

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Blackwell Public School District

COUNTY:

Kay

TEAM MEMBERS:

Keisha King	Coordinator, OSDE-SES
Lydia Vaquera	Coordinator, OSDE-SES
Jennifer Burnes	Coordinator, OSDE-SES
Karen Howard	Coordinator, OSDE-SES

DATE OF REVIEW:

October 21-22, 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 21-22, 2010.

Blackwell Public School District is an independent district serving 264 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Blackwell Public School District employed 13 special education teachers who have certification in one or more of the following area(s): autism, emotionally disturbed, learning disability, mentally handicapped, mild/moderate disabilities, multiple disabilities, other health impairment, severe/profound/multiple disabilities, speech language pathologist, and traumatic brain injury.

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 two of 24 files reviewed, the Record of Parent Contact, OSDE 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, Blackwell 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: Parent Consent

IDEA Part B Requirements

34 CFR § 300.300 Parental consent.

OSDE Findings:

Based on three of 24 files reviewed, the Parent Consent, OSDE Form 4, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Blackwell Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that parents are fully informed of all information relevant to the evaluation components for which consent is sought. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

3) 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 24 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of 24 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, team signatures were incomplete. Based on six of 24 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on one of 24 files reviewed, reevaluations were not appropriately documented. Based on seven of 24 files reviewed, reevaluations could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Blackwell 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 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, Blackwell 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]).

4) 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 24 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located. Based on one of 24 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, Blackwell 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, Blackwell 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]).

5) 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 24 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on three of 24 files reviewed, an IEP, OSDE Form 7, could not be located.

Improvements Required:

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

Within 60 days of the receipt of this report, Blackwell 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]).

6) Area of Noncompliance: Written Notice to Parents

IDEA Part B Requirements

34 CFR § 300.503 Prior notice by the public agency; content of notice.

OSDE Findings:

Based on one of 24 files reviewed, Written Notice to Parents, OSDE Form 8, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Blackwell 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 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, Blackwell 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]).

7) 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 § 300.321 IEP team.
- 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; (one of 24 files)
- b) strengths (including anticipated effects) and educational needs; (one of 24 files)
- c) parent concerns; (one of 24 files)
- d) measurable annual goals; (seven of 24 files)
- e) benchmarks and/or short term objectives; (three of 24 files)
- f) measures for progress in annual goals; (six of 24 files)
- g) methods of informing parents of progress toward annual goals; (seven of 24 files)
- h) frequency of reporting progress to parent; (seven of 24 files)
- i) documentation of progress toward current annual goals; (11 of 24 files)
- j) extent of progress toward previous annual goals; (13 of 24 files)
- k) type of service(s); (four of 24 files)
- l) continuum of placement (LRE continuum); (seven of 24 files)
- m) amount/time/frequency of services; (three of 24 files)
- n) projected starting and expected duration dates; (three of 24 files)
- o) position/person responsible; (two of 24 files)
- p) extent of nonparticipation in general education curriculum or age appropriate activities; (eight of 24 files)
- q) amount of time in general education setting; (three of 24 files)
- r) supplementary aids and services, programs modifications, supports for personnel; (one of 24 files)
- s) transition services, postsecondary goal(s); (two of 24 files)
- t) transition services, projected date of graduation; (one of 24 files)
- u) transition services, goals and coordinated activities; (two of 24 files)
- v) participation in state/districtwide assessment; (one of 24 files)
- w) participation in alternate assessment; (one of 24 files)
- x) consideration of extended school year (ESY) services; (two of 24 files)
- y) LRE, options considered and reasons; (three of 24 files)
- z) LRE, potential harmful effects; (ten of 24 files)
- aa) LRE, removal from general education environment; (six of 24 files)
- bb) team participant signatures; (two of 24 files)
- cc) documentation of parent participation; (one of 24 files)

Improvements Required:

Within 30 days of the receipt of this report, Blackwell 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 8).

Within 60 days of the receipt of this report, Blackwell 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]).

8) 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 four of 24 files reviewed and the October 2009, Child Count Report submitted by Blackwell 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, Blackwell 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.

9) 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 24 files reviewed, ESY services were not documented on the IEP. Based on two of 24 files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided. Based on two of 24 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, Blackwell 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.

10) Area of Noncompliance: Caseload/Class size

IDEA Part B Requirements

Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

Based on a review of the caseload/class size verification submitted by Blackwell Public School District, Ms. Vicki Braden, Special Education Teacher, exceeded caseload.

Improvements Required:

Within 30 days of the receipt of this report, Blackwell Public School District will review the caseload and class size for the district’s special education teachers and request a caseload and/or class size exception as needed from the OSDE-SES.

Within 30 days of the receipt of this report, Blackwell Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that the caseload and class size limits for special education teachers or related service providers will not exceed a level that would prevent effective implementation of IEPs. This improvement shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

11) 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.

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 describing how the district informs parents and other interested individuals of complaint procedures; and
- b) 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, Blackwell Public School District will develop, implement, and submit the required administrative policies in accordance with the above State and federal requirements.

12) 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 Blackwell Public School District, Ms. Shelly Hilyard did not hold a valid teaching certificate in the area of hearing impaired. At the time of the review, Ms. Hilyard had at least one student categorized as having hearing impairment on her caseload.

Based on a review of teacher certification submitted by Blackwell Public School District, Ms. Robin Hobson did not hold a valid teaching certificate in the area of developmental delay. At the time of the review, Ms. Hobson had at least one student categorized as having developmental delay on her caseload.

Based on a review of teacher certification submitted by Blackwell Public School District, Ms. Vicki Braden did not hold a valid teaching certificate in any area of developmental delay. At the time of the review, Ms. Braden had at least one student categorized as having developmental delay on her caseload.

Based on a review of teacher certification submitted by Blackwell Public School District, Ms. Ruth Weber did not hold a valid teaching certificate in the area of deaf-blindness or multiple disabilities. At the time of the review, Ms. Weber had at least one student categorized as having deaf-blindness and multiple disabilities on her caseload.

Based on a review of teacher certification submitted by Blackwell Public School District, Ms. Ginger Sanford did not hold a valid teaching certificate in the area of hearing impaired. At the time of the review, Ms. Sanford had at least one student categorized as having a hearing impairment on her caseload.

Improvements Required:

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

13) Area of Noncompliance: Financial Records

IDEA Part B Requirements

Cost Certifications, Office of Management and Budget Circular A-87

OSDE Findings:

Based on the financial record review, documentation of Time and Effort Certification could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Blackwell Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the LEA will ensure that Time and Effort Certification records will be maintained for all LEA employees who are paid with Federal funds.

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.