

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Lone Star Public School District

TEAM MEMBERS:

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

COUNTY:

Creek

DATE OF REVIEW

October 23, 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 23, 2009.

Lone Star Public School District is a dependent district serving 65 children with disabilities, ages three through 14, as reported on their October 2008, Child Count Report. At the time of the review, Lone Star Public School District employed four special education teachers who have certification in one or more of the following area(s): learning disability, mentally handicapped, mild/moderate disabilities, and speech language pathologist.

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 one of ten 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, Lone Star Public School District will develop, implement, and submit a written improvement plan. This plan shall 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: 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 ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Draft Form 5, for initial evaluation was not completed within the 45 school day timeline.

Based on four of ten files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. Based on one of ten files reviewed, reevaluations were not appropriately documented.

Improvements Required:

Within 30 days of the receipt of this report, Lone Star 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., 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, Lone Star 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: Notification of Meeting

IDEA Part B Requirements

34 CFR § 300.321 IEP Team.

34 CFR § 300.322 Parent participation.

OSDE Findings:

Based on one of ten files reviewed, a Notification of Meeting, OSDE Draft Form 6, could not be located.

Improvements Required:

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

4) 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 one of ten files reviewed, a current IEP, OSDE Draft Form 7, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Lone Star 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, the IEP team for the student(s) identified during the OSDE-SES review with a current IEP that could not be located shall convene a meeting to ensure that the student’s IEP has been developed and 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, Lone Star 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]).

5) Area of Noncompliance: Prior Written Notice to Parents

IDEA Part B Requirements

34 CFR § 300.503 Prior notice by the public agency; content of notice.

OSDE Findings:

Based on one of ten files reviewed, Prior Written Notice to Parents, OSDE Draft Form 8, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Lone Star Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that parents of a child with a disability are notified a reasonable time before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of Free Appropriate Public Education (FAPE) to the child; 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.

Within 60 days of the receipt of this report, Lone Star Public School District will provide instruction and guidance to district special education personnel on proper utilization of the Prior Written Notice to Parents, OSDE Draft Form 8. 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]).

6) Area of Noncompliance: IEP Components

IDEA Part B Requirements

- 34 CFR § 300.114 LRE requirements.
- 34 CFR § 300.160 Participation in assessments.
- 34 CFR § 300.320 Definition of individualized education program.
- 34 CFR § 300.321 IEP team.
- 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) consideration of special factors; (one of ten files)
- b) parent concerns; (one of ten files)

- c) measurable annual goals; (one of ten files)
- d) documentation of progress toward current annual goals; (one of ten files)
- e) extent of progress toward previous annual goals; (one of ten files)
- f) projected starting and expected duration dates; (one of ten files)
- g) extent of nonparticipation in general education curriculum or age appropriate activities; (five of ten files)
- h) participation in state/districtwide assessment; (two of ten files)
- i) LRE, removal from general education environment; (one of ten files)
- j) team participants signatures; (two of ten files)
- k) parent rights/translation/interpretation; (one of ten files)

Improvements Required:

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

7) Area of Noncompliance: Caseload/Class size

IDEA Part B Requirements

Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

Based on a review of the caseload/class size verification submitted by Lone Star Public School District, Ms. Andrea Golloher, special education teacher, exceeded caseload and class size.

Improvements Required:

Within 30 days of the receipt of this report, Lone Star Public School District will review the caseload and class size for the district's special education teachers and request a caseload and/or class size exception as needed from the OSDE-SES.

Within 30 days of the receipt of this report, Lone Star Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that the caseload and class size limits for special education teacher or related service providers will not exceed a level that would prevent effective implementation of IEPs. This improvement shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

8) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

34 CFR § 300.151 Adoption of state complaint procedures.

34 CFR § 300.152 Minimum state complaint procedures.

34 CFR § 300.153 Filing a complaint.

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 describing how the district informs parents and other interested individuals of complaint procedures; and
- b) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint could not be located.

Improvements Required:

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

9) 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 Lone Star Public School District, Ms. Lisa Butler, 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, Lone Star 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, Lone Star 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.

10) Area of Noncompliance: Financial Records

IDEA Part B Requirements

Oklahoma Statute 70-5-117 § 68

Special Education Funding Manual

Office of Management and Budget Circular, Number A-133

Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

Based on the financial record review, records covering a written policy regarding the disposition of equipment could not be located.

Improvements Required:

Within 60 days from the receipt of this report, Lone Star Public School District will develop, implement, and submit the required policies in accordance with the above State and federal regulations.

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.