

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Union City Public School District

**TEAM MEMBERS:**

|                |  |
|----------------|--|
| Tammy Lawson   | Coordinator, OSDE-SES                    |
| Lydia Vaquera  | Coordinator, OSDE-SES                    |
| Keisha King    | Coordinator, OSDE-SES                    |
| Pam Kimery     | Finance Project Coordinator, OSDE-SES    |
| Christa Knight | Monitoring Project Coordinator, OSDE-SES |

**COUNTY:**

Canadian

**DATE OF REVIEW**

September 24, 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 September 24, 2010.

Union City Public School District is an independent district serving 53 children with disabilities, ages three through 21, as reported on their October 2009, Child Count Report. At the time of the review, Union City Public School District employed two special education teachers who have certification in one or more of the following area(s): autism, learning disability, mentally handicapped, mild/moderate disabilities, other health impairment, and speech pathologist.

**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 seven 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, Union City 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: 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 three of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on two of ten files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on one of ten files reviewed, reevaluations could not be located.

**Improvements Required:**

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

**Improvements Required:**

Within 30 days of the receipt of this report, Union City 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, Union City 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: 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 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, Union City 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, Union City 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]).

**6) 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 § 300.160 Participation in assessments.
- 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 ten files)
- b) strengths (including anticipated effects) and educational needs; (one of ten files)
- c) consideration of special factors; (one of ten files)

- d) parent concerns; (one of ten files)
- e) measurable annual goals; (two of ten files)
- f) methods of informing parents of progress toward annual goals; (one of ten files)
- g) frequency of reporting progress to parent; (one of ten files)
- h) documentation of progress toward current annual goals; (five of ten files)
- i) extent of progress toward previous annual goals; (seven of ten files)
- j) continuum of placement (LRE continuum); (eight of ten files)
- k) projected starting and expected duration times; (one of ten files)
- l) extent of nonparticipation in general education curriculum or age appropriate activities; (nine of ten files)
- m) amount of time in general education setting; (two of ten files)
- n) regular physical education (PE), adapted PE, N/A; (one of ten files)
- o) supplementary aids and services, program modifications, supports for personnel; (two of ten files)
- p) transition services, transition assessment results; (one of ten files)
- q) transition services, postsecondary goal(s); (two of ten files)
- r) transition services, course of study; (one of ten files)
- s) transition services, projected date of graduation; (one of ten files)
- t) transition services, referral to vocational rehabilitation counselor; (one of ten files)
- u) transition services, goals and coordinated activities; (one of ten files)
- v) participation in state/districtwide assessment; (three of ten files)
- w) state and districtwide assessment accommodations and modifications; (one of ten files)
- x) participation in alternate assessment; (two of ten files)
- y) consideration of extended school year (ESY) services; (two of ten files)
- z) LRE, options considered and reasons; (four of ten files)
- aa) LRE, normally attend/close to home; (two of ten files)
- bb) LRE, potential harmful effects; (three of ten files)
- cc) LRE, removal from general education environment; (two of ten files)
- dd) team participant signatures; (six of ten files)
- ee) documentation of parent participation; (two of ten files)
- ff) parent rights/translation/interpretation; (three of ten files)

**Improvements Required:**

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

**7) 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 four of ten files reviewed and the October 2009, Child Count Report submitted by Union City 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, Union City 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.

**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 Union City Public School District, Ms. Kathryn Kolar, special education teacher, exceeded caseload.

**Improvements Required:**

Within 30 days of the receipt of this report, Union City 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, Union City 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: Administrative Records**

**IDEA Part B Requirements**

34 CFR § 300.502 Independent educational evaluation.

34 CFR § 300.612 Notice to parents.

34 CFR § 300.616 List of types and locations of information.

34 CFR § 300.619 Opportunity for a hearing.

34 CFR § 300.620 Result of hearing.

34 CFR § 300.621 Hearing procedures.

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 list of the types and locations of education records collected and maintained by the district;
- b) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;
- c) Documentation describing the Family Educational Rights and Privacy Act (FERPA) requirements;
- d) Documentation describing the district's hearing procedures; and
- e) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation.

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

**Improvements Required:**

Within 30 days of the receipt of this report, Union City Public School District will develop, implement, and submit a written improvement plan of how the district will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and stage of destruction. 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, Union City 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 Union City Public School District, Ms. Kerri Griggs did not hold a valid teaching certificate in the area of speech-language impairment. At the time of the review, Ms. Griggs 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, Union City 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).

**11) 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 Certification could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, Union City Public School District 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.