

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

**COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS**

**SCHOOL DISTRICT/AGENCY:**

Oakdale 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

Karen Howard

Coordinator, OSDE-SES

**COUNTY:**

Oklahoma

**DATE OF REVIEW**

October 7, 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 7, 2011.

The Oakdale Public School District is a dependent district serving 67 children with disabilities, ages three through 14, as reported on their October 2010, Child Count Report. At the time of the review, the Oakdale Public School District employed two special education teachers who have certification in one or more of the following area(s): mild-moderate 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 nine 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, the Oakdale 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 three of ten files reviewed, the Parent Consent, OSDE Form 4, could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, the Oakdale 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 two of ten files reviewed, the Review of Existing Data (RED), OSDE Form 3, could not be located. Based on one of ten files reviewed, the RED, OSDE Form 3, team signatures were incomplete. Based on two of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components were not appropriately documented. Based on four of ten files reviewed, the MEEGS, OSDE Form 5, could not be located. Based on one of ten files reviewed, reevaluations were completed past the three-year timeline. Based on three of ten files reviewed, reevaluations were not appropriately documented. Based on one of ten files reviewed, reevaluations could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, the Oakdale 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, the Oakdale 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 two of ten files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP. Based on one of ten files reviewed, a current IEP, OSDE Form 7, could not be located.

**Improvements Required:**

Within 30 days of the receipt of this report, the Oakdale 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, the Oakdale 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 nine 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 Oakdale 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 Oakdale 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 § 300.106 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) measurable annual goals; (two of ten files)
- b) benchmarks and/or short term objectives; (one of ten files)
- c) measures for progress in annual goals; (seven of ten files)

- d) methods of informing parents of progress toward annual goals; (four of ten files)
- e) frequency of reporting progress to parent; (three of ten files)
- f) documentation of progress toward current annual goals; (eight of ten files)
- g) extent of progress toward previous annual goals; (eight of ten files)
- h) type of services(s); (three of ten files)
- i) continuum of placement (LRE continuum); (nine of ten files)
- j) amount/time/frequency of services; (one of ten files)
- k) extent of nonparticipation in general education curriculum or age appropriate activities; (nine of ten files)
- l) supplementary aids and services, program modifications, supports for personnel; (one of ten files)
- m) participation in state/districtwide assessment; (one of ten files)
- n) participation in alternate assessment; (two of ten files)
- o) consideration of extended school year (ESY) services; (two of ten files)
- p) LRE, options considered and reasons; (one of ten files)
- q) LRE, removal from general education environment; (one of ten files)
- r) team participant signatures; (two of ten files)
- s) parent rights/translation/interpretation; (seven of ten files)

**Improvements Required:**

Within 30 days of the receipt of this report, the Oakdale 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 Oakdale 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 six of ten files reviewed and the October 2010, Child Count Report submitted by the Oakdale 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 Oakdale 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 ten files reviewed, the IEP did not address the necessary ESY services to be provided. Based on one of ten files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided.

**Improvements Required:**

Within 30 days of the receipt of this report, the Oakdale 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 Oakdale Public School District, Mr. Lee Cavin, special education teacher, exceeded caseload.

**Improvements Required:**

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

**IDEA Part B Requirements**

34 CFR § 300.160 Participation in assessments.

34 CFR § 300.502 Independent educational evaluation.

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

34 CFR § 300.624 Destruction of Information.

70 S.D. §13-102.2

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 listing of the names and positions of those persons in the district who may have access to personally identifiable information;
- b) Documentation on maintaining, for public inspection, a current list of the types and locations of education records collected and maintained by the district;
- c) Documentation on how the district informs parents before destruction and gives parents the opportunity to obtain records;

- 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 of the district's guidelines for the participation of children with disabilities in districtwide assessments with appropriate accommodations and modifications in administration, if necessary;
- f) 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;
- g) Documentation of the district's extended school year policy; and
- h) Documentation of how the district annually makes available general information about the Lindsey Nicole Henry Scholarship for Students with Disabilities to parents of children with disabilities and provide them with contact information to gain additional information, including an annual copy of the "Parents Rights in Special Education: Notice of Procedural Safeguards" could not be located.

**Improvements Required:**

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

**11) 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 Oakdale Public School District, Mr. Lee Cavin did not hold a valid teaching certificate in the area of speech language impairment, and visual impairment. At the time of the review, Mr. Cavin had at least one student categorized as having each of these disabilities on his caseload.

**Improvements Required:**

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

**12) Area of Noncompliance: Special Education Paraprofessional Registry**

**IDEA Part B Requirements**

34 CFR § 300.156 Personnel qualifications.

Policies and Procedures for Special Education in Oklahoma, Amended 2010

**OSDE Findings:**

Based on review of Special Education Paraprofessional verification submitted by the Oakdale Public School District, Ms. Marina Lanier did not have documentation of satisfactory completion, demonstration of competencies (i.e., completion of nine modules), and/or other required components (i.e., standard high school diploma or General Education Development (GED), current First Aid and CPR training, completion of six hours of personnel development and Universal Precautions/Bloodborne Pathogens training annually) necessary to work as a Special Education Paraprofessional for children with disabilities.

**Improvements Required:**

Within 30 days of the receipt of this report, the Oakdale Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the district will ensure that Special Education Paraprofessionals are appropriately and adequately prepared and trained to serve children with disabilities. 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, the Oakdale Public School District will submit documentation verifying that the district’s Special Education Paraprofessionals identified through the OSDE-SES compliance review have completed all requirements in order to gain registry status with the OSDE-SES.

**13) Area of Noncompliance: Financial Records**

**IDEA Part B Requirements**

Oklahoma Statute 70-5-117 § 68

Special Education Funding Manual

Office of Management and Budget Circular, Number A-133

Policies and Procedures for Special Education in Oklahoma, Amended 2010

**OSDE Findings:**

Based on the financial record review, records covering a written policy regarding the disposition of equipment could not be located.

**Improvements Required:**

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

**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 Oakdale 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.