

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Lakeside School

**TEAM MEMBERS:**

Keisha King	Coordinator, OSDE-SES
Tammy Lawson	Coordinator, OSDE-SES
Pam Kimery	Finance Project Coordinator, OSDE-SES
Christa Knight	Monitoring Project Coordinator, OSDE-SES

**COUNTY:**

Greer

**DATE OF REVIEW:**

December 7, 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. Lakeside School serves the following institutions: Charles E. Johnson Correctional Center, Dick Conner Correctional Center, Dr. Eddie Warrior Correctional Center, Howard McLeod Correctional Center, Jackie Brannon Correctional Center, James Crabtree Correctional Center, Jess Dunn Correctional Center, Jim E. Hamilton Correctional Center, John Lilley Correctional Center, Joseph Harp Correctional Center, Lexington Assessment and Reception Center, Mabel Bassett Correctional Center, Mack Alford Correctional Center, Northeast Oklahoma Correctional Center, Oklahoma State Penitentiary, and William Key Correctional Center. The Oklahoma State Department of Education (OSDE), Special Education Services (SES) conducted an on-site compliance review at Joseph Harp Correctional Center and Mabel Bassett Correctional Center on December 7, 2010.

Lakeside School serves 10 students with disabilities, ages 16 through 20, as reported on their October 2009, Child Count Report. At the time of the review, Lakeside School employed one special education teacher and had a contract with one special education teacher. These teachers have certification in the following area(s): autism, learning disability, mentally handicapped, mild/moderate disabilities, other health impairment, physically handicapped, severe/profound/multiple disabilities, and traumatic brain injury.

**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 three of 11 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, could not be located. Based on one of 11 files reviewed, reevaluations were not appropriately documented. Based on two of 11 files reviewed, reevaluations could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Lakeside School 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., Review of Existing Data (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, Lakeside School 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 two of 11 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, Lakeside School 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, Lakeside School 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: 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 five of 11 files reviewed, a current IEP, OSDE Form 7, could not be located.

### **Improvements Required:**

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

Lakeside School serves 10 students with disabilities as reported on their October 2009, Child Count Report. Five of the ten students reported on the 2009 Child Count Report were placed at JHCC. At the time of the review, current IEPs were not developed or in effect for any of the students with disabilities placed at JHCC. Based on Lakeside School 621 allocation for fiscal year 2010, Lakeside School was granted \$34,284.18 in federal monies. The total allocation divided by the number of students on the October 2009, Child Count Report with a current IEP that could not be located (total of five students) allocates an approximate total of \$3428.42 per student. Within 30 days of the receipt of this report, Lakeside School will be required to submit repayment to this office in the amount of \$17,142.10 the allocation amount for the students that had IEPs that were missing and/or not in effect and were reported on the Lakeside School's October 2009, Child Count Report.

#### **4) 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 11 files reviewed, Written Notice to Parents, OSDE Form 8, could not be located.

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

Within 30 days of the receipt of this report, Lakeside School 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, Lakeside School 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 § 300.114 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) strengths (including anticipated effects) and educational needs; (six of 11 files)
- b) measurable annual goals; (six of 11 files)
- c) measures for progress in annual goals; (two of 11 files)
- d) methods of informing parents of progress toward annual goals; (one of 11 files)
- e) frequency of reporting progress to parent; (two of 11 files)
- f) documentation of progress toward current annual goals; (two of 11 files)
- g) continuum of placement (LRE continuum); (one of 11 files)
- h) LRE, potential harmful effects; (two of 11 files)
- i) LRE, removal from general education environment; (one of 11 files)

**Improvements Required:**

Within 30 days of the receipt of this report, Lakeside School 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, Lakeside School 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 one of 11 files reviewed and the October 2009, Child Count Report submitted by Lakeside School, the student’s category was inconsistent with the reported child count data.

**Improvements Required:**

Within 30 days of the receipt of this report, Lakeside School 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.

### **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.