellence of our school system (see attached newspaper article dated 5/19/02); therefore, you can be sure applicants are selected for employment based on characteristics which will enhance the overall strength of the school system, not on nepotism and favoritism.