

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Santa Fe Charter School

TEAM MEMBERS:

Lydia Vaquera	Coordinator, OSDE-SES
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COUNTY:

Oklahoma

DATE OF REVIEW

November 8, 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 November 8, 2010.

Santa Fe Charter School is a public charter school sponsored by a higher education institution serving 19 children with disabilities, ages three through 11, as reported on their October 2009, Child Count Report. At the time of the review, Santa Fe Charter School employed two special education teachers who have certification in one or more of the following area(s): mild/moderate disabilities and speech language pathology.

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 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 one of ten files reviewed, reevaluations were not appropriately documented.

Improvements Required:

Within 30 days of the receipt of this report, Santa Fe Charter 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(s) 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; and Notification of Meeting, OSDE Form 6).

Within 60 days of the receipt of this report, Santa Fe Charter 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: Administrative Records

IDEA Part B Requirements

34 CFR § 300.106 Extended school year services.

34 CFR § 300.111 Child find.

34 CFR § 300.152 Minimum state complaint procedures.

34 CFR § 300.153 Filing a complaint.

34 CFR § 300.502 Independent educational evaluation.

34 CFR § 300.617 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 § 300.624 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 on how the district ensures that parents have been fully informed about the child find requirements;
- c) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- d) Documentation describing the Family Educational Rights and Privacy Act (FERPA) requirements;
- e) Documentation describing the district's hearing procedures;
- f) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- g) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- h) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint; and
- i) Documentation of the district's extended school year policy.

Improvements Required:

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

3) 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. Robin Hibbard did not hold a valid teaching certificate in the area of speech language impairment. At the time of the review, Ms. Robin Hibbard had at least one student categorized as having a speech language impairment on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, Santa Fe Charter School 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).

4) Area of Noncompliance: Financial Records

IDEA Part B Requirements

Cost Certifications, Office of Management and Budget Circular A-87

OSDE Findings:

Based on the financial record review, documentation of Time and Effort Certifications could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Santa Fe Charter School will develop, implement, and submit a written improvement plan. This plan shall document how the LEA will ensure that Time and Effort Certification records will be maintained for all LEA employees who are paid with Federal funds.

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.