

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

COMPLIANCE REVIEW: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Snyder Public School District

TEAM MEMBERS:

Tammy Lawson Coordinator, OSDE-SES

Mark Everhart Coordinator, OSDE-SES

Keisha King Coordinator, OSDE-SES

Pam Kimery Finance Project Coordinator, OSDE-SES

COUNTY:

Kiowa

DATE OF REVIEW

October 14, 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 14, 2011.

The Snyder Public School District is an independent district serving 126 children with disabilities, ages three through 21, as reported on their October 2010, Child Count Report. At the time of the review, the Snyder Public School District employed two special education teachers who have certification in one or more of the following area(s): autism, emotionally disturbed, learning disabilities, mentally handicapped, mild-moderate disabilities, multiple disabilities, and other health impairment. 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 Review of Existing Data (RED), OSDE Form 3, team signatures were incomplete. Based on one of ten files reviewed, the RED, OSDE Form 3, could not be located. Based on five of ten files reviewed, the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), OSDE Form 5, components 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 Snyder 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 Snyder 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 one of ten files reviewed, a previous 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 Snyder 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 Snyder 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 three 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 Snyder 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 Snyder 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 § 300.114 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; (one of ten files)
- b) type of services(s); (one of ten files)
- c) extent of nonparticipation in general education curriculum or age appropriate activities; (three of ten files)
- d) transition services, postsecondary goal(s); (one of ten files)
- e) transition services, goals and coordinated activities; (two of ten files)
- f) LRE, removal from general education environment; (one of ten files)
- g) team participant signatures; (two of ten files)

Improvements Required:

Within 30 days of the receipt of this report, the Snyder 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 Snyder 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: 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 Snyder Public School District, Ms. Teresa Usher, special education teacher, exceeded caseload and class size.

Improvements Required:

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

6) Area of Noncompliance: Administrative Records

IDEA Part B Requirements

34 CFR § 300.502 Independent educational evaluation.

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

34 CFR § 300.623 Safeguards.

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; and
- c) Documentation on maintaining information about where an independent educational evaluation may be obtained and the agency's criteria for such an evaluation.

Improvements Required:

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

7) 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 Snyder Public School District, Ms. Rhonda Hicks did not hold a valid teaching certificate in the area of speech language pathology. At the time of the review, Ms. Hicks had at least one student categorized as having this disability on her caseload.

Improvements Required:

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

8) 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 Snyder Public School District, Ms. Kathy Anderson and Mr. Brandon Adler 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 Snyder 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 Snyder 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.

9) Area of Noncompliance: Financial Records

IDEA Part B Requirements

Cost Certifications, Office of Management and Budget Circular A-87

OSDE Findings:

Based on the financial record review, documentation of Time and Effort Certifications could not be located.

Improvements Required:

Within 30 days of the receipt of this report, the Snyder Public School District will develop, implement, and submit a written improvement plan. This plan shall document how the LEA will ensure that Time and Effort Certification records will be maintained for all LEA employees who are paid with Federal funds.

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 Snyder 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.