

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Okeene Public School District

TEAM MEMBERS:

Karie Crews-St.Yves	Coordinator, OSDE-SES
Keisha King	Coordinator, OSDE-SES
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COUNTY:

Blaine

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.

Okeene Public School District is an independent district serving 40 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Okeene 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, other health impairment, traumatic brain injury, and speech language pathologist.

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 three of ten 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, Okeene 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 three of ten files reviewed, the Review of Existing Data (RED), OSDE Draft Form 3, could not be located. 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 two of ten files reviewed, reevaluations were completed past the three-year timeline. Based on three of ten files reviewed, reevaluations were not appropriately documented. Based on two of ten files reviewed, reevaluations could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Okeene 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, Okeene 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 two of ten files reviewed, the Notification of Meeting, OSDE Draft Form 6, could not be located. Based on two of ten files reviewed, the Notification of Meeting, OSDE Draft Form 6, did not include the invitation of the student.

Improvements Required:

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

Improvements Required:

Within 30 days of the receipt of this report, Okeene 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, Okeene 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: 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 § 300.321 IEP team.

34 CFR § 300.324 Development, review, and revision of IEP.

34 CFR § 300.300 Parental Consent.

OSDE Findings:

Based on file reviews, IEP components were missing and/or inappropriate in one or more of the following areas:

- a) strengths (including anticipated effects) and educational needs; (two of ten files)
- b) measurable annual goals; (two of ten files)
- c) benchmarks and/or short term objectives; (one of ten files)
- d) measures for progress in annual goals; (one of ten files)
- e) methods of informing parents of progress toward annual goals; (one of ten files)
- f) frequency of reporting to parent; (one of ten files)
- g) extent of progress toward previous annual goals; (one of ten files)
- h) continuum of placement (LRE continuum); (four of ten files)
- i) extent of nonparticipation in general education curriculum or age appropriate activities; (one of ten files)
- j) amount of time in general education setting; (one of ten files)
- k) instructional day the same length as nondisabled peers; (one of ten files)
- l) transition services, postsecondary goal(s); (two of ten files)
- m) transition services, course of study; (three of ten files)

- n) transition services, goals and coordinated activities; (three of ten files)
- o) LRE, normally attend/close to home; (one of ten files)
- p) LRE, potential harmful effects; (two of ten files)
- q) LRE, removal from general education environment; (one of ten files)
- r) team participant signatures; (one of ten files)
- s) parent rights/translation/interpretation; (one of ten files)
- t) parent consent for initial placement; (one of ten files)

Improvements Required:

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

6) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

- 34 CFR § 300.106 Extended school year services.
- 34 CFR § 300.151 Adoption of state complaint procedures.
- 34 CFR § 300.152 Minimum state complaint procedures.
- 34 CFR § 300.153 Filing a complaint.
- 34 CFR § 300.621 Hearing procedures.
- 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 how the district informs parents before destruction and gives parents the opportunity to obtain records;
- b) Documentation describing the district's hearing procedures;
- c) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- d) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint; and
- e) Documentation of the district's extended school year policy.

Improvements Required:

Within 60 days from the receipt of this report, Okeene 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: 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 Okeene Public School District, Ms. Leigh Sawyer, special education teacher, exceeded caseload and class size.

Improvements Required:

Within 30 days of the receipt of this report, Okeene 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, Okeene 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: 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 Okeene Public School District, Ms. Stephanie Hansen did not hold a valid teaching certificate in the area of hearing impairment. At the time of the review, Ms. Hansen had at least one student categorized as having a hearing impairment on her caseload. Ms. Stephanie Hansen did not hold a valid teaching certificate in the area of visual impairment. At the time of the review, Ms. Hansen had at least one student categorized as having a visual impairment on her caseload. Ms. Stephanie Hansen did not hold a valid teaching certificate in the area of intellectual disabilities. At the time of the review, Ms. Hansen had at least one student categorized as having an intellectual disability on her caseload.

Improvements Required:

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