

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Depew Public School District

**TEAM MEMBERS:**

Tammy Lawson	Coordinator, OSDE-SES
Craig Walker	Coordinator, OSDE-SES
Keisha King	Coordinator, OSDE-SES
Misty Haas	Coordinator, OSDE-SES
Anita Eccard	Associate State Director, OSDE-SES

**COUNTY:**

Creek

**DATE OF REVIEW**

October 4, 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 compliance review on October 4, 2011.

The Depew Public School District is an independent district serving 103 children with disabilities, ages three through 21, as reported on their October 2010, Child Count Report. At the time of the review, the Depew Public School District employed one special education teacher who has certification in one or more of the following area(s): learning disabilities. The district has a contract for services in the area of 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 one of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, team signatures were incomplete. Based on three of ten files reviewed, reevaluations were completed past the three-year timeline. Based on seven of ten files reviewed, reevaluations were not appropriately documented.

**Improvements Required:**

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

## **2) 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 two of ten files reviewed, a previous IEP, OSDE Form 7, could not be located.

### **Improvements Required:**

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

## **3) 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, the Depew 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, the Depew 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]).

#### **4) 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; (two of ten files)
- b) consideration of special factors; (two of ten files)
- c) measurable annual goals; (one of ten files)
- d) benchmarks and/or short term objectives; (one of ten files)
- e) measures for progress in annual goals; (one 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; (two of ten files)
- i) extent of progress toward previous annual goals; (three of ten files)
- j) type of services(s); (one of ten files)
- k) continuum of placement (LRE continuum); (two of ten files)
- l) projected starting and expected duration dates; (one of ten files)
- m) extent of nonparticipation in general education curriculum or age appropriate activities; (one of ten files)
- n) transition services, transition assessment results; (two of ten files)
- o) transition services, postsecondary goal(s); (four of ten files)
- p) transition services, course of study; (one of ten files)
- q) transition services, projected date of graduation; (two of ten files)
- r) transition services, information for vocational education; (two of ten files)
- s) transition services, referral to vocational rehabilitation counselor; (one of ten files)
- t) transition services; transfer of rights at age of majority; (one of ten files)
- u) transition services, goals and coordinated activities; (four of ten files)
- v) participation in alternate assessment; (four of ten files)
- w) consideration of extended school year (ESY) services; (one of ten files)
- x) team participant signatures; (four of ten files)
- y) parent rights/translation/interpretation; (one of ten files)

##### **Improvements Required:**

Within 30 days of the receipt of this report, the Depew 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, the Depew 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, Amended 2010. 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: 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, Amended 2010

**OSDE Findings:**

Based on two of ten files reviewed and the October 2010, Child Count Report submitted by the Depew 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, the Depew 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.

**6) Area of Noncompliance: Caseload/Class size**

**IDEA Part B Requirements**

Policies and Procedures for Special Education in Oklahoma, Amended 2010

**OSDE Findings:**

Based on a review of the caseload/class size verification submitted by the Depew Public School District, Ms. Jowana Kreps, special education teacher, exceeded caseload.

**Improvements Required:**

Within 30 days of the receipt of this report, the Depew 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, the Depew 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 requirements for special education teachers or related service providers will not exceed a level that would prevent effective implementation of student IEPs. This improvement 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 § 300.160 Participation in assessments.

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

Policies and Procedures for Special Education in Oklahoma, Amended 2010

**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 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

- c) 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, the Depew Public School District will develop, implement, and submit the required administrative policies in accordance with the above State and federal requirements.

**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 of findings 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 the Individuals with Disabilities Education Act (IDEA) Part B.”*

**IV. OTHER INFORMATION:**

As a result of the Depew Public School District receiving an on-site compliance review, the OSDE-SES is required to conduct a compliance verification review of the district prior to determining that the district is in compliance with the requirements under the IDEA. This review will take place within one year from the date of issuance of this report of findings. This process is to ensure continued compliance in the areas that were previously identified as “areas of noncompliance”.

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.