

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Tushka Public School District

TEAM MEMBERS:

Kathryn Crutchfield	Coordinator, OSDE-SES
Tammy Lawson	Coordinator, OSDE-SES
Keisha King	Coordinator, OSDE-SES

COUNTY:

Atoka

DATE OF REVIEW

November 18, 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 18, 2009.

Tushka Public School District is an independent district serving 55 children with disabilities, ages three through 21, as reported on their October 2008, Child Count Report. At the time of the review, Tushka Public School District employed four special education teachers who have certification in one or more of the following area(s): autism, emotionally disturbed, learning disability, mentally handicapped, multiple disabilities, other health impairment, and 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 one 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, reevaluations were completed past the three-year timeline.

Improvements Required:

Within 30 days of the receipt of this report, Tushka 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, Tushka 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, Tushka 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, Tushka 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 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) extent of progress toward previous annual goals; (one of ten files)
- b) type of service(s); (one of ten files)
- c) continuum of placement (LRE continuum); (one of ten files)
- d) amount of time in general education setting; (one of ten files)
- e) transition services, postsecondary goal(s); (one of ten files)
- f) transition services, goals and coordinated activities; (two of ten files)

Improvements Required:

Within 30 days of the receipt of this report, Tushka 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, Tushka 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 § 300.106 Extended school year services.

34 CFR § 300.152 Minimum state complaint procedures.

34 CFR § 300.153 Filing a complaint.

34 CFR § 300.502 Independent educational evaluation.

34 CFR § 300.624 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 on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- 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, Tushka 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.