

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Lindsay Public School District

COUNTY:

Garvin

DATE OF REVIEW:

November 19, 2010

TEAM MEMBERS:

Keisha King	Coordinator, OSDE-SES
Lydia Vaquera	Coordinator, OSDE-SES
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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 19, 2010.

Lindsay Public School District is an independent district serving 228 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Lindsay Public School District employed nine special education teachers who have certification in one or more of the following area(s): autism, blind/visual impairment, deaf/hard of hearing, emotionally disturbed, learning disability, mentally handicapped, mild/moderate disabilities, multiple disabilities, other health impairment, physically handicapped, severe/profound/multiple disabilities, and 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 ten of 24 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, Lindsay 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: Parent Consent

IDEA Part B Requirements

34 CFR § 300.300 Parental consent.

OSDE Findings:

Based on one of 24 files reviewed, the Parent Consent, OSDE Form 4, could not be located.

Improvements Required:

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

3) 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 24 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, team signatures were incomplete. Based on four of 24 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on two of 24 files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on three of 24 files reviewed, reevaluations were completed past the three year timeline. Based on four of 24 files reviewed, reevaluations were not appropriately documented. Based on four of 24 files reviewed, reevaluations could not be located.

Improvements Required:

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

4) 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 nine of 24 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located. Based on two of 24 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, Lindsay 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, Lindsay 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]).

5) 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 four of 24 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on 11 of 24 files reviewed, an IEP, OSDE Form 7, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Lindsay 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, Lindsay 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 Lindsay Public School District 621 allocation for fiscal year 2010, Lindsay Public School District was granted \$259,307.22 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 11 students) allocates an approximate total of \$1137.31 per student. Within 30 days of the receipt of this report, Lindsay Public School District will be required to submit repayment to this office in the amount of \$12,510.41 the allocation amount for the students that had IEPs that were missing and/or not in effect and were reported on the Lindsay Public School District’s October 2009, Child Count Report.

6) 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 24 files reviewed, Written Notice to Parents, OSDE Form 8, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Lindsay Public School District 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, Lindsay Public School District 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]).

7) 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) present levels of performance; (one of 24 files)
- b) strengths (including anticipated effects) and educational needs; (one of 24 files)
- c) documentation of progress toward current annual goals; (two of 24 files)
- d) extent of progress toward previous annual goals; (eight of 24 files)
- e) amount/time/frequency of services; (one of 24 files)
- f) projected starting and expected duration dates; (two of 24 files)
- g) position/person responsible; (one of 24 files)
- h) extent of nonparticipation in general education curriculum or age appropriate activities; (two of 24 files)
- i) amount of time in general education setting; (one of 24 files)
- j) regular physical education (PE), adapted PE, N/A; (one of 24 files)
- k) participation in alternate assessment; (one of 24 files)
- l) LRE, potential harmful effects; (one of 24 files)
- m) LRE, removal from general education environment; (three of 24 files)
- n) team participant signatures; (two of 24 files)
- o) parent rights/translation/interpretation; (one of 24 files)

Improvements Required:

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

8) 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 24 files reviewed and the October 2009, Child Count Report submitted by Lindsay 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, Lindsay 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.

9) 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.

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 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;
- b) 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;
- c) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- d) Documentation describing the Family Educational Rights and Privacy Act (FERPA) requirements;
- e) Documentation describing the district's hearing procedures;
- f) 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;

- g) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- h) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- i) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint; and
- j) Documentation of the district's extended school year policy.

In addition, during the on-site compliance review, the OSDE-SES observed the fact that not all confidential records were located in a secure location. At the time of review, at least one student file could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Lindsay Public School District will develop, implement, and submit a written improvement plan of how the district will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and stage of destruction. 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, Lindsay Public School District will develop, implement, and submit the required administrative policies in accordance with the above State and federal requirements.

10) 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 Lindsay Public School District, Ms. Jennifer Taylor and Ms. Pamela Baker, special education teachers, exceeded class size.

Based on a review of the caseload/class size verification submitted by Lindsay Public School District, Ms. Stormy Duffle, special education teacher, exceeded caseload.

Improvements Required:

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

11) 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 Lindsay Public School District, Ms. Pamela Baker did not hold a valid teaching certificate in the area of emotionally disturbed. At the time of the review, Ms. Baker had at least one student categorized as having an emotional disturbance on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, Lindsay 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).

12) 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 a written policy regarding the disposition of equipment could not be located.

Improvements Required:

Within 60 days from the receipt of this report, Lindsay 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.