

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Pickett-Center Public School District

**TEAM MEMBERS:**

Lydia Vaquera

Coordinator, OSDE-SES

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**COUNTY:**

Pontotoc

**DATE OF REVIEW**

December 14, 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 December 14, 2010.

Pickett-Center Public School District is a dependent district serving 23 children with disabilities, ages three through 14, as reported on their October 2009, Child Count Report. At the time of the review, Pickett-Center Public School District employed one special education teacher who has certification in one or more of the following area(s): autism, learning disability, mentally handicapped, multiple disabilities, other health impairment, and traumatic brain injury. 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 five 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, Pickett-Center 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 one 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, Pickett-Center 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 two of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, for initial evaluation was not completed within the 45 school day timeline. Based on four of ten files reviewed, the 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 one of ten files reviewed, reevaluations were not appropriately documented.

**Improvements Required:**

Within 30 days of the receipt of this report, Pickett-Center 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, Pickett-Center 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 two of ten files reviewed, a Notification of Meeting, OSDE Form 6, could not be located.

**Improvements Required:**

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

**Improvements Required:**

Within 30 days of the receipt of this report, Pickett-Center 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, Pickett-Center 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 to the public agency, content of notice.

**OSDE Finding:**

Based on one 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, Pickett-Center 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, Pickett-Center 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) strengths (including anticipated effects) and educational needs; (two of ten files)
- b) benchmarks and/or short term objectives; (one of ten files)
- c) documentation of progress toward current annual goals; (one of ten files)
- d) type of service(s); (one of ten files)
- e) continuum of placement (LRE continuum); (five of ten files)
- f) amount/time/frequency of services; (two of ten files)
- g) extent of nonparticipation in general education curriculum or age appropriate activities; (one of ten files)
- h) participation in state/districtwide assessment; (one of ten files)
- i) LRE, potential harmful effects; (one of ten files)
- j) LRE, removal from general education environment; (one of ten files)
- k) team participant signatures; (one of ten files)

**Improvements Required:**

Within 30 days of the receipt of this report, Pickett-Center 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, Pickett-Center 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 ten files reviewed and the October 2009, Child Count Report submitted by Pickett-Center 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, Pickett-Center 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 § 300.111 Child find.

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.

#### **Improvements Required:**

Within 60 days from the receipt of this report, Pickett-Center 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 current certifications, Ms. Judy Hanks did not hold a valid teaching certificate in the area of speech language impairment. At the time of the review, Ms. Judy Hanks had at least one student categorized as having speech language impairment on her caseload.

#### **Improvements Required:**

Within 30 days of the receipt of this report, Pickett-Center 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 regulation(s). Submit documentation to verify this action (i.e., Notification of Meeting, OSDE Form 6; IEP, OSDE Form 7; 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.