

**OKLAHOMA STATE DEPARTMENT OF EDUCATION
SANDY GARRETT
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Boise City Public School District

TEAM MEMBERS:

Lydia Vaquera	Coordinator, OSDE-SES
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COUNTY:

Cimarron

DATE OF REVIEW

September 22, 2009

I. INTRODUCTION:

Local educational agencies (LEAs) must adopt policies and procedures consistent with State and federal requirements and are responsible for implementing programs that comply with the Individuals with Disabilities Education Act (IDEA) Part B. General supervision of LEAs is carried out at the state level. The Oklahoma State Department of Education (OSDE), Special Education Services (SES) conducted an on-site compliance review on September 22, 2009.

Boise City Public School District is an independent district serving 40 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Boise City Public School District employed one special education teacher who has certification in one or more of the following area(s): blind/visual impairment, learning disability, mentally handicapped, multiple disabilities, other health impairment, and traumatic brain injury. The district has a contract for services in the area of speech language pathology.

II. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENT:

1) Area of Noncompliance: Parent Notice/Consent for Evaluation

IDEA Part B Requirements

34 CFR § 300.300 Parental consent.

OSDE Findings:

Based on one of 11 files reviewed, the Parent Notice/Consent for Evaluation, OSDE Draft Form 4, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Boise City Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that parents are fully informed of all information relevant to the evaluation components for which consent is sought. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

2) Area of Noncompliance: Evaluation and Reevaluation

IDEA Part B Requirements

34 CFR § 300.303 Reevaluations.

34 CFR § 300.304 Evaluation procedures.

34 CFR § 300.305 Additional requirements for evaluations and reevaluations.

OSDE Findings:

Based on one of 11 files reviewed, the Review of Existing Data (RED), OSDE Draft Form 3, could not be located. Based on two of 11 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Draft Form 5, team signatures were incomplete. Based on five of 11 files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. Based on one of 11 files reviewed, the MEEGS, OSDE Draft Form 5, could not be located. Based on two of 11 files reviewed, reevaluations were not appropriately documented.

Improvements Required:

Within 30 days of the receipt of this report, Boise City Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will provide students with evaluations/reevaluations in accordance with the above federal regulations. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

Within 60 days of the receipt of this report, the Individualized Education Program (IEP) team(s) for the student(s) identified during the OSDE-SES review with evaluations/reevaluations that were missing or not appropriately documented will convene a meeting to ensure that the students receive an evaluation/reevaluation in accordance with the above federal regulations. Submit documentation to verify this action (i.e., RED, OSDE Draft Form 3; Parent Notice/Consent for Evaluation, OSDE Draft Form 4; MEEGS, OSDE Draft Form 5; Notification of Meeting, OSDE Draft Form 6; and Prior Written Notice to Parents, OSDE Draft Form 8).

Within 60 days of the receipt of this report, Boise City Public School District will provide instruction and guidance to district special education personnel regarding proper evaluation/reevaluation procedures, timelines, and utilization of the RED, OSDE Draft Form 3; Parent Notice/Consent for Evaluation, OSDE Draft Form 4; MEEGS, OSDE Draft Form 5; Notification of Meeting, OSDE Draft Form 6; and Prior Written Notice to Parents, OSDE Draft Form 8, in accordance with the above federal regulations. This activity shall be scheduled and confirmed with the OSDE-SES. Submit documentation to verify this action (i.e., memo announcement(s), meeting agenda(s), meeting date(s), verification of attendance [sign-in sheets]).

3) Area of Noncompliance: IEP or IEP Review Timelines

IDEA Part B Requirements

34 CFR § 300.323 When IEPs must be in effect.

34 CFR § 300.324 Development, review, and revision of IEP.

OSDE Findings:

Based on two of 11 files reviewed, an IEP, OSDE Draft Form 7, was not conducted on or before the anniversary date of the IEP.

Improvements Required:

Within 30 days of the receipt of this report, Boise City Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that IEPs are reviewed and revised in accordance with the above federal regulations. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

Within 60 days of the receipt of this report, Boise City Public School District will provide instruction and guidance to district special education personnel on required IEP procedures, and timelines in accordance with the above federal regulations. This activity shall be scheduled and confirmed with the OSDE-SES. Submit documentation to verify this action (i.e., memo announcement(s), meeting agenda(s), meeting date(s), verification of attendance [sign-in sheets]).

4) Area of Noncompliance: IEP Components

IDEA Part B Requirements

34 CFR § 300.43 Transition services.

34 CFR § 300.114 LRE requirements.

34 CFR § 300.320 Definition of individualized education program.

34 CFR § 300.324 Development, review, and revision of IEP.

OSDE Findings:

Based on file reviews, IEP components were missing and/or inappropriate in one or more of the following areas:

- a) present levels of performance; (three of 11 files)
- b) measurable annual goals; (two of 11 files)
- c) benchmarks and/or short term objectives; (one of 11 files)
- d) documentation of progress toward current annual goals; (six of 11 files)
- e) type of service(s); (three of 11 files)
- f) continuum of placement (LRE continuum); (six of 11 files)
- g) amount/time/frequency of services; (one of 11 files)
- h) position/person responsible; (one of 11 files)
- i) extent of nonparticipation in general education curriculum or age appropriate activities; (four of 11 files)
- j) amount of time in general education setting; (one of 11 files)
- k) transition services, transition assessment results; (one of 11 files)
- l) transition services, postsecondary goal(s); (one of 11 files)
- m) transition services, goals and coordinated activities; (two of 11 files)
- n) participation in alternate assessment; (one of 11 files)
- o) team participant signatures; (four of 11 files)

Improvements Required:

Within 30 days of the receipt of this report, Boise City Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that IEPs are developed in accordance with the above federal regulations. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

Within 60 days of the receipt of this report, the IEP team for the student(s) identified during the OSDE-SES review with components of the IEP found to be in noncompliance shall convene a meeting to ensure that the student's IEP reflect compliance with the above federal regulations. Submit documentation to verify this action (i.e., Notification of Meeting, OSDE Draft Form 6; IEP, OSDE Draft Form 7; Prior Written Notice to Parents, OSDE Draft Form 8).

