

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Dewey Public School District

TEAM MEMBERS:

Misty Haas

Coordinator, OSDE-SES

Craig Walker

Coordinator, OSDE-SES

Keisha King

Coordinator, OSDE-SES

Tammy Lawson

Coordinator, OSDE-SES

Carole Tomlin

Coordinator, OSDE-SES

COUNTY:

Washington

DATE OF REVIEW

December 9, 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 December 9, 2011.

The Dewey Public School District is an independent district serving 156 children with disabilities, ages three through 21, as reported on their October 2010, Child Count Report. At the time of the review, the Dewey Public School District employed seven special education teachers who have certification in one or more of the following area(s): autism, emotionally disturbed, learning disability, mentally handicapped, mild/moderate disabilities, other health impairment, physically handicapped, severe/profound/multiple disabilities, and speech language 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 one of 16 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, the Dewey 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 of 16 files reviewed, the Parent Consent, OSDE Form 4, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Dewey 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 three of 16 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on ten of 16 files reviewed, reevaluations were not appropriately documented. Based on one of 16 files reviewed, reevaluations could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Dewey 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 Dewey 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: 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 16 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of 16 files reviewed, a previous IEP, OSDE Form 7, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Dewey 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 Dewey 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 12 of 16 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 Dewey 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 Dewey 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 services.

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 16 files)
- b) measurable annual goals; (three of 16 files)
- c) measures for progress in annual goals; (two of 16 files)
- d) methods of informing parents of progress toward annual goals; (two of 16 files)
- e) frequency of reporting progress to parent; (two of 16 files)
- f) documentation of progress toward current annual goals; (four of 16 files)
- g) extent of progress toward previous annual goals; (five of 16 files)
- h) type of services(s); (one of 16 files)
- i) continuum of placement (LRE continuum); (five of 16 files)
- j) amount/time/frequency of services; (one of 16 files)
- k) projected starting and expected duration dates; (two of 16 files)
- l) extent of nonparticipation in general education curriculum or age appropriate activities; (one of 16 files)
- m) transition services postsecondary goal(s); (two of 16 files)
- n) transition services, goals and coordinated activities; (one of 16 files)

- o) consideration of extended school year (ESY) services; (one of 16 files)
- p) LRE, potential harmful effects; (one of 16 files)
- q) team participant signatures; (one of 16 files)
- r) parent rights/translation/interpretation; (two of 16 files)

Improvements Required:

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

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, Amended 2010

OSDE Findings:

Based on two of 16 files reviewed and the October 2010, Child Count Report submitted by the Dewey 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 Dewey 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: Extended School Year (ESY)

IDEA Part B Requirements

34 CFR § 300.106 Extended school year services.

OSDE Findings:

Based on one of 16 files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided. Based on one of 16 files reviewed, documentation that the team considered the least restrictive environment could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Dewey Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that ESY services are developed and provided 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.

9) 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 Dewey Public School District, Ms. Darcy Swanson, special education teacher, exceeded caseload. Based on a review of the caseload/class size verification submitted by the Dewey Public School District, Ms. Linda Banks, special education teacher, exceeded caseload and class size. Based on a review of the caseload/class size verification submitted by the Dewey Public School District, Ms. Dora Gardner, special education teacher, exceeded caseload. Based on a review of the caseload/class size verification submitted by the Dewey Public School District, Ms. Pamela Rose, special education teacher, exceeded caseload.

Improvements Required:

Within 30 days of the receipt of this report, the Dewey 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 Dewey 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 student 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: Teacher Certification

IDEA Part B Requirements

34 CFR § 300.156 Personnel qualifications.

Policies and Procedures for Special Education in Oklahoma, Amended 2010

OSDE Findings:

Based on a review of teacher certification submitted by the Dewey Public School District, Ms. Dora Gardner did not hold a valid teaching certificate in the area of autism. At the time of the review, Ms. Gardner had at least one student categorized as having autism on her caseload. Based on a review of teacher certification submitted by the Dewey Public School District, Ms. Marcy Bean did not hold a valid teaching certificate in the area of autism, or other health impairment. At the time of the review, Ms. Bean had at least one student categorized as having each of these disabilities on her caseload. Based on a review of teacher certification submitted by the Dewey Public School District, Ms. Darcy Swanson did not hold a valid teaching certificate in the area of speech language pathologist. At the time of the review, Ms. Swanson had at least one student categorized as having a speech or language impairment on her caseload. Based on a review of teacher certification submitted by the Dewey Public School District, Ms. Pamela Rose did not hold a valid teaching certificate in the area of blind/visual impairment. At the time of the review, Ms. Rose had at least one student categorized as having a visual impairment on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, the Dewey 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).

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

IV. OTHER INFORMATION:

As a result of the Dewey 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 with 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.