

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Kildare Public School District

**TEAM MEMBERS:**

Malissa Cook	Associate State Director, OSDE-SES
Christa Knight	Monitoring and RtI Project Coordinator, OSDE-SES
Carole Tomlin	Coordinator, OSDE-SES
Craig Walker	Coordinator, OSDE-SES

**COUNTY:**

Kay

**DATE OF REVIEW:**

January 6, 2011

**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 January 6, 2011. At the time of the review Kildare Public School District did not have an acting Superintendent. The OSDE-SES met with the special education teacher at the time of the review.

Kildare Public School District is a dependent district serving four children with disabilities, ages three through 13, as reported on their October 2010, Child Count Report. At the time of the review, Kildare Public School District employed one special education teacher who has certification in one or more of the following area(s): severe/profound/multiple disabilities. The district has a contract for services in the area of speech language pathology. Kildare Public School District has also entered into a contractual agreement for Individualized Education Program (IEP) maintenance and consultation of a special education teacher who has certification in one or more of the following area(s): learning disability, mentally handicapped, and mild/moderate disabilities.

**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 four 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, Kildare 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: 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 four files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of four files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on one of four files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on one of four files reviewed, reevaluations were not appropriately documented.

### **Improvements Required:**

Within 30 days of the receipt of this report, Kildare 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, Kildare 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 one of four files reviewed, a Notification of Meeting, OSDE Form 6, could not be located.

### **Improvements Required:**

Within 30 days of the receipt of this report, Kildare 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, Kildare 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 three of four files reviewed, a current IEP, OSDE Form 7, could not be located.

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

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

Based on the Kildare Public School District 621 allocation for fiscal year 2011, Kildare Public School District was granted \$15,240.08 in federal monies. The total allocation divided by the number of students on the October 2010, Child Count Report with a current IEP that could not be located (total of three students) allocates an approximate total of \$3,810.02 per student. Within 30 days of the receipt of this report, Kildare Public School District will be required to submit repayment to this office in the amount of \$11,430.06, the allocation amount for the students that had IEPs that were missing and/or not in effect and were reported on the Kildare Public School District's October 2010, Child Count Report.

#### **5) Area of Noncompliance: IEP Components**

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

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) type of service(s); (one of four files)
- b) related services; (one of four files)
- c) amount/time/frequency of services; (one of four files)
- d) participation in state/districtwide assessment; (one of four files)
- e) LRE, removal from general education environment; (one of four files)

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

Within 30 days of the receipt of this report, Kildare 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, Kildare 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: Administrative Records**

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

- 34 CFR § 300.106 Extended school year services.
- 34 CFR § 300.111 Child find.
- 34 CFR § 300.123 Confidentiality of personally identifiable information.
- 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 § 300.160 Participation in assessments.
- 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 § 300.622 Consent.
- 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 of the district's procedure for screening, referral, and comprehensive evaluations;
- e) Documentation on how the district protects confidentiality of information;
- f) 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;
- g) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- h) Documentation of how the district trains/instructs all individuals collecting or using confidential information;

- i) Documentation that the district maintains records for five years;
- j) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- k) Documentation describing the Family Educational Rights and Privacy Act (FERPA) requirements;
- l) Documentation describing the district's hearing procedures;
- m) 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;
- n) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- o) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- p) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint;
- q) Documentation of the district's guidelines for the participation of children with disabilities in districtwide assessments with appropriate accommodations and modifications in administration, if necessary;
- r) Documentation of the district's guidelines for participation of children with disabilities in alternate assessments for those children who cannot participate, even with appropriate accommodations and modifications, in standard districtwide assessment programs; and
- s) Documentation of the district's extended school year policy.

**Improvements Required:**

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

**7) 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 Kildare Public School District, Ms. Jenae Stephens and Ms. Dee Ann Wooten did not hold current training in the area of First Aid as necessary to work as a Special Education Paraprofessional for children with disabilities.

**Improvement Required:**

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

**8) Area of Noncompliance: Financial Records**

**IDEA Part B Requirements**

Oklahoma Statute 70-5-117 § 68

Special Education Funding Manual

Office of Management and Budget Circular, Number A-133

**OSDE Findings:**

Based on the financial record review, records covering 1) a written policy for reimbursement of necessary travel expenses of employees and members of the board and 2) a written policy regarding the disposition of equipment, could not be located.

**Improvements Required:**

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

**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.