

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Dover

**TEAM MEMBERS:**

Keisha King	Coordinator, OSDE-SES
Christie Stephenson	Coordinator, OSDE-SES
Susan Benton	Coordinator, OSDE-SES
Malissa Cook	Associate State Director, OSDE-SES

**COUNTY:**

Kingfisher

**DATE OF REVIEW:**

October 25, 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 25, 2010.

Dover Public School District is an independent district serving 33 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Dover Public School District employed two special education teachers who have certification in one or more of the following area(s): mild/moderate disabilities, severe/profound/multiple disabilities, and speech language pathologist.

**II. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENT:**

**1) Area of Noncompliance: Parent Consent**

**IDEA Part B Requirements**

34 CFR § 300.300 Parental consent.

**OSDE Findings:**

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

**Improvements Required:**

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

**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 one of ten files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on one of ten files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on one of ten files reviewed, reevaluations were completed past the three-year timeline. Based on three of ten files reviewed, reevaluations were not appropriately documented. Based on two of ten files reviewed, reevaluations could not be located.

**Improvements Required:**

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

**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 six of ten files reviewed, a Notification of Meeting, OSDE Form 6, could not be located.

**Improvements Required:**

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

**4) 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 ten files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of ten files reviewed, an IEP, OSDE Form 7, could not be located.

**Improvements Required:**

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

**5) Area of Noncompliance: IEP Components****IDEA Part B Requirements**

- 34 CFR § 300.43 Transition services.
- 34 CFR § 300.106 Extended school year.
- 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; (three of ten files)
- b) measurable annual goals; (three of ten files)
- c) documentation of progress toward current annual goals; (one of ten files)
- d) extent of progress toward previous annual goals; (two of ten files)
- e) type of services(s); (four of ten files)
- f) continuum of placement (LRE continuum); (six of ten files)
- g) amount/time/frequency of services; (three of ten files)
- h) projected starting and expected duration dates; (three of ten files)
- i) position/person responsible; (three of ten files)
- j) extent of nonparticipation in general education curriculum or age appropriate activities; (three of ten files)
- k) transition services, postsecondary goal(s); (one of ten files)
- l) transition services, course of study; (one of ten files)
- m) transition services, information for vocational education; (two of ten files)
- n) transition services, referral to vocational rehabilitation counselor; (one of ten files)
- o) transition services, transfer of rights at age of majority; (one of ten files)
- p) participation in state/districtwide assessment; (three of ten files)
- q) state and districtwide assessment accommodations and modifications; (one of ten files)
- r) participation in alternate assessment; (one of ten files)
- s) consideration of extended school year (ESY) services; (two of ten files)

- t) LRE, potential harmful effects; (three of ten files)
- u) team participants signatures; (one of ten files)
- v) parent consent for initial placement; (one of ten files)

**Improvements Required:**

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

**6) 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 three of ten files reviewed and the October 2009, Child Count Report submitted by Dover 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, Dover 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.

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

## **8) 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 § 300.502 Independent educational evaluation.
  - 34 CFR § 300.612 Notice to parents.
  - 34 CFR § 300.616 List of types and locations of information.
  - 34 CFR § 300.617 Fees.
  - 34 CFR § 300.618 Amendment of records at parent's request.
  - 34 CFR § 300.619 Opportunity for a hearing.
  - 34 CFR § 300.620 Result of hearing.
  - 34 CFR § 300.621 Hearing procedures.
  - 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 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 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;
- e) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- f) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- g) Documentation describing the Family Educational Rights and Privacy Act (FERPA) requirements;
- h) Documentation describing the district's hearing procedures;
- i) Documentation describing how the district ensures parents and eligible students currently in attendance have been informed annually in their native language of their rights under the FERPA;
- j) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- k) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- l) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint; and
- m) Documentation of the district's extended school year policy.

### **Improvements Required:**

Within 60 days from the receipt of this report, Dover Public School District will develop, implement, and submit the required administrative policies in accordance with the above State and federal requirements.

## **9) Area of Noncompliance: Special Education Paraprofessional Registry**

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

- 34 CFR § 300.156 Personnel qualifications.
- Policies and Procedures for Special Education in Oklahoma, 2007

**OSDE Findings:**

Based on review of Special Education Paraprofessional verification submitted by Dover Public School District, Ms. Terrie Barks, Ms. Dawn Garlett, and Ms. Michelle Schimmer’s documentation of satisfactory completion, demonstration of competencies (i.e., completion of nine modules), and/or other required components (i.e., standard high school diploma or General Education Development (GED), current First Aid and CPR training, completion of six hours of personnel development and Universal Precautions/Bloodborne Pathogens training annually) necessary to work as a Special Education Paraprofessional for children with disabilities could not be located.

**Improvement Required:**

Within 30 days of the receipt of this report, Dover Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that Special Education Paraprofessionals are appropriately and adequately prepared and trained to serve children with disabilities. This improvement shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

Within 60 days from the receipt of this report, Dover Public School District will submit documentation verifying that the district’s Special Education Paraprofessionals identified through the OSDE-SES compliance review have completed all requirements in order to gain registry status with the OSDE-SES.

**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.