

**OKLAHOMA STATE DEPARTMENT OF EDUCATION
JANET BARRESI
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Beaver Public School District

TEAM MEMBERS:

Lydia Vaquera	Coordinator, OSDE-SES
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COUNTY:

Beaver

DATE OF REVIEW:

October 29, 2010

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 29, 2010.

Beaver Public School District is an independent district serving 42 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Beaver Public School District employed two special education teachers who have certification in one or more of the following area(s): autism, deaf-blindness, hearing impaired, learning disability, mentally handicapped, and speech language pathologist.

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 four of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on two of ten files reviewed, reevaluations were not appropriately documented.

Improvements Required:

Within 30 days of the receipt of this report, Beaver 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 Form 3; Parent Consent, OSDE Form 4; MEEGS, OSDE Form 5; Notification of Meeting, OSDE Form 6; and Written Notice to Parents, OSDE Form 8).

Within 60 days of the receipt of this report, Beaver 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 Form 3; Parent Consent, OSDE Form 4; MEEGS, OSDE Form 5; Notification of Meeting, OSDE Form 6; and Written Notice to Parents, OSDE 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 Form 6, did not adequately address the purpose of the meeting.

Improvements Required:

Within 30 days of the receipt of this report, Beaver 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 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, Beaver Public School District will provide instruction and guidance to district special education personnel regarding the completion of the Notification of Meeting, OSDE 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: Written Notice to Parents

IDEA Part B Requirements

34 CFR § 300.503 Prior notice to the public agency, content of notice.

OSDE Finding:

Based on one of ten files reviewed, Written Notice to Parents, OSDE Form 8, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Beaver Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that parents of a child with a disability are notified a reasonable time before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a Free Appropriate Public Education (FAPE) to the child; 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.

Within 60 days of the receipt of this report, Beaver Public School District will provide instruction and guidance to district special education personnel on proper utilization of the Written Notice to Parents, OSDE Form 8. 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) strengths (including anticipated effects) and educational needs; (six of ten files)
- b) measurable annual goals; (one of ten files)
- c) benchmarks and/or short term objectives; (two 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 progress to parent; (one of ten files)
- g) documentation of progress toward current annual goals; (nine of ten files)
- h) extent of progress toward previous annual goals; (six of ten files)
- i) continuum of placement (LRE continuum); (two of ten files)
- j) amount/time/frequency of services; (one of ten files)
- k) extent of nonparticipation in general education curriculum or age appropriate activities; (four of ten files)
- l) instructional day the same length as nondisabled peers; (one of ten files)
- m) transition services, postsecondary goal(s); (two of ten files)
- n) transition services, projected date of graduation; (two of ten files)
- o) transition services, information for vocational education; (one of ten files)
- p) transition services, goals and coordinated activities; (two of ten files)
- q) participation in state/districtwide assessment; (one of ten files)
- r) participation in alternate assessment; (one of ten files)
- s) LRE, normally attend/close to home; (one of ten files)
- t) LRE, potential harmful effects; (one of ten files)
- u) LRE, removal from general education environment; (two of ten files)

Improvements Required:

Within 30 days of the receipt of this report, Beaver 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 Form 6; IEP, OSDE Form 7; and Written Notice to Parents, OSDE Form 8).

Within 60 days of the receipt of this report, Beaver 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 2009, Child Count Report submitted by Beaver 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, Beaver 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: Extended School Year (ESY)

IDEA Part B Requirements

34 CFR § 300.106 Extended school year services.

OSDE Findings:

Based on one of ten files reviewed, ESY services were not documented. Based on one of ten files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided.

Improvements Required:

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

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.