

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Epic Charter School

TEAM MEMBERS:

Craig Walker	Coordinator, OSDE-SES
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COUNTY:

Okfuskee

DATE OF REVIEW:

March 27, 2012 (initial)

May 8, 2012-May 10, 2012 (subsequent)

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 initial on-site compliance review on March 27, 2012 and a subsequent compliance review on May 8, 2012-May 10, 2012.

The Epic Charter School is a public charter school sponsored by the Graham Public School District serving 129 children with disabilities, ages three through 21, as reported on their October 2011, Child Count Report. At the time of the review, the Epic Charter School employed 14 special education teachers who have certification in one or more of the following area(s): autism, learning disabilities, mild/moderate disabilities, multiple disabilities, other health impairment, severe-profound/multiple disabilities, traumatic brain injury 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 nine of 138 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 Epic Charter School shall 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 11 of 138 files reviewed, the Parent Consent, OSDE Form 4, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Epic Charter School 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.

Policies and Procedures for Special Education in Oklahoma, Amended 2010

OSDE Findings:

Based on two of 138 files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of 138 files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, was not completed within the 45 day timeline for initial evaluation. Based on 12 of 138 files reviewed, the MEEGS, OSDE Form 5, team signatures were incomplete. Based on 26 of 138 files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on ten of 138 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on 13 of 138 files review, reevaluations could not be located. Based on 11 of 138 files reviewed, reevaluations were not appropriately documented. Based on two of 138 files reviews, reevaluations were completed past the three-year timeline.

Improvements Required:

Within 30 days of the receipt of this report, the Epic Charter School shall 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 shall convene a meeting to ensure that the students receive an evaluation/reevaluation in accordance with the above State and 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, the Epic Charter School shall 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 three of 20 files reviewed, a Notification of Meeting, OSDE Form 6, could not be located. Based

on five of 20 files reviewed, a Notification of Meeting, OSDE Form 6, did not include the invitation of the student.

Improvements Required:

Within 30 days of the receipt of this report, the Epic Charter School shall 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, the Epic Charter School shall 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), and 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.

Policies and Procedures for Special Education in Oklahoma, Amended 2010

OSDE Findings:

Based on 99 of 138 files reviewed, an IEP, OSDE Form 7, was not in effect at the beginning of the school year for continuing services. The files lacked appropriate documentation to support the adoption of the previous IEP. Based on 15 of 138 files reviews, an IEP, OSDE Form 7, was not in effect at the beginning of the school year for continuing services because the IEP had expired. Based on 29 of 138 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of 20 files reviewed, an IEP, OSDE Form 7, was not properly amended. Based on one of 138 files reviewed, an IEP, OSDE Form 7, was missing the services page. Based on one of 138 files, an IEP, OSDE Form 7, was missing the signature page. Based on two of 138 files reviewed, a current IEP, OSDE Form 7, could not be located. Based on one of 138 files, an initial IEP, OSDE Form 7, was not completed within 30 calendar days from eligibility determination.

Improvements Required:

Within 30 days of the receipt of this report, the Epic Charter School shall 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 Epic Charter School shall provide instruction and guidance to district special education personnel on required IEP procedures, and timelines in accordance with the above State and 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]).

6) 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 six of 138 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 Epic Charter School 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 Epic Charter School 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]).

