

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

White Oak Public School District

COUNTY:

Craig

TEAM MEMBERS:

Christa Knight Monitoring Project Coordinator, OSDE-SES

Mark Everhart Coordinator, OSDE-SES

Malissa Cook Associate State Director, OSDE-SES

DATE OF REVIEW:

October 29, 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 October 29, 2010.

White Oak Public School District is a dependent district serving 74 children with disabilities, ages three through 15, as reported on their October 2009, Child Count Report. At the time of the review, White Oak Public School District employed three special education teachers who have certification in one or more of the following area(s): learning disability, mild/moderate disabilities, and severe/profound/multiple disabilities. The district has a contract for services in the area of speech language pathology. In addition, the Oklahoma Virtual Academy (OKVA) is a program available for students (Grades 1-8) across the state by a transfer to White Oak Public School District. At the time of the review, OKVA provided special education services to 66 of the 74 children with disabilities reported on the White Oak Public School District's October 2009, Child Count Report.

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 two (OKVA) of 14 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, White Oak 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 (White Oak Physical Student) 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, White Oak 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 one (White Oak Physical Student) of 14 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one (White Oak Physical Student) of 14 files reviewed, the RED, OSDE Form 3, team signatures were incomplete. Based on four (White Oak Physical Student) of 14 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, could not be located. Based on one (White Oak Physical Student) of 14 files reviewed, reevaluations were completed past the three-year timeline. Based on three (White Oak Physical Student) of 14 files reviewed, reevaluations could not be located.

Improvements Required:

Within 30 days of the receipt of this report, White Oak 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, White Oak 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 (OKVA and White Oak Physical Student) of 14 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, White Oak 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, White Oak 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 nine (OKVA and 8 White Oak Physical Students) of 14 files reviewed, an IEP, OSDE Form 7, could not be located. All of those files had a lack of documentation to support the fact that special education and related services were being provided as determined by the IEP team due to a current IEP not being in effect at the time of the review.

Improvements Required:

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

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

Based on the White Oak Public School District 621 allocation for fiscal year 2010, White Oak Public School District was granted \$39,036.41 in federal monies. The total allocation divided by the number of students on the October 2009, Child Count Report with a current IEP that could not be located (total of seven students) allocates an approximate total of \$527.52 per student. Within 30 days of the receipt of this report, White Oak Public School District will be required to submit repayment to this office in the amount of \$3,692.64, the allocation amount for the students that had IEPs that were missing and/or not in effect and were reported on the White Oak Public School District’s October 2009, Child Count Report.

According to the October 2009, Child Count Report, four of the students were identified as having a specific learning disability, two of the students were identified as having speech language impairment, and one student was identified as having other health impairment had IEPs missing and/or not in effect, at the time of the on-site compliance investigation. Based on the weighted pupil category calculation for the

disability categories that were determined to be in noncompliance, each student identified as having a specific learning disability holds a weight of .40, each student identified as having speech language impairment holds a weight of .05, and each student identified as having other health impairment holds a weight of 1.20. To ensure compliance, the OSDE-SES will turn this report over to the Finance Division of the OSDE for further action to be taken against White Oak Public School District regarding State Aid funding for students with disabilities that had IEPs missing and/or not in effect.

6) 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) present levels of performance; (one of 14 files)
- b) extent of progress toward previous annual goals; (one of 14 files)
- c) continuum of placement (LRE continuum); (one of 14 files)
- d) extent of nonparticipation in general education curriculum or age appropriate activities; (two of 14 files)
- e) LRE, normally attend/close to home; (two of 14 files)
- f) LRE, potential harmful effects; (one of 14 files)
- g) team participants signatures; (one of 14 files)
- h) documentation of parent participation; (one of 14 files)

NOTE: All of the above “IEP Components” findings are for OKVA files.

Improvements Required:

Within 30 days of the receipt of this report, White Oak 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, White Oak 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 one (White Oak Physical Student) of 14 files reviewed and the October 2009, Child Count Report submitted by White Oak 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, White Oak 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: Administrative Records**IDEA Part B Requirements**

34 CFR § 300.111 Child find.

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 § 300.160 Participation in assessments.

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 § 300.623 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 of two public awareness activities from ongoing/periodic activities, regarding child identification, location, and evaluation;
- b) 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;
- c) Documentation on how the district ensures that parents have been fully informed about the child find requirements;
- d) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation;
- e) Documentation describing how the district informs parents and other interested individuals of complaint procedures;
- f) Documentation on issuing a written decision to the complainant that addresses each allegation in the complaint;
- g) Documentation on maintaining, for public inspection, a current listing of the names and positions of those persons in the district who may have access to personally identifiable information;
- h) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- i) Documentation of the district's guidelines for the participation of children with disabilities in districtwide assessments with appropriate accommodations and modifications in administration, if necessary; and
- j) Documentation of the district's guidelines for participation of children with disabilities in alternate assessments for those children who cannot participate, even with appropriate accommodations and modifications, in standard districtwide assessment programs.

Improvements Required:

Within 60 days from the receipt of this report, White Oak Public School District will develop, implement, and submit the required administrative policies in accordance with the above State and federal requirements.

9) 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 White Oak Public School District, Ms. Michelle Johnston, special education teacher for the OKVA, exceeded caseload.

Improvements Required:

Within 30 days of the receipt of this report, White Oak 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, White Oak 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.

10) 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, White Oak 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.