Within 60 days of the receipt of this report, Boise City Public School District will provide instruction and guidance to district special education personnel on proper completion of the IEP utilizing the Policies and Procedures for Special Education in Oklahoma, 2007. This activity shall be scheduled and confirmed with the OSDE-SES. Submit documentation to verify this action (i.e., memo announcement(s), meeting agenda(s), meeting date(s), verification of attendance [sign-in sheets]).

5) Area of Noncompliance: Extended School Year (ESY)

IDEA Part B Requirements

34 CFR § 300.106 Extended school year services.

OSDE Findings:

Based on three of 11 files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided. Based on one of 11 files reviewed, documentation that the team considered the least restrictive environment could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Boise city Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that ESY services are developed and provided in accordance with the above federal regulation. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

6) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

- 34 CFR § 300.106 Extended school year services.
- 34 CFR § 300.111 Child find.
- 34 CFR § 300.123 Confidentiality of personally identifiable information.
- 34 CFR § 300.151 Adoption of state complaint procedures.
- 34 CFR § 300.152 Minimum state complaint procedures.
- 34 CFR § 300.153 Filing a complaint.
- 34 CFR § 300.160 Participation in assessments.
- 34 CFR § 300.502 Independent educational evaluation.
- 34 CFR § 300.612 Notice to parents.
- 34 CFR § 300.616 List of types and locations of information.
- 34 CFR § 300.617 Fees.
- 34 CFR § 300.618 Amendment of records at parent's request.
- 34 CFR § 300.619 Opportunity for a hearing.
- 34 CFR § 300.620 Result of hearing.
- 34 CFR § 300.621 Hearing procedures.
- 34 CFR § 300.622 Consent.
- 34 CFR § 300.623 Safeguards.

Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

Based on file reviews, the following administrative records were missing and/or could not be located at the time of the review:

- a) Documentation of two public awareness activities from ongoing/periodic activities, regarding child identification, location, and evaluation;
- b) Documentation that geographic, cultural, and language diversity factors in the local community are considered in selecting for selection and use of suitable, effective methods/activities to inform the public of the local child identification process;
- c) Documentation on how the district ensures that parents have been fully informed about the child find requirements;
- d) Documentation of the district's procedure for screening, referral, and comprehensive evaluations;
- e) Documentation on how the district protects confidentiality of information;
- f) Documentation on maintaining, for public inspection, a current listing of the names and positions of those persons in the district who may have access to personally identifiable information;
- g) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- h) Documentation of how the district trains/instructs all individuals collecting or using confidential information;
- i) Documentation that the district maintains records for five years;
- j) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- k) Documentation describing the Family Educational Rights and Privacy Act (FERPA) requirements;
- l) Documentation describing the district's hearing procedures;
- m) Documentation describing how the district ensures parents and eligible students currently in attendance have been informed annually in their native language of their rights under the FERPA;
- n) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;

- o) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- p) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint;
- q) Documentation of the district's guidelines for the participation of children with disabilities in districtwide assessments with appropriate accommodations and modifications in administration, if necessary;
- r) Documentation of the district's guidelines for participation of children with disabilities in alternate assessments for those children who cannot participate, even with appropriate accommodations and modifications, in standard districtwide assessment programs; and
- s) Documentation of the district's extended school year policy.

Improvements Required:

Within 60 days from the receipt of this report, Boise City Public School District will develop, implement, and submit the required administrative policies in accordance with the above State and federal requirements.

III. ASSURANCE STATEMENT:

Assurance Statement with superintendent's signature required.

Within 30 days of the receipt of this report, submit a signed, written assurance that the improvements described in this report will be or have been implemented to remedy the identified compliance deficiencies.

Content: *"This district shall develop and implement improvements for areas of noncompliance in order to comply with State and federal laws and regulations. Improvements and remedies will include 'technical assistance and training' necessary to assist teachers and administrators of the district in their efforts to implement a free appropriate public education (FAPE) in the least restrictive environment, with parent participation, and in accordance with procedural safeguards under IDEA Part B."*

IV. OTHER INFORMATION:

Subsequent monitoring activities may be initiated as necessary to ensure the LEA's compliance is consistent with policies, procedures, and regulations and in accordance with the state educational agency's responsibilities required by 34 CFR § 300.149.

Under the Open Records Act, it may be necessary for the LEA or the OSDE to provide access to this public document upon request. In the event that the OSDE receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could constitute an unwarranted invasion of privacy and confidentiality.

In accordance with 34 CFR § 300.212, Public Information, the LEA will make such public documents, relating to the eligibility of the agency under IDEA Part B, available to the parents of children with disabilities and to the general public, as necessary.