

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Pawhuska Public School District

TEAM MEMBERS:

Craig Walker

Coordinator, OSDE-SES

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COUNTY:

Osage

DATE OF REVIEW:

December 8, 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 8, 2011.

The Pawhuska Public School District is an independent district serving 190 children with disabilities, ages three through 21, as reported on their October 2010, Child Count Report. At the time of the review, the Pawhuska Public School District employed nine special education teachers who have certification in one or more of the following area(s): autism, emotional disturbance, intellectual disabilities, learning disabilities, mild/moderate disabilities, other health impairment, and speech language pathologist.

II. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENT:

1) Area of Noncompliance: Parent Consent

IDEA Part B Requirements

34 CFR § 300.300 Parental consent.

OSDE Findings:

Based on one of 20 files reviewed, the Parent Consent, OSDE Form 4, could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Pawhuska 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.

2) 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 20 files reviewed, the MEEGS, OSDE Form 5, components were not appropriately documented. Based on one of 20 files reviewed, reevaluations were completed past the three-year timeline. Based on seven of 20 files reviewed, reevaluations were not appropriately documented. Based on two of 20 files reviews, reevaluations could not be located.

Improvements Required:

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

3) Area of Noncompliance: IEP Timelines**IDEA Part B Requirements**

34 CFR § 300.323 When IEPs must be in effect.

OSDE Findings:

Based on two of 20 files reviewed, an IEP, OSDE Form 7, was not conducted on or before the anniversary date of the IEP.

Improvements Required:

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

4) 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 20 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 Pawhuska 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 Pawhuska 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]).

5) 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 § 300.324 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 20 files)
- b) strengths (including anticipated effects) and educational needs; (two of 20 files)
- c) consideration of special factors; (one of 20 files)
- d) measurable annual goals; (two of 20 files)
- e) benchmarks and/or short term objectives; (one of 20 files)
- f) documentation of progress toward current annual goals; (three of 20 files)
- g) extent of progress toward previous annual goals; (four of 20 files)
- h) extent of nonparticipation in general education curriculum or age appropriate activities; (three of 20 files)
- i) amount of time in general education setting; (one of 20 files)
- j) transition services, postsecondary goal(s); (five of 20 files)
- k) transition services, projected date of graduation; (five of 20 files)
- l) transition services; transfer of rights at age of majority; (one of 20 files)
- m) transition services, goals and coordinated activities; (five of 20 files)
- n) participation in state/districtwide assessment; (two of 20 files)
- o) participation in alternate assessment; (one of 20 files)
- p) LRE, normally attend/close to home; (one of 20 files)
- q) LRE, potential harmful effects; (two of 20 files)
- r) LRE, removal from general education environment; (one of 20 files)

Improvements Required:

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

6) 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 20 files reviewed, the IEP did not address the necessary ESY services to be provided. Based on one of 20 files reviewed, the IEP did not address the type, time, frequency, and duration of ESY services to be provided. Based on one of 20 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 Pawhuska 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.

7) 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 Pawhuska Public School District, Ms. Glenda Dick, special education teacher, exceeded caseload.

Improvements Required:

Within 30 days of the receipt of this report, the Pawhuska 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 Pawhuska 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.

8) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

70 S.D. §13-102.2

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 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 provides 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 Pawhuska 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: 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 Pawhuska Public School District, Ms. Carol Gilliland did not hold a valid teaching certificate in the area of multiple disabilities. At the time of the review, Ms. Carol Gilliland had at least one student categorized as having multiple disabilities on her caseload.

Improvements Required:

Within 30 days of the receipt of this report, the Pawhuska 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 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 Pawhuska 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.