

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Tuskahoma Public School District

TEAM MEMBERS:

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

COUNTY:

Pushmataha

DATE OF REVIEW

November 19, 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 19, 2009.

Tuskahoma Public School District is a dependent district serving 21 children with disabilities, ages three through 14, as reported on their October 2008, Child Count Report. At the time of the review, Tuskahoma Public School District employed one special education teacher who has certification in one or more of the following area(s): learning disability, mentally handicapped, and other health impairment. 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 seven 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 seven files reviewed, the MEEGS, OSDE Draft Form 5, components were not appropriately documented. Based on two of seven files reviewed, reevaluations were not appropriately documented.

Improvements Required:

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

Improvements Required:

Within 30 days of the receipt of this report, Tuskahoma 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, Tuskahoma 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 § 300.320 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) consideration of special factors; (two of seven files)
- b) documentation of progress toward current annual goals; (one of seven files)
- c) extent of progress toward previous annual goals; (three of seven files)
- d) participation in state/districtwide assessment; (one of seven files)
- e) parent rights/translation/interpretation; (one of seven files)

Improvements Required:

Within 30 days of the receipt of this report, Tuskahoma 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, Tuskahoma 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: Extended School Year (ESY)

IDEA Part B Requirements

34 CFR § 300.106 Extended school year services.

OSDE Findings:

Based on three of seven files reviewed, the IEP did not address the necessary ESY services to be provided. Based on three of seven files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided. Based on three of seven files reviewed, documentation that the team considered the least restrictive environment could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Tuskahoma Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that ESY services are developed and provided 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.

6) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

34 CFR § 300.123 Confidentiality of personally identifiable information.

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 § 300.160 Participation in assessments.
34 CFR § 300.502 Independent educational evaluation.
34 CFR § 300.616 List of types and locations of information.
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 on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- e) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- f) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint;
- g) 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; and
- h) Documentation of the district's guidelines for participation of children with disabilities in alternate assessments for those children who cannot participate, even with appropriate accommodations and modifications, in standard districtwide assessment programs.

Improvements Required:

Within 60 days from the receipt of this report, Tuskahoma 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 Tuskahoma Public School District, Ms. Zendell Gee did not hold a valid teaching certificate in the area of emotional disturbance. At the time of the review, Ms. Gee had at least one student categorized as having an emotional disturbance on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, Tuskahoma 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; 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.