

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Discovery School of Tulsa

**COUNTY:**

Tulsa

**DATE OF REVIEW**

October 15, 2010

**TEAM MEMBERS:**

Lydia Vaquera	Coordinator, OSDE-SES
Mark Everhart	Coordinator, OSDE-SES
Carole Tomlin	Coordinator, OSDE-SES
Gail Priddy	Compliance Provider, OSDE-SES
Christa Knight	Monitoring 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 15, 2010.

Discovery School of Tulsa is a public charter school sponsored by a higher education institution serving 29 children with disabilities, ages five through fifteen, as reported on their October 2009, Child Count Report. At the time of the review, Discovery School of Tulsa employed one special education teacher who has certification in one or more of the following area(s): autism, learning disability, mentally handicapped, and mild-moderate disabilities. The charter school has a contract for services in the area of speech language pathologist.

**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 three of 29 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, Discovery School of Tulsa 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: 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 29 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on five of 29 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 one of 29 files reviewed, the MEEGS, OSDE Form 5, team signatures were incomplete. Based on six of 29 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on one of 29 files, the MEEGS, OSDE Form 5, could not be located. Based on three of 29 files reviewed, reevaluations were not appropriately documented. Based on one of 29 files reviewed, reevaluations could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Discovery School of Tulsa 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, Discovery School of Tulsa 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]).

**3) 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 five of 29 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Discovery School of Tulsa 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, Discovery School of Tulsa 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]).

#### **4) Area of Noncompliance: Written Notice to Parents**

##### **IDEA Part B Requirements**

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

##### **OSDE Findings:**

Based on 19 of 29 files reviewed, a Written Notice to Parents, OSDE Form 8, could not be located.

##### **Improvements Required:**

Within 30 days of the receipt of this report, Discovery School of Tulsa 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, Discovery School of Tulsa 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]).

#### **5) 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) measurable annual goals; (seven of 29 files)
- b) benchmarks and/or short term objectives; (two of 29 files)
- c) measures for progress in annual goals; (three of 29 files)
- d) methods of informing parents of progress toward annual goals; (two of 29 files)
- e) frequency of reporting progress to parent; (two of 29 files)
- f) documentation of progress toward current annual goals; (five of 29 files)
- g) extent of progress toward previous annual goals; (ten of 29 files)
- h) extent of nonparticipation in general education curriculum or age appropriate activities; (one of 29 files)
- i) participation in state/districtwide assessment; (one of 29 files)
- j) team participant signatures; (two of 29 files)

##### **Improvements Required:**

Within 30 days of the receipt of this report, Discovery School of Tulsa 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, Discovery School of Tulsa 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]).

#### **6) Area of Noncompliance: Administrative Records**

##### **IDEA Part B Requirements**

- 34 CFR § 300.106 Extended school year services.
- 34 CFR § 300.111 Child find.
- 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 § 300.619 Opportunity for a hearing.
- 34 CFR § 300.621 Hearing procedures.
- 34 CFR § 300.626 Destruction of Information.

##### **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 of two public awareness activities from ongoing/periodic activities, regarding child identification, location, and evaluation;
- b) Documentation that geographic, cultural, and language diversity factors in the local community are considered in selecting for selection and use of suitable, effective methods/activities to inform the public of the local child identification process;
- c) Documentation on how the district ensures that parents have been fully informed about the child find requirements;
- d) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- e) Documentation describing the district's hearing procedures;
- f) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint; and
- g) Documentation of the district's extended school year policy could not be located.

##### **Improvements Required:**

Within 60 days from the receipt of this report, Discovery School of Tulsa 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.