

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

FOCUSED MONITORING REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Union Public School District

TEAM MEMBERS:

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COUNTY:

Tulsa

DATE OF REVIEW:

May 9-10, 2011

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 focused monitoring review May 9-10, 2011.

Focused monitoring is a term described by the Office of Special Education Programs (OSEP) as “*A process that purposefully selects priority areas to examine for compliance/results while not specifically examining other areas for compliance to maximize resources, emphasize important variables, and increase the probability of improved results.*” This is a process in which LEAs are selected for on-site visits by rankings on their LEA data according to their District Data Profiles, areas of concern, and/or by random selection. The focus is on priority areas selected annually by the Focused Monitoring Stakeholder Group. The focused monitoring system has a direct and positive impact on monitoring effectiveness and improvement of services for students with disabilities throughout Oklahoma.

The Focused Monitoring Stakeholder Group has chosen two priority areas for the school year 2010-2011. The areas selected are Preschool Outcomes (Indicator 7) and Early Childhood Transition (Indicator 12). The Union Public School District was selected, according to the LEA’s District Data Profile, to be monitored in the priority area of Early Childhood Transition (Indicator 12).

The OSDE-SES reviewed the data collections received from the Fiscal Year (FY) 2010 Special Education Child Count System for the Union Public School District. The OSDE-SES looked specifically at what percentage of children referred by Part C (SoonerStart); who were found eligible for Part B (special education and related services), had an Individualized Education Program (IEP) developed and implemented by their third birthday. The State target is that 100% of children referred by Part C; who are found eligible for Part B and have an IEP implemented by their third birthday.

Sites visited within the Union Public School District consist of the following: Darnaby Elementary School. Darnaby Elementary represented the largest number of children referred by Part C (SoonerStart) that meet the above criteria. The OSDE-SES conducted interviews and student file reviews. One special education director, one special education teacher, and one psychologist were interviewed; ten student files were reviewed. Documentation from the SoonerStart (Part C) program was also reviewed during the on-site visit.

A Focused Monitoring Parent Forum meeting was held on May 9, 2011, for parents of students with disabilities. These parents shared concerns and answered questions presented by the OSDE-SES staff regarding the area of: Early Childhood Transition.

II. FOCUSED MONITORING PRIORITY AREA:

34 CFR § 300.124 Transition of children from Part C to preschool programs.

The state must have in effect policies and procedures to ensure that—

(a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act:

(b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with 300.323(b)) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with 300.101(b); and

(c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.

34 CFR § 300.157 Performance goals and indicators.

The State must—

(a) Have in effect established goals for the performance of children with disabilities in the State that—

(1) Promote the purposes of this part, as stated in § 300.1;

(2) Are the same as the State's objectives for progress by children in its definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111 (b)(2)(C) of the ESEA, 20 U.S.C. 6311;

(3) Address graduation rates and drop-out rate, as well as such other factors as the State may determine; and

(4) Are consistent, to the extent appropriate, with any other goals and academic standards for children established by the State;

(b) Have in effect established performance indicators the State will use to assess progress toward achieving the goals described in paragraph (a) of this section, including measurable annual objectives for progress by children with disabilities under section 1111 (b)(2)(C)(v)(II)(cc) of the ESEA, 20 U.S.C. 6311; and

(c) Annually report to the Secretary and the public on the progress of the State, and of the children with disabilities in the State, toward meeting the goals established under paragraph (a) of this section, which may include elements of the reports required under section 1111 (h) of the ESEA.

34 CFR § 300.601 State performance plans and data collection.

(a) General. Not later than December 3, 2005, each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B of the Act, and describes how the State will improve such implementation.

(1) Each State must submit the State's performance plan to the Secretary for approval in accordance with the approval process described in section 616(c) of the Act.

(2) Each State must review its State performance plan at least once every six years, and submit any amendments to the Secretary.

(3) As part of the State performance plan, each State must establish measurable and rigorous targets for the indicators established by the Secretary under the priority areas described in § 300.600(d).

(b) Data collection. (1) Each State must collect valid and reliable information as needed to report annually to the Secretary on the indicators established by the Secretary for the State performance plans.

(2) If the Secretary permits States to collect data on specific indicators through State monitoring or sampling, and the State collects the data through State monitoring or sampling, the State must collect data on those indicators for each LEA at least once during the period of the State performance plan.

(3) Nothing in Part B of the Act shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under Part B of the Act.

Promising Practices:

In relation to the identified critical compliance indicator, the following efforts and/or initiatives have been implemented by the Union Public School District. These activities have been recognized as effective components in the LEA's system for improving student outcomes:

- Staff interviews revealed that the designated staff member for early childhood transition has implemented an internal tracking system to ensure timeline compliance;

- Staff and parent interviews revealed that the Union Public School District participates in the transition planning conference process. Therefore, the early childhood transition from Part C (SoonerStart) to the LEA was a smooth process; and
- Staff and parent interviews revealed that communication between the LEA, SoonerStart, and the parent(s) was effective throughout the transition process.

III. AREAS THAT REQUIRE EVIDENCE OF CORRECTION AND IMPROVEMENT:

1) Area of Noncompliance: Transition of Children from Part C to Part B

IDEA B Requirements

34 CFR § 300.124 Transition of children from Part C to preschool programs.

34 CFR § 300.157 Performance goals and indicators.

34 CFR § 300.601 State performance plans and data collection.

OSDE Findings:

During the on-site visit, the OSDE-SES staff reviewed files, received feedback from parents, and conducted personnel interviews with staff at Darnaby Elementary School. The following data was collected:

The Union Public School District's FY2010 Special Education Child Count Report documented that 93.75% of children determined eligible for Part B services had IEPs completed on or before their third birthday;

Based on one of ten files reviewed, an IEP was not developed and implemented for a child transitioning from Part C to Part B by the child's third birthday; and

SoonerStart documentation revealed that the transition planning conference was completed at least 90 days prior to the child's third birthday, therefore, providing the Union Public School District adequate time to develop and implement an IEP in accordance within the required timeline.

Improvements Required:

The Union Public School District will develop, implement, and submit a written improvement plan. This plan shall document how children referred by Part C (Sooner Start); who were found eligible for Part B (special education and related services), will have an Individualized Education Program (IEP) developed and implemented by their third birthday. This improvement plan shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation.

Based on a random review of student records by the OSDE-SES, the Union Public School District will have substantial compliance in the area of Early Childhood Transition that will include accurate documentation that children referred by Part C (SoonerStart), and found eligible for Part B (special education and related services), will have an IEP developed and implemented by their third birthday.

IV. ASSURANCE STATEMENT:

Assurance Statement with superintendent's signature required.

The Union Public School District must provide to this office an assurance statement, signed by the superintendent.

Content: *"This local educational agency (LEA) 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 LEA in their efforts to properly address early childhood transition."*

V. 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 State Education Agency 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.