

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Sperry Public School District

COUNTY:

Tulsa

DATE OF REVIEW:

September 21, 2010

TEAM MEMBERS:

Keisha King	Coordinator, OSDE-SES
Lydia Vaquera	Coordinator, OSDE-SES
Tammy Lawson	Coordinator, OSDE-SES
Susan Benton	Coordinator, OSDE-SES
Christa Knight	Monitoring Project 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 September 21, 2010.

Sperry Public School District is an independent district serving 150 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Sperry Public School District employed ten special education teachers who have certification in one or more of the following area(s): learning disability, mentally handicapped, mild/moderate disabilities, other health impairment, severe/profound/multiple disabilities, and speech language pathologist.

II. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENT:

1) Area of Noncompliance: Parent Consent

IDEA Part B Requirements

34 CFR § 300.300 Parental consent.

OSDE Findings:

Based on two of 14 files reviewed, the Parent Consent, OSDE Form 4, could not be located.

Improvements Required:

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

2) 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 four of 14 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of 14 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 three of 14 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on one of 14 files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on three of 14 files reviewed, reevaluations were not appropriately documented. Based on one of 14 files reviewed, reevaluations could not be located.

Improvements Required:

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

3) 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 five of 14 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located. Based on two of 14 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, Sperry 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, Sperry 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]).

4) 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 14 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on two of 14 files reviewed, an IEP, OSDE Form 7, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, Sperry 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; Written Notice to Parents, OSDE Form 8).

Within 60 days of the receipt of this report, Sperry 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]).

5) Area of Noncompliance: IEP Components

IDEA Part B Requirements

34 CFR § 300.43 Transition services.

34 CFR § 300.106 Extended school year

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 14 files)
- b) strengths (including anticipated effects) and educational needs; (one of 14 files)
- c) considerations of special factors; (two of 14 files)
- d) parent concerns; (one of 14 files)
- e) measurable annual goals; (one of 14 files)
- f) benchmarks and/or short term objectives; (one of 14 files)
- g) methods of informing parents of progress toward annual goals; (two of 14 files)
- h) frequency of reporting progress to parent; (one of 14 files)
- i) documentation of progress toward current annual goals; (five of 14 files)
- j) extent of progress toward previous annual goals; (nine of 14 files)
- k) continuum of placement (LRE continuum); (one of 14 files)
- l) extent of nonparticipation in general education curriculum or age appropriate activities; (eight of 14 files)
- m) transition services, postsecondary goal(s); (one of 14 files)
- n) transition services, course of study; (one of 14 files)

- o) transition services, goals and coordinated activities; (one of 14 files)
- p) participation in state/districtwide assessment; (two of 14 files)
- q) participation in alternate assessment; (two of 14 files)
- r) consideration of extended school year (ESY) services; (three of 14 files)
- s) LRE, options considered and reasons; (one of 14 files)
- t) LRE, potential harmful effects; (two of 14 files)
- u) LRE, removal from general education environment; (two of 14 files)
- v) team participants signatures; (one of 14 files)
- w) parent rights/translation/interpretation; (one of 14 files)

Improvements Required:

Within 30 days of the receipt of this report, Sperry 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; Written Notice to Parents, OSDE Form 8).

Within 60 days of the receipt of this report, Sperry 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]).

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 14 files reviewed and the October 2009, Child Count Report submitted by Sperry 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, Sperry 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.

7) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

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 § 300.623 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 describing how the district informs parents and other interested individuals of complaint procedures; and
- b) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint.

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 the review, at least one student file could not be located.

Improvements Required:

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

8) 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 Sperry Public School District, Ms. Deanna Oakley, special education teacher, exceeded caseload and class size. Based on a review of the caseload/class size verification submitted by Sperry Public School District, Ms. Lea Ann Pry, special education teacher, exceeded caseload.

Improvements Required:

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

9) 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 Sperry Public School District, Ms. Marsha Durossette did not hold a valid teaching certificate in the area of multiple disabilities. At the time of the review, Ms. Durossette had at least one student categorized as having multiple disabilities on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, Sperry 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; Written Notice to Parents, OSDE Form 8).

10) Area of Noncompliance: Special Education Paraprofessional Registry

IDEA Part B Requirements:

34 CFR § 300.156 Personnel qualifications.

Policies and Procedures for Special Education in Oklahoma, 2007

OSDE Findings:

Based on review of Special Education Paraprofessional verification submitted by Sperry Public School District, Ms. Crystal McCune and Ms. Melanie Beam, documentation of satisfactory completion, demonstration of competencies (i.e., completion of nine modules), and/or other required components (i.e., standard high school diploma or General Education Development (GED), current First Aid and CPR training, completion of six hours of personnel development and Universal Precautions/Bloodborne Pathogens training annually) necessary to work as a Special Education Paraprofessional for children with disabilities could not be located.

Improvement Required:

Within 30 days of the receipt of this report, Sperry Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that Special Education Paraprofessionals are appropriately and adequately prepared and trained to serve children with disabilities. 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, Sperry Public School District will submit documentation verifying that the district’s Special Education Paraprofessionals identified through the OSDE-SES compliance review have completed all requirements in order to gain registry status with the OSDE-SES.

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.