

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Midway Public School District

**COUNTY:**

McIntosh

**DATE OF REVIEW**

November 4, 2009

**TEAM MEMBERS:**

Kathryn Crutchfield	Coordinator, OSDE-SES
Lydia Vaquera	Coordinator, OSDE-SES
Tina Spence	Coordinator, OSDE-SES
Kimberly King	Coordinator, OSDE-SES
Jenny Giles	Coordinator, OSDE-SES

**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 November 4, 2009.

Midway Public School District is an independent district serving 48 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Midway Public School District employed three special education teachers who have certification in one or more of the following area(s): autism, learning disability, mentally handicapped, mild/moderate disabilities, other health impairment, 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: 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 one of ten files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. Based on one of ten files reviewed, the MEEGS, OSDE Draft Form 5, could not be located. Based on one of ten files reviewed, reevaluations were completed past the three-year timeline. Based on two 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, Midway 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, Midway 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: 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, 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, Midway 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, Midway 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 § 300.43 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) measurable annual goals; (one of ten files)
- b) benchmarks and/or short term objectives; (one of ten files)
- c) methods of informing parents of progress toward annual goals; (one of ten files)
- d) frequency of reporting progress to parent; (one of ten files)
- e) extent of progress toward previous annual goals; (one of ten files)
- f) type of service(s); (three of ten files)

- g) continuum of placement (LRE continuum); (three of ten files)
- h) amount/time/frequency of services; (one of ten files)
- i) projected starting and expected duration dates; (one of ten files)
- j) position/person responsible; (two of ten files)
- k) extent of nonparticipation in general education curriculum or age appropriate activities; (four of ten files)
- l) amount of time in general education setting; (two of ten files)
- m) instructional day the same length as nondisabled peers; (one of ten files)
- n) transition services, postsecondary goal(s); (two of ten files)
- o) transition services, course of study; (two of ten files)
- p) transition services, goals and coordinated activities; (three of ten files)
- q) participation in state/districtwide assessment; (one of ten files)
- r) LRE, options considered and reasons; (two of ten files)
- s) LRE, potential harmful effects; (three of ten files)
- t) team participant signatures; (three of ten files)
- u) documentation of parent participation; (one of ten files)
- v) parents rights/translation/interpretation; (one of ten files)

**Improvements Required:**

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

**IDEA Part B Requirements**

- 34 CFR § 300.502 Independent educational evaluation.
- 34 CFR § 300.616 List of types and locations of information.
- 34 CFR § 300.623 Safeguards.
- 34 CFR § 300.624 Destruction of information.
- 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 on how the district informs parents before destruction and gives parents the opportunity to obtain records; and

- d) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation.

**Improvements Required:**

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