7) Area of Noncompliance: IEP Components**IDEA Part B Requirements**

34 CFR § 300.43 Transition 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.

Policies and Procedures for Special Education in Oklahoma, Amended 2010

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; (seven of 20 files)
- b) measurable annual goals; (three of 20 files)
- c) benchmarks and/or short term objectives; (one of 20 files)
- d) measures for progress in annual goals; (one of 20 files)
- e) methods of informing parents of progress toward annual goals; (one of 20 files)
- f) frequency of reporting progress to parent; (one of 20 files)
- g) documentation of progress toward current annual goals; (ten of 20 files)
- h) type of services(s); (42 of 138 files)
- i) continuum of placement (LRE continuum); (15 of 138 files)
- j) amount/time/frequency; (seven of 138)
- k) projected starting and expected duration dates; (two of 138 files)
- l) position/person responsible; (12 of 138 files)
- m) extent of nonparticipation in general education curriculum or age appropriate activities; (one of 20 files)
- n) amount of time in general education setting; (five of 20 files)
- o) transition services, postsecondary goal(s); (nine of 20 files)
- p) transition services, course of study; (three of 20 files)
- q) transition services, projected date of graduation; (six of 20 files)
- r) transition services; information for vocational education; (one of 20 files)
- s) transition services; referral to vocational rehabilitation counselor; (one of 20 files)
- t) transition services, goals and coordinated activities; (six of 20 files)
- u) participation in state/districtwide assessment; (eight of 138 files)
- v) state and districtwide assessment accommodations and modifications; (two of 138 files)
- w) participation in alternate assessment; (seven of 138 files)
- x) LRE, potential harmful effects; (one of 20 files)
- y) team participant signatures; (76 of 138 files)
- z) documentation of parent participation; (one of 138)

Improvements Required:

Within 30 days of the receipt of this report, the Epic Charter School shall 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 Epic Charter School shall 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), and verification of attendance [sign-in sheets]).

8) 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 138 files reviewed and the October 2011, Child Count Report submitted by the Epic Charter School, eligibility could not be established for child count purposes. Based on 11 of 138 files reviewed and the October 2011, Child Count Report submitted by the Epic Charter School, the student's category was inconsistent with the reported child count data. Based on 39 of 138 files reviewed, both eligibility and category could not be verified because a current MEEGS, OSDE Form 5, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Epic Charter School shall 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.

9) 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 Epic Charter School, Ms. Jamie Lahey did not hold a valid teaching certificate in the area of specific learning disability, other health impairment, and developmental delay. At the time of the review, Ms. Jamie Lahey had at least one student categorized as having a specific learning disability, other health impairment, and developmental delay.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Trisha Bass did not hold a valid teaching certificate in the area of specific learning disability. At the time of the review, Ms. Trisha Bass had at least one student categorized as having a specific learning disability.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Misha Knight did not hold a valid teaching certificate in the area of developmental delay. At the time of the review, Ms. Misha Knight had at least one student categorized as having a development delay.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Fran Sylvester did not hold a valid teaching certificate in the area of emotional disturbance and other health impairment. At the time of the review, Ms. Fran Sylvester had at least one student categorized as having an emotional disturbance and other health impairment.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Angela Stogsdill did not hold a valid teaching certificate in the area of specific learning disability and developmental delay. At the time of the review, Ms. Angela Stogsdill had at least one student categorized as having a specific learning disability and development delay.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Michelle Johnston did not hold a valid teaching certificate in the area of speech language impairment. At the time of the review, Ms. Michelle Johnston had at least one student categorized as having a speech language impairment.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Leslie Flowers did not hold a valid teaching certificate in the area of speech language impairment. At the time of the review, Ms. Leslie Flowers had at least one student categorized as having a speech language impairment.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Susan Reynolds did not hold a valid teaching certificate in the area of other health impairment. At the time of the review, Ms. Susan Reynolds had at least one student categorized as having an other health impairment.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Alena Veronesi did not hold a valid teaching certificate in the area of specific learning disability. At the time of the review, Ms. Alena Veronesi had at least one student categorized as having a specific learning disability.

Based on a review of teacher certification submitted by the Epic Charter School, Ms. Sandra Cochran did not hold a valid teaching certificate in the area of other health impairment. At the time of the review, Ms. Susan Cochran had at least one student categorized as having an other health impairment.

Improvements Required:

Within 30 days of the receipt of this report, Epic Charter School shall 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 of findings shall 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 shall 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 Epic Charter School 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 shall 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. In addition, the OSDE-SES will forward this report to other divisions of the OSDE for further review.

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 shall 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 shall 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.