

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Turpin Public School District

**TEAM MEMBERS:**

Tammy Lawson

Coordinator, OSDE-SES

Lydia Vaquera

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John Smith

Coordinator, OSDE-SES

**COUNTY:**

Beaver

**DATE OF REVIEW**

November 10, 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 November 10, 2009.

Turpin Public School District is an independent district serving 49 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Turpin Public School District employed three special education teachers who have certification in one or more of the following area(s): autism, deaf/blindness, hearing impaired, learning disability, mild/moderate disabilities, severe/profound/multiple disabilities, and speech language pathologist.

**II. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENT:**

**1) Area of Noncompliance: Record of Parent Contact**

**IDEA Part B Requirements**

34 CFR § 300.322 Parent participation.

**OSDE Findings:**

Based on six of ten files reviewed, the Record of Parent Contact, OSDE Draft Form 2, could not be located or the LEA did not have current documentation of its attempts to arrange meetings, results of telephone calls, copies of correspondence, or detailed records of visits.

**Improvements Required:**

Within 30 days of the receipt of this report, Turpin Public School District will develop, implement, and submit a written improvement plan. This plan shall demonstrate how the district will document parent contact in the future. 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 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 three of ten files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. 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, Turpin 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, Turpin 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 ten files reviewed, a Notification of Meeting, OSDE Draft Form 6, could not be located. Based on one of ten files reviewed, the Notification of Meeting, OSDE Draft Form 6, did not adequately address the purpose of the meeting. Based on one 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, Turpin 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, Turpin 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 four 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, Turpin 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, Turpin 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 § 300.160 Participation in assessments.

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) strengths (including anticipated effects) and educational needs; (two of ten files)
- b) consideration of special factors; (two of ten files)
- c) measures for progress in annual goals; (one of ten files)
- d) extent of progress toward previous annual goals; (one of ten files)
- e) amount/time/frequency of services; (four of ten files)
- f) projected starting and expected duration dates; (five of ten files)
- g) extent of nonparticipation in general education curriculum or age appropriate activities; (three of ten files)
- h) amount of time in general education setting; (one of ten files)
- i) instructional day the same length as nondisabled peers; (one of ten files)
- j) transition services, postsecondary goal(s); (one of ten files)
- k) transition services, course of study; (one of ten files)
- l) transition services, projected date of graduation; (one of ten files)
- m) transition services, information for vocational education; (two of ten files)
- n) transition services; referral to vocational rehabilitation counselor; (one of ten files)

- o) transition services; transfer of rights at age of majority; (one of ten files)
- p) participation in state/districtwide assessment; (one of ten files)
- q) LRE, potential harmful effects; (one of ten files)
- r) LRE, removal from general education environment; (two of ten files)
- s) team participant signatures; (three of ten files)
- t) parent rights/translation/interpretation; (two of ten files)

**Improvements Required:**

Within 30 days of the receipt of this report, Turpin 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, Turpin 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: 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 Turpin 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, Turpin 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.

**7) Area of Noncompliance: Administrative Records**

**IDEA Part B Requirements**

- 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 § 300.502 Independent educational evaluation.
- 34 CFR § 300.616 List of types and locations of information.
- 34 CFR § 300.619 Opportunity for a hearing.
- 34 CFR § 300.620 Result of hearing.
- 34 CFR § 300.621 Hearing procedures.
- 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;
- d) Documentation describing the district's hearing procedures;
- e) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- f) Documentation describing how the district informs parents and other interested individuals of complaint procedures; and
- g) 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, Turpin 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.