

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Terral Public School District

**TEAM MEMBERS:**

Keisha King           Coordinator, OSDE-SES  
Kathryn Crutchfield   Coordinator, OSDE-SES  
Tina Crow             Coordinator, OSDE-SES

**COUNTY:**

Jefferson

**DATE OF REVIEW**

October 27, 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 27, 2009.

Terral Public School District is a dependent district serving 20 children with disabilities, ages three through 14, as reported on their October 2008, Child Count Report. At the time of the review, Terral Public School District employed one special education teacher who has certification in one or more of the following area(s): learning disability and mentally handicapped. 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 Review of Existing Data (RED), OSDE Draft Form 3, could not be located. Based on seven of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (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 could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Terral 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, Terral 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 two of ten files reviewed, a Notification of Meeting, OSDE Draft Form 6, could not be located. Based on two of ten files reviewed, a Notification of Meeting, OSDE Draft Form 6, did not adequately address the purpose of the meeting.

### **Improvements Required:**

Within 30 days of the receipt of this report, Terral 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, Terral 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 two of ten files reviewed, an IEP, OSDE Draft Form 7, was not conducted on or before the anniversary date of the IEP. Based on one 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, Terral 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, Terral 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; (four of ten files)
- b) strengths (including anticipated effects) and educational needs; (two of ten files)
- c) consideration of special factors; (four of ten files)
- d) parent concerns; (two of ten files)
- e) measurable annual goals; (two of ten files)
- f) benchmarks and/or short term objectives; (one of ten files)
- g) documentation of progress toward current annual goals; (three of ten files)
- h) extent of progress toward previous annual goals; (three of ten files)
- i) type of services(s); (three of ten files)
- j) continuum of placement (LRE continuum); (five of ten files)
- k) related services; (one of ten files)
- l) amount/time/frequency of services; (one of ten files)
- m) projected starting and expected duration dates; (three of ten files)
- n) position/person responsible; (four of ten files)
- o) extent of nonparticipation in general education curriculum or age appropriate activities; (seven of ten files)
- p) amount of time in general education setting; (five of ten files)
- q) instructional day the same length as nondisabled peers; (one of ten files)
- r) regular physical education (PE), adapted N/A; (one of ten files)
- s) supplementary aids and services, program modifications, supports for personnel; (one of ten files)
- t) LRE, options considered and reasons; (one of ten files)
- u) LRE, potential harmful effects; (four of ten files)
- v) LRE, removal from general education environment; (five of ten files)

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

Within 30 days of the receipt of this report, Terral 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, Terral 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 Terral 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, Terral 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 § 300.111 Child find.

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 that geographic, cultural, and language diversity factors in the local community are considered in selecting for selection and use of suitable, effective methods/activities to inform the public of the local child identification process;
- b) Documentation describing how the district informs parents and other interested individuals of complaint procedures; and
- c) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint.

**Improvements Required:**

Within 60 days from the receipt of this report, Terral 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: 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 Terral Public School District, Ms. Jan Snider did not hold a valid teaching certificate in the area of other health impairment. At the time of the review, Ms. Snider had at least one student categorized as having an other health impairment on her caseload.

**Improvements Required:**

Within 30 days of the receipt of this report, Terral 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 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).

**8) 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, Terral 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.