

**OKLAHOMA STATE DEPARTMENT OF EDUCATION  
SANDY GARRETT  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Macomb Public School District

**TEAM MEMBERS:**

Tammy Lawson	Coordinator, OSDE-SES
Tina Crow	Coordinator, OSDE-SES
Pam Kimery	Finance Project Coordinator, OSDE-SES
Christa Knight	Monitoring Project Coordinator, OSDE-SES

**COUNTY:**

Pottawatomie

**DATE OF REVIEW**

October 13, 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 13, 2010.

Macomb Public School District is an independent district serving 78 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Macomb Public School District employed two special education teachers who have certification in one or more of the following area(s): learning disability, mentally handicapped, other health impairment, and physically handicapped. The district has a contract for services in the area of speech language pathology.

**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 two of ten 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, Macomb 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: 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, Macomb 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 ten files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on five 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, reevaluations were completed past the three-year timeline. Based on two of ten files reviewed, reevaluations were not appropriately documented. Based on one of ten files reviewed, reevaluations could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Macomb 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, Macomb 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 six of ten files reviewed, a Notification of Meeting, OSDE Form 6, could not be located. Based on one of ten 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, Macomb 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, Macomb 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 eight of ten files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP.

**Improvements Required:**

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

**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 ten files reviewed, Written Notice to Parents, OSDE Form 8, could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Macomb 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 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, Macomb 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 § 300.43 Transition services.
- 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; (eight of ten files)
- b) strengths (including anticipated effects) and educational needs; (five of ten files)
- c) consideration of special factors; (two of ten files)
- d) parent concerns; (two of ten files)
- e) measurable annual goals; (one of ten files)
- f) measures for progress in annual goals; (one of ten files)
- g) methods of informing parents of progress toward annual goals; (two of ten files)
- h) frequency of reporting progress to parent; (one of ten files)
- i) documentation of progress toward current annual goals; (two of ten files)
- j) extent of progress toward previous annual goals; (five of ten files)
- k) type of service(s); (eight of ten files)
- l) continuum of placement (LRE continuum); (seven of ten files)
- m) related services; (one of ten files)
- n) amount/time/frequency of services; (two of ten files)
- o) projected starting and expected duration dates; (three of ten files)
- p) position/person responsible; (two of ten files)
- q) extent of nonparticipation in general education curriculum or age appropriate activities; (five of ten files)
- r) amount of time in general education setting; (four of ten files)
- s) instructional day the same length as nondisabled peers; (one of ten files)
- t) regular physical education (PE), adapted PE, N/A; (two of ten files)
- u) supplementary aids and services, program modifications, supports for personnel; (one of ten files)
- v) transition services, postsecondary goal(s); (one of ten files)
- w) transition services, goals and coordinated activities; (one of ten files)
- x) participation in state/districtwide assessment; (one of ten files)
- y) participation in alternate assessment; (three of ten files)
- z) LRE, options considered and reasons; (six of ten files)
- aa) LRE, potential harmful effects; (seven of ten files)
- bb) LRE, removal from general education environment; (five of ten files)
- cc) team participant signatures; (three of ten files)

### Improvements Required:

Within 30 days of the receipt of this report, Macomb 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, Macomb 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 three of ten files reviewed and the October 2009, Child Count Report submitted by Macomb Public School District, the student's category was inconsistent with the reported child count data. Based on one of ten files reviewed and the October 2009, Child Count Report submitted by Macomb Public School District, the student was inaccurately reported on child count. (i.e., student file documented the initial MEEGS date of November 3, 2009). The student was placed on the district's October 2009, Child Count Report prior to the initial MEEGS date.

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

Based on the Macomb Public School District's 621 allocation for the 2009-2010 school year, Macomb Public School District was granted \$74,735.84 in federal monies. The total allocation divided by the number of students on the October 2009, Child Count Report allocates an approximate total of \$958.15 per student. Within 30 days of the receipt of this report, Macomb Public School District will be required to submit repayment in the amount of \$958.15, the allocation amount for the above student that was submitted on Macomb Public School District October 2009, Child Count Report although documentation in the student file revealed the student's eligibility was not determined until November 3, 2009.

Based on the weighted pupil category calculation for the disability category that was determined to be in noncompliance, each student identified as having autism holds a weight of 2.40. The ODSE-SES will turn this report over to the Finance Division of the Oklahoma State Department of Education for further action to be taken against the Macomb Public School District regarding State Aid funding for students with disabilities reported that had not yet been determined eligible for special education and related services.

Within 30 days of the receipt of this report, Macomb Public School District will review the district's child count records, and develop, implement, and submit a written improvement plan on how the inconsistency for child count will be corrected and recurrence will be prevented. 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 § 300.151 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 § 300.623 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 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;
- b) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- c) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- d) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- e) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint; and
- f) Documentation of the district's extended school year policy.

**Improvements Required:**

Within 60 days from the receipt of this report, Macomb 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: 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 Macomb Public School District, Ms. Susan Moore did not hold a valid teaching certificate in the area of autism, emotionally disturbed, specific learning disability, other health impairment, and visual impairment. At the time of the review, Ms. Moore had at least one student categorized as having each of these disabilities on her caseload.

**Improvements Required:**

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