

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Indianola Public School District

**TEAM MEMBERS:**

|              |                       |
|--------------|-----------------------|
| Tammy Lawson | Coordinator, OSDE-SES |
| Keisha King  | Coordinator, OSDE-SES |
| Megan Majka  | Coordinator, OSDE-SES |

**COUNTY:**

Pittsburg

**DATE OF REVIEW**

December 10, 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 December 10, 2009.

Indianola Public School District is an independent district serving 54 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Indianola Public School District employed three special education teachers who have certification in one or more of the following area(s): autism, deaf/blindness, hearing impaired, mild/moderate disabilities, multiple disabilities, other health impairment, severe/profound/multiple disabilities, speech pathologist and traumatic brain injury.

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

**1) 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 two of ten files reviewed, the Review of Existing Data (RED), OSDE Draft Form 3, could not be located. Based on one of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Draft Form 5, team signatures were incomplete. Based on two of ten files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. Based on one of ten files reviewed, reevaluations were completed past the three-year timeline. Based on three of ten files reviewed, reevaluations were not appropriately documented. Based on one of ten files reviewed, reevaluations could not be located.

**Improvements Required:**

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

## **2) 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 four of ten files reviewed, the Notification of Meeting, OSDE Draft Form 6, could not be located. Based on one of ten files reviewed, a Notification of Meeting, OSDE Draft Form 6, did not adequately address the purpose of the meeting.

### **Improvements Required:**

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

## **3) 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 seven of ten 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, Indianola 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, Indianola 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; (one of ten files)
- b) strengths (including anticipated effects) and educational needs; (two of ten files)
- c) consideration of special factors; (two of ten files)
- d) parent concerns; (two of ten files)
- e) measurable annual goals; (five of ten files)
- f) benchmarks and/or short term objectives; (one of ten files)
- g) measures for progress in annual goals; (two of ten files)
- h) methods of informing parents of progress toward annual goals; (five of ten files)
- i) frequency of reporting to parent; (three of ten files)
- j) documentation of progress toward current annual goals; (four of ten files)
- k) extent of progress toward previous annual goals; (four of ten files)
- l) type of service(s); (three of ten files)
- m) continuum of placement (LRE continuum); (seven of ten files)
- n) amount/time/frequency of services; (one of ten files)
- o) projected starting and expected duration times; (one of ten files)
- p) extent of nonparticipation in general education curriculum or age appropriate activities; (five of ten files)
- q) amount of time in general education setting; (one of ten files)
- r) instructional day the same length as nondisabled peers; (one of ten files)
- s) supplementary aids and services, program modifications, supports for personnel; (one of ten files)
- t) transition services, postsecondary goal(s); (one of ten files)
- u) participation in alternate assessment; (five of ten files)
- v) consideration of extended school year (ESY) services; (two of ten files)
- w) LRE, potential harmful effects; (one of ten files)
- x) LRE, removal from general education environment; (one of ten files)
- y) parent rights/translation/interpretation; (one of ten files)

##### **Improvements Required:**

Within 30 days of the receipt of this report, Indianola 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, Indianola 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: Administrative Records**

##### **IDEA Part B Requirements**

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 § 300.616 List of types and locations of information.

34 CFR § 300.619 Opportunity for a hearing.

34 CFR § 300.620 Result of hearing.

34 CFR § 300.621 Hearing procedures.

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 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;
- b) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- c) Documentation describing the district's hearing procedures;
- d) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- e) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint;
- f) 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; and
- g) 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.

##### **Improvements Required:**

Within 60 days from the receipt of this report, Indianola 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.