



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

COMPLIANCE REPORT: SPECIAL EDUCATION PROGRAMS

SCHOOL DISTRICT/AGENCY:

Justice Alma Wilson Seeworth Academy

OSDE-SES TEAM MEMBER(S):

Felica Denton Fiscal Monitoring Coordinator
Todd Loftin, Executive Director
Shawna Keene, Program Specialist
Angela Kwok, Director of Instruction
Lori Chesnut, Program Specialist
Destiny Murray, Program Specialist

COUNTY: Oklahoma

DATE OF REVIEW: April 30, May 3, and May 7, 2019

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. In the present matter, the LEA identified 108 students with disabilities served under the IDEA Part B on the October 1, 2018 Child Count, or approximately 16.3% of its overall student population. At the time of this review, there are 131 students with disabilities identified as being served under the IDEA Part B.

The OSDE-SES conducted an on-site compliance review of the LEA on April 30, 2019. The on-site review consisted of staff interviews, IEP file reviews, and administrative and financial records reviews. OSDE-SES reviewed the files of students who are currently placed on an Individualized Education Program (IEP). Following the on-site review, the OSDE sent correspondence to the LEA on May 1, 2019 outlining preliminary findings at the LEA. Specifically, the May 1st correspondence stated as follows:

As an initial matter, a preliminary review of student IEPs revealed widespread violations of the IDEA and its accompanying federal regulations, including those at 34 CFR §300.300 (Parental consent) and 34 CFR §300.320 (Definition of individualized education program). Many IEPs contain missing components, do not appear to be individualized, and are not updated annually. In addition, the maximum caseload allowed under [Oklahoma's Special Education Policies](#) has been exceeded. To further illustrate the apparent non-compliance, the following was observed:

- 1) The special education teacher/director for the school was assigned a student caseload of nearly five (5) times the allowable limits in law;
- 2) Approximately sixty-four percent (64%) of students on an IEP do not have complete secondary transition plans as required by federal law;
- 3) At least forty (40) students do not have accommodations listed in the IEP for State or District-wide assessments;
- 4) Evidence suggests that many IEPs are not individualized:
 - a. At least 12 students contain the following under "Overall Objective Statements": *He/She is receiving instructions in regular education inclusion classes for his core curriculum content areas along with accommodations and modifications. He/She is under monitoring/consult between his Regular/Special Ed teachers.* However, under

the "Special Education Services" section of these students' IEPs, the service they receive is "Co-teaching" in both Basic Reading Skills and Math Problem Solving Skills, all at 5x a week for 50 minutes.

- b. Of 328 total IEP goals, 258 contain the word "Students" instead of the student's name.
 - c. Under "Parent Concerns for Enhancing Child's Education" the phrase "I will ask and address any parent concerns at the IEP meeting" is used multiple times.
- 5) IEPs appear to not be updated annually, and language on previous IEPs is exactly the same;
 - 6) Under "Present Level of Academic Achievement and Functional Educational Performance" for "Component," many IEPs have the phrase "Test Date;" and,
 - 7) Further, while on site, School staff advised that, for at least one student, written consent to conduct additional assessments for a reevaluation was admittedly not obtained.

Additionally, file reviews were conducted by OSDE-SES program specialists on May 3, 2019 and May 7, 2019. Collectively, this report summarizes the matters identified in the May 1, 2019 correspondence sent the LEA as well as the follow-up file reviews conducted on May 3, 2019 and May 7, 2019.

As an initial matter, prior to setting forth the OSDE-SES findings, it should be noted that it appears as though the LEA has manipulated or otherwise changed certain student files and information subsequent to the May 1, 2019 correspondence, most likely believed to be an attempt to bring the LEA into compliance with certain matters identified in the earlier correspondence. Notwithstanding these changes, the OSDE is obligated to identify any existing issues of non-compliance as is set forth more particularly below.

I. AREAS THAT REQUIRE CORRECTIVE ACTIONS AND IMPROVEMENTS:

1) Areas of Noncompliance: Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS) components

IDEA, Part B Requirements

- 34 CFR §300.300 Parent consent
- 34 CFR §300.301 Initial Evaluation
- 34 CFR §300.303 Reevaluation

OSDE Findings:

- a) 25 Re-evaluations were completed after the due date during the 2018-2019 School Year.
- b) 6 Re-evaluations are currently overdue as of May 7, 2019

[Redacted]

- c) Reevaluations with additional assessments, no Parent Consent or Written Notice; (5 files)

[Redacted]

- d) Initial evaluations with additional assessments, no Parent Consent or Written Notice; (5 files)

[Redacted]

2) Areas of Noncompliance: Notification of Meeting

IDEA, Part B Requirements

34 CFR §300.322 Parent participation

OSDE Findings:

a) A Notification of Meeting could not be located for the annual IEP meeting; 13 of 15 files)

[Redacted]

3) Areas of Noncompliance: IEP Components

IDEA, Part B Requirements

34 CFR §300.321 IEP team

34 CFR §300.324 Development, review, and revision of IEP

OSDE Findings:

a) Parent concerns were not addressed; (12 of 15 files) (Each IEP stated “I will ask and address any parent concerns at the IEP meeting.”)

[Redacted]

b) The following students have incomplete Secondary Transition Plans: (38 files)

[Redacted]

[REDACTED]

4) Areas of Noncompliance: Annual IEP Review

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:

a) IEP is identical to the previous IEP; (6 files)

[REDACTED]

b) 25 IEPs were completed after the annual due date during the 2018-2019 School Year.

c) 5 IEPs are currently overdue as of May 7, 2019.

