

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Kildare Public School District

**TEAM MEMBERS:**

|                     |                       |
|---------------------|-----------------------|
| Lydia Vaquera       | Coordinator, OSDE-SES |
| Tammy Lawson        | Coordinator, OSDE-SES |
| Christie Stephenson | Coordinator, OSDE-SES |

**COUNTY:**

Kay

**DATE OF REVIEW**

October 20, 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 October 20, 2009.

Kildare Public School District is a dependent district serving 13 children with disabilities, ages three through 12, as reported on their October 2008, Child Count Report. At the time of the review, Kildare Public School District employed one special education teacher who has certification in one or more of the following area(s): blind/visual impairment, mild/moderate disabilities, and severe/profound/multiple disabilities. 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: Record of Parent Contact**

**IDEA Part B Requirements**

34 CFR § 300.322 Parent participation.

**OSDE Findings:**

Based on four of eight files reviewed, the Record of Parent Contact, OSDE Draft Form 2, could not be located or the LEA did not have current documentation of its attempts to arrange meetings, results of telephone calls, copies of correspondence, or detailed records of visits.

**Improvements Required:**

Within 30 days of the receipt of this report, Kildare Public School District will develop, implement, and submit a written improvement plan. This plan will demonstrate how the district will document parent contact in the future. 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: Parent Notice/Consent for Evaluation**

**IDEA Part B Requirements**

34 CFR § 300.300 Parental consent.

**OSDE Findings:**

Based on one of eight 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, Kildare 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.

**3) 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 three of eight files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Draft Form 5, components were not appropriately documented. Based on one of eight files reviewed, the MEEGS, OSDE Draft Form 5, could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Kildare 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., Review of Existing Data (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, Kildare 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]).

**4) Area of Noncompliance: IEP Components**

**IDEA Part B Requirements**

- 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) type of service(s); (five of eight files)
- b) continuum of placement (LRE continuum); (five of eight files)
- c) related services; (one of eight files)
- d) amount/time/frequency of services; (one of eight files)

- e) position/person responsible; (three of eight files)
- f) extent of nonparticipation in general education curriculum or age appropriate activities; (two of eight files)
- g) amount of time in general education setting; (one of eight files)
- h) regular physical education (PE), adapted PE, NA; (one of eight files)
- i) participation in state/districtwide assessment; (one of eight files)
- j) LRE, options considered and reasons; (two of eight files)
- k) LRE, potential harmful effects; (two of eight files)
- l) LRE, removal from general education environment; (four of eight files)

**Improvements Required:**

Within 30 days of the receipt of this report, Kildare 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, Kildare 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: Special Education Paraprofessional Registry**

**IDEA Part B Requirements:**

34 CFR § 300.156 Personnel qualifications.

Policies and Procedures for Special Education in Oklahoma, 2007

**OSDE Findings:**

Based on review of Special Education Paraprofessional verification submitted by Kildare Public School District, Ms. Dee Wooten, Ms. Jenae Stephens, Ms. Bobbi Appel, and Ms. Jessika Miller, did not have documentation of satisfactory completion, demonstration of competencies (i.e., completion of nine modules), and/or other required components (i.e., standard high school diploma or General Education Development (GED), current First Aid and CPR training, completion of six hours of personnel development and Universal Precautions/Bloodborne Pathogens training annually) necessary to work as a Special Education Paraprofessional for children with disabilities.

**Improvement Required:**

Within 30 days of the receipt of this report, Kildare Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that Special Education Paraprofessionals are appropriately and adequately prepared and trained to serve children with disabilities. This improvement shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

Within 60 days from the receipt of this report, Kildare Public School District will submit documentation verifying that the district's Special Education Paraprofessionals identified through the OSDE-SES compliance review have completed all requirements in order to gain registry status with the OSDE-SES.

### **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.