

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

McLoud Public School District

**TEAM MEMBERS:**

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

**COUNTY:**

Pottawatomie

**DATE OF REVIEW**

April 5, 2010

**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 April 5, 2010.

McLoud Public School District is an independent district serving 310 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, McLoud Public School District employed 12 special education teachers who have certification in one or more of the following area(s): autism, deaf/hard of hearing, emotionally disturbed, hearing impaired, learning disability, mentally handicapped, mild/moderate disabilities, multiple disabilities, other health impairment, physically handicapped, severe/profound/multiple disabilities, speech language pathologist, and traumatic brain injury.

**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 two of 30 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, McLoud 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 30 files reviewed, the Review of Existing Data (RED), OSDE Draft Form 3, could not be located. Based on three of 30 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 one of 30 files reviewed, the MEEGS, OSDE Draft Form 5, team signatures were incomplete. Based on 13 of 30 files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. Based on one of 30 files reviewed, the MEEGS, OSDE Draft Form 5, could not be located. Based on three of 30 files reviewed, reevaluations were completed past the three-year timeline. Based on one of 30 files reviewed, the reevaluation could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, McCloud 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, McCloud 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 three of 30 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, McCloud 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, McCloud 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 three of 30 files reviewed, an IEP, OSDE Draft Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of 30 files reviewed, an IEP, OSDE Draft Form 7, could not be located.

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

Within 30 days of the receipt of this report, McCloud 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, McCloud 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 § 300.321 IEP Team.

34 CFR § 300.322 Parent participation.

##### **OSDE Findings:**

Based on one of 30 files reviewed, a Prior Written Notice to Parents, OSDE Draft Form 8, could not be located.

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

Within 30 days of the receipt of this report, McCloud Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that the Prior Written Notice to Parents, OSDE Draft Form 8, 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, McCloud Public School District will provide instruction and guidance to district special education personnel regarding the completion of the 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]).

## 6) 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) IEP members not required to attend in whole or in part; (one of 30 files)
- b) strengths (including anticipated effects) and educational needs; (one of 30 files)
- c) measures for progress in annual goals; (two of 30 files)
- d) methods of informing parents of progress toward annual goals; (one of 30 files)
- e) frequency of reporting progress to parent; (one of 30 files)
- f) documentation of progress toward current annual goals; (four of 30 files)
- g) extent of progress toward previous annual goals; (eight of 30 files)
- h) type of service(s); (three of 30 files)
- i) continuum of placement (LRE continuum); (six of 30 files)
- j) amount/time/frequency of services; (one of 30 files)
- k) projected starting and expected duration dates; (three of 30 files)
- l) extent of nonparticipation in general education curriculum or age appropriate activities; (nine of 30 files)
- m) amount of time in general education setting; (two of 30 files)
- n) transition services, postsecondary goal(s); (two of 30 files)
- o) transition services, course of study; (one of 30 files)
- p) transition services, goals and coordinated activities; (two of 30 files)
- q) state and districtwide assessment accommodations and modifications; (two of 30 files)
- r) participation in alternate assessment; (one of 30 files)
- s) LRE, options considered and reasons; (two of 30 files)
- t) LRE, normally attend/close to home; (one of 30 files)
- u) LRE, potential harmful effects; (two of 30 files)
- v) LRE, removal from general education environment; (one of 30 files)
- w) documentation of parent participation; (one of 30 files)

### Improvements Required:

Within 30 days of the receipt of this report, McCloud 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, McCloud 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: Extended School Year (ESY)**

**IDEA Part B Requirements**

34 CFR § 300.106 Extended school year services.

**OSDE Findings:**

Based on one of 30 files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided.

**Improvements Required:**

Within 30 days of the receipt of this report, McLoud 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.

**8) 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 McLoud Public School District, Ms. Valerie Gillespie did not hold a valid teaching certificate in the area of visual impairment. At the time of the review, Ms. Gillespie had at least one student categorized as having visual impairment on her caseload.

**Improvements Required:**

Within 30 days of the receipt of this report, McLoud 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 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 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.

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.