[REDACTED]

Additional Areas of Concern:

These additional areas of concern are potential non-compliance areas that will require further investigation. Please note, this office is very concerned that there is an extensive lack of parental involvement in the review and development of IEPs (see items 2, 3, 5, and 8 below). (34 CFR §300.322)

- 1) At least 40 IEPs have no accommodations for state or district wide assessments.
- 2) 11 IEP meetings appear to have been conducted on a Saturday or Sunday given that the date identified is on a Saturday or Sunday and that each IEP meeting is the same Day/Month as the previous year. As a result, it appears as though the LEA transposed last year's IEP to the current year without reviewing and/or modifying information contained therein.

[Redacted]

- 3) 3 Eligibility (MEEGS) meetings were held on a Saturday or Sunday.

[Redacted]

- 4) 9 students were assessed with the Transition Planning Inventory and each narrative reads as follows: "Transition will complete 12th grade course work and all requirements for graduation".

[Redacted]

- 5) 15 of 15 files reviewed had no parent contact information.

[Redacted]

- 6) 12 of 15 files reviewed indicate that the special education director is responsible for services:

[Redacted]

[REDACTED]

- 7) Evidence suggests that IEPs are not being individualized.
- a. One student has a secondary transition plan with “(Student)” instead of a name and appears to be a pre-written narrative to be filled out later.
 - b. Of 328 total IEP goals, 258 contain the word “Students” instead of the student’s name.
 - c. Under “Present Level of Academic Achievement and Functional Educational Performance” for “Component”, many IEPs have the phrase “Test Date”, which is not an assessment component.
 - d. Classroom accommodations are identical for the following 8 students:

[REDACTED]

- e. At least 20 students contain the following under “Overall Objective Statements”: He/She is receiving instructions in regular education inclusion classes for his core curriculum content areas along with accommodations and modifications. He/She is under monitoring/consult between his Regular/Special Ed teachers. However, under the “Special Education Services” section of these students’ IEPs, the service they receive is either “Collaboration” or “Co-teaching” in both Basic Reading Skills and Math Problem Solving Skills, all at 5x a week for 50 minutes.

[REDACTED]

- 8) After the on-site review on April 30, 2019, 6 IEPs were completed. For all 6, there is no documentation of parent contact. For 5 of the 6, there is no written notice. Each Notification of Meeting was generated either on or after the IEP meeting date.

[REDACTED]

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
█ [REDACTED]

II. CORRECTIVE ACTION PLAN

Complete the following and provide documentation to the OSDE-SES:

1. As soon as possible and subject to any additional and intervening actions, but no later than May 30, 2019, meet with OSDE-SES staff to review the areas under “Additional Concerns”. OSDE-SES staff will reach out to LEA administrators to schedule the meeting. Although this office normally prescribes a corrective action plan, it is our opinion that the level of non-compliance with the IDEA and the perceived lack of capacity to appropriately address non-compliance requires that the above additional concerns are addressed in person and with further documentation from the LEA in order to identify any additional non-compliance.
2. As soon as possible and subject to any additional and intervening actions, but no later than 30 days after meeting with the OSDE-SES staff, develop and provide a plan to correct all areas of student level non-compliance. The OSDE-SES will need to review and approve the corrective action plan in order to ensure that all areas of non-compliance are addressed.
3. As soon as possible and subject to any additional and intervening actions develop a professional development plan to be approved by the OSDE-SES and implemented at the beginning of the 2019-2020 School Year.
4. As soon as possible and subject to any additional and intervening actions, but no later than 30 days from the receipt of this report, submit a written assurance that areas of noncompliance described in this report will be addressed and steps will be taken to increase the LEA’s future capacity to meet the IDEA requirements referenced in this report. This assurance must be signed by the superintendent and each school board member.

III. TECHNICAL ASSISTANCE

The State’s comprehensive approach to technical assistance enables the OSDE-SES to differentiate the scope of services provided for LEAs based on local needs. For example, the OSDE-SES makes available for all LEAs Technical Assistance (TA), such as meetings with local LEAs, webinars to support compliant implementation of the IDEA, updates via email, webinars, and training on the Oklahoma Special Education Handbook and Process Guide.

IV. OTHER INFORMATION

Within ten days from the receipt of the final report, the LEA may submit a written request to the OSDE-SES, requesting a hearing if the LEA alleges that the OSDE has violated state or federal statues or regulations. Hearing procedures shall be in accordance with federal regulations for State Administered Programs (34 CFR §§ 76.401 and 76.783) and General Education Provisions Act (34 CFR §§ 81.30 - 81.45).

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.

V. VERIFICATION OF CONTINUOUS COMPLIANCE

Subsequent monitoring activities will 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.

The Justice Alma Wilson Seeworth Academy must ensure that any noncompliance is corrected in accordance with the identified corrective action requirement. Furthermore, as soon as possible and subject to any additional and intervening actions, but in no case more than one year from identification, the OSDE-SES must ensure that the LEA has demonstrated systemic compliance for each individual case of noncompliance that was identified. In ensuring that each individual case of noncompliance has been corrected, the OSDE-SES is not required to review each child's record in the LEA where the noncompliance occurred, but rather may review a reasonable sample of the previously noncompliance files to verify that the noncompliance was corrected.