

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Elk City Public School District

COUNTY:

Beckham

DATE OF REVIEW

November 29, 2010

TEAM MEMBERS:

| | |
|---------------------|------------------------------------|
| Keisha King | Coordinator, OSDE-SES |
| Lydia Vaquera | Coordinator, OSDE-SES |
| Christie Stephenson | Coordinator, OSDE-SES |
| Tammy Lawson | Coordinator, OSDE-SES |
| Tina Crow | Coordinator, OSDE-SES |
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| Jenny Giles | Coordinator, OSDE-SES |
| Carole Tomlin | Coordinator, OSDE-SES |
| Susan Ellis | SPDG 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 November 29, 2010.

Elk City Public School District is an independent district serving 268 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Elk City Public School District employed 16 special education teachers who have certification in one or more of the following area(s): autism, blind/visual impairment, emotionally disturbed, hearing impaired, learning disability, mentally handicapped, mild/moderate disabilities, multiple disabilities, other health impairment, severe/profound/multiple disabilities, speech language therapy assistant, speech pathologist, traumatic brain injury, and visually handicapped.

Through the compliance review it was determined that Elk City Public School District exhibits the following promising practices.

- District staff play a vital role in educating students and parents regarding special education services;
- Special education staff are always available to assist general education teachers with concerns and questions regarding services;
- District staff demonstrate flexibility and teaming skills;
- Parents believe the administration, special education director, and staff are doing an excellent job in regards to improving special education services; and
- Staff and parent interviews revealed that there is positive rapport between the Individualized Education Program (IEP) team participants.

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 one of 30 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, Elk City Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will document parent contacts 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 one of 30 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on six of 30 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on one of 30 files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on five of 30 files reviewed, reevaluations were not appropriately documented.

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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 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, Elk City 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 seven of 30 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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, Elk City 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 one of 30 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of 30 files reviewed, an IEP, OSDE Form 7, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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, Elk City 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 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; (one of 30 files)
- b) measurable annual goals; (one of 30 files)
- c) measures for progress in annual goals; (one of 30 files)
- d) methods of informing parents of progress toward annual goals; (one of 30 files)
- e) frequency of reporting progress to parent; (one of 30 files)
- f) documentation of progress toward current annual goals; (six of 30 files)
- g) extent of progress toward previous annual goals; (five of 30 files)
- h) type of service(s); (two of 30 files)
- i) continuum of placement (LRE continuum); (seven of 30 files)
- j) amount/time/frequency of services; (two of 30 files)
- k) extent of nonparticipation in general education curriculum or age appropriate activities; (five of 30 files)
- l) instructional day the same length as nondisabled peers; (two of 30 files)
- m) transition services, postsecondary goal(s); (seven of 30 files)
- n) transition services, course of study; (one of 30 files)
- o) transition services, goals and coordinated activities; (six of 30 files)

- p) participation in state/districtwide assessment; (four of 30 files)
- q) consideration of extended school year; (ESY) services; (one of 30 files)
- r) LRE, options considered and reasons; (two of 30 files)
- s) LRE, normally attend/close to home; (one of 30 files)
- t) LRE, potential harmful effects; (three of 30 files)
- u) LRE, removal from general education environment; (one of 30 files)

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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, Elk City 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: Extended School Year (ESY)

IDEA Part B Requirements

34 CFR § 300.106 Extended school year services.

OSDE Findings:

Based on one of 30 files reviewed, the IEP did not address the necessary ESY services to be provided.

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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: 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 Elk City Public School District, Ms. Kimberly Brandley, special education teacher, exceeded caseload.

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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, Elk City 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 teacher 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.

8) 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 Elk City Public School District, Ms. Kimberly Brandley did not hold a valid teaching certificate in the area of orthopedic impairment. At the time of the review, Ms. Brandley had at least one student categorized as having an orthopedic impairment on her caseload.

Based on a review of teacher certification submitted by Elk City Public School District, Ms. Leslie Mikles did not hold a valid teaching certificate in the area of autism. At the time of the review, Ms. Mikles had at least one student categorized as having autism on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, Elk City 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).

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.