

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Dibble Public School District

**TEAM MEMBERS:**

Keisha King	Coordinator, OSDE-SES
Megan Majka	Coordinator, OSDE-SES
Karie Crews-St.Yves	Coordinator, OSDE-SES

**COUNTY:**

McClain

**DATE OF REVIEW:**

October 19, 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 concern-specific compliance review on October 19, 2009. The OSDE-SES reviewed the following area(s): Individualized Education Program (IEP) accountability and confidentiality. The compliance review consisted of student file reviews, personnel and parent interviews, student tracking, and administrative record reviews.

Dibble Public School District is an independent school district serving 99 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Dibble Public School District employed four special education teachers who have certification in one or more of the following area(s): autism, mentally handicapped, mild/moderate disabilities, other health impairment, severe/profound/multiple disabilities, speech language pathologist, and traumatic brain injury.

During the on-site visit, the OSDE-SES staff made observations and conducted personnel interviews with staff. Staff interviews revealed the following:

- Regular education teachers are not notified of IEP meetings in a timely manner and only attend at parent's request;
- The required IEP team participants often serve more than one role as part of the IEP team; and
- Program modifications are not being implemented as written in the IEP.

Additionally, the OSDE-SES staff conducted telephone interviews with parents/guardians of children who are currently receiving special education services at Dibble Public School District. The parents/guardians interviews revealed the following:

- Program modifications are not being implemented as written in the IEP;
- Parental input is not taken into consideration when making decisions during the IEP meetings;
- Required team members are not always in attendance at annual IEP meetings;
- Parents are not regularly informed of their child's progress toward current IEP goals.

## II. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENT:

### 1) Area of Noncompliance: Notification of Meeting

#### IDEA Part B Requirements

34 CFR § 300.321 IEP Team.

34 CFR § 300.322 Parent participation.

#### OSDE Findings:

Based on two of ten files reviewed, a Notification of Meeting, OSDE Draft Form 6, could not be located. Based on one of ten files reviewed, the Notification of Meeting, OSDE Draft Form 6, did not include the invitation of the student.

#### Improvements Required:

Within 30 days of the receipt of this report, Dibble Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that the Notification of Meeting, OSDE Draft Form 6, is utilized 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, Dibble Public School District will provide instruction and guidance to district special education personnel regarding the completion of the Notification of Meeting, OSDE Draft Form 6, 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]).

### 2) Area of Noncompliance: IEP 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 three of ten files reviewed, an IEP, OSDE Draft Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of ten files reviewed, an IEP, OSDE Draft Form 7, could not be located.

#### Improvements Required:

Within 30 days of the receipt of this report, Dibble 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, Dibble 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]).

### 3) Area of Noncompliance: IEP Components

#### IDEA Part B 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) benchmarks and/or short term objectives; (one of ten files)
- b) documentation of progress toward current annual goals; (one of ten files)
- c) team participant signatures; (one of ten files)

**Improvements Required:**

Within 30 days of the receipt of this report, Dibble 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, Dibble 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]).

**4) Area of Noncompliance: Teacher Certification**

**IDEA Part B Requirements**

34 CFR § 300.156 Personnel qualifications.

Policies and Procedures for Special Education in Oklahoma, 2007

**OSDE Findings:**

Based on a review of teacher certification submitted by Dibble Public School District, Ms. Shari Cullins did not hold a valid teaching certificate in the areas of visual impairment. At the time of review, Ms. Cullins had at least one student categorized as having a visual impairment on her caseload.

**Improvements Required:**

Within 30 days of the receipt of this report, Dibble 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, reviewed, and revised by at least one properly qualified special education teacher. This improvement 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 teacher certification 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).

**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. This assurance shall be in addition to assurance required by 34 CFR §§ 300.201 and 300.211.

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 state education agency 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.