

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Okarche Public School District

TEAM MEMBERS:

Tammy Lawson	Coordinator, OSDE-SES
Lydia Vaquera	Coordinator, OSDE-SES
Kathryn Crutchfield	Coordinator, OSDE-SES

COUNTY:

Kingfisher

DATE OF REVIEW

December 15, 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 15, 2009.

Okarche Public School District is an independent district serving 45 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Okarche Public School District employed four special education teachers who have certification in one or more of the following area(s): autism, mentally handicapped, mild/moderate disabilities, speech language 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 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 two of ten files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented.

Improvements Required:

Within 30 days of the receipt of this report, Okarche 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, Okarche 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 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, Okarche 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, Okarche 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 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, Okarche 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, Okarche 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) measurable annual goals; (one of ten files)
- d) benchmarks and/or short term objectives; (three of ten files)
- e) documentation of progress toward current annual goals; (four of ten files)
- f) extent of progress toward previous annual goals; (four of ten files)
- g) type of service(s); (one of ten files)
- h) continuum of placement (LRE continuum); (four of ten files)
- i) related services; (two of ten files)
- j) amount/time/frequency of services; (two of ten files)
- k) extent of nonparticipation in general education curriculum or age appropriate activities; (three of ten files)
- l) transition services, postsecondary goal(s); (three of ten files)
- m) transition services, course of study; (one of ten files)
- n) transition services, information for vocational education; (one of ten files)
- o) transition services; referral to vocational rehabilitation counselor; (one of ten files)
- p) transition services; transfer of rights at age of majority; (one of ten files)
- q) transition services, goals and coordinated activities; (three of ten files)
- r) participation in state/districtwide assessment; (one of ten files)
- s) parent rights/translation/interpretation; (one of ten files)

Improvements Required:

Within 30 days of the receipt of this report, Okarche 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, Okarche 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: Child Count

IDEA Part B Requirements

34 CFR § 300.8 Child with a disability.

34 CFR § 300.201 Consistency with State policies.

Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

Based on two of ten files reviewed and the October 2008, Child Count Report submitted by Okarche Public School District, the student’s category was inconsistent with the reported child count data.

Improvements Required:

Within 30 days of the receipt of this report, Okarche Public School District will review the district’s child count records, and develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure the accuracy of district child count data submissions. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

6) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

- 34 CFR § 300.160 Participation in assessments
- 34 CFR § 300.502 Independent educational evaluation.
- 34 CFR § 300.621 Hearing procedures.
- 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 the district’s hearing procedures;
- b) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency’s criteria for such an evaluation; and
- c) 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.

Improvements Required:

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

7) Area of Noncompliance: Private Schools (Proportionate Share of Funds)

IDEA Part B Requirements

- 34 CFR § 300.133 Expenditures.
- Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

According to a review of the fiscal year (FY) 2009 and FY2010 Special Education Allocation for Okarche Public School District, the LEA did not obligate to expend a proportionate share of the LEA’s total Flow-Through subgrant award of the IDEA funds (including the regular and the American Recovery and Reinvestment Act (ARRA) IDEA Part B funds) for special education and related services to parentally-placed private school children with disabilities on an annual basis.

Improvements Required:

Within 30 days of the receipt of this report, Okarche Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that the LEA obligates to annually expend a proportionate share of the LEA’s total Flow-Through subgrant award of the IDEA Part B funds for parentally-placed private school children with disabilities 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.

Based on the FY2010 Special Education Allocation for Okarche Public School District, the proportionate share for the LEA’s Flow-Through subgrant award of the regular IDEA funds is \$1373.56; the proportionate share of the LEA’s ARRA IDEA Part B funds is \$1582.60. Within 30 days of the receipt of

this report, Okarche Public School District will revise their FY2010 Special Education Allocation to budget a proportionate share of the district's total Flow-Through subgrant award of the IDEA Part B funds for parentally-placed private school children with disabilities.

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.