

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Comanche Public School District

COUNTY:

Stephens

DATE OF REVIEW:

October 6, 2010

TEAM MEMBERS:

Keisha King	Coordinator, OSDE-SES
Lydia Vaquera	Coordinator, OSDE-SES
Gail Priddy	Compliance Provider, OSDE-SES
Tina Crow	Coordinator, OSDE-SES
Pam Kimery	Finance Project Coordinator, OSDE-SES

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 6, 2010.

Comanche Public School District is an independent district serving 167 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Comanche Public School District employed nine special education teachers who have certification in one or more of the following area(s): autism, hearing impaired, learning disability, mentally handicapped, mild/moderate disabilities, other health impairment, physically handicapped, and speech language therapist assistant (SLTA).

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 two of 16 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of 16 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, for initial evaluation was not completed within the 45 school day timeline. Based on six of 16 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on one of 16 files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on seven of 16 files reviewed, reevaluations were not appropriately documented. Based on one of 16 files reviewed, reevaluations could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Comanche 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, Comanche 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 six of 16 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located. Based on one of 16 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, Comanche 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, Comanche 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 by the public agency; content of notice.

OSDE Findings:

Based on two of 16 files reviewed, Written Notice to Parents, OSDE Form 8, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Comanche 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, Comanche 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) present levels of performance; (two of 16 files)
- b) consideration of special factors; (two of 16 files)
- c) measurable annual goals; (one of 16 files)
- d) measures for progress in annual goals; (two of 16 files)
- e) methods of informing parents of progress toward annual goals; (one of 16 files)
- f) frequency of reporting progress to parent; (one of 16 files)
- g) documentation of progress toward current annual goals; (four of 16 files)
- h) extent of progress toward previous annual goals; (ten of 16 files)
- i) continuum of placement (LRE continuum); (one of 16 files)
- j) amount/time/frequency of services; (one of 16 files)
- k) extent of nonparticipation in general education curriculum or age appropriate activities; (three of 16 files)
- l) amount of time in general education setting; (one of 16 files)
- m) transition services, postsecondary goal(s); (two of 16 files)
- n) transition services, course of study; (one of 16 files)
- o) transition services, projected date of graduation; (one of 16 files)
- p) transition services, information for vocational education; (one of 16 files)
- q) transition services, referral to vocational rehabilitation counselor; (one of 16 files)
- r) LRE, options considered and reasons; (one of 16 files)
- s) LRE, potential harmful effects; (three of 16 files)
- t) LRE, removal from general education environment; (two of 16 files)
- u) parent consent for initial placement; (one of 16 files)

Improvements Required:

Within 30 days of the receipt of this report, Comanche 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 regulation(s). 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, Comanche 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 one of 16 files reviewed and the October 2009, Child Count Report submitted by Comanche 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, Comanche 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 16 files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided. Based on one of 16 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, Comanche 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.

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 Comanche Public School District, Ms. Michelle Myers did not hold a valid teaching certificate in the area of emotionally disturbed. At the time of the review, Ms. Myers 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, Comanche 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 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 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).

8) 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, Union City 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.