



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUNE 11, 1997

Honorable Sandy Garrett
Superintendent of Public Instruction
State Department of Education
Oliver Hodge Memorial Building
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

Dear Superintendent Garrett:

During the week of May 6, 1996, the Office of Special Education Programs (OSEP), United States Department of Education, conducted an on-site review of the Oklahoma State Department of Education's (OKSDE) implementation of the Individuals with Disabilities Education Act (IDEA), and the Education Department General Administrative Regulations (EDGAR). The purpose of the review was to determine whether OKSDE is meeting its responsibility to ensure that its educational programs for children with disabilities are administered in a manner consistent with the requirements of IDEA, and more specifically with the provisions of Part B (Assistance to States and Preschool Grants for Children with Disabilities) and Part H (Intervention Programs for Infant and Toddlers with Disabilities). Enclosure A to this letter describes OSEP's monitoring methodology; Enclosure B lists several commendable initiatives; and our findings and corrective action procedures are in Enclosure C for Part B, and Enclosure D for Part H.

OKSDE implemented a number of corrective actions to address the findings in OSEP's August 4, 1993 monitoring report. As part of the current review, OSEP found no systemic deficiencies in the following areas: OKSDE's procedures for ensuring that public agencies provide parents with a full explanation of procedural safeguards; the development of individualized education programs (IEPs) relative to the content of goals and short-term objectives; and procedures for ensuring that public agencies utilize appropriate evaluation procedures for students with learning disabilities.

As this is OSEP's initial effort to review programs and services under Part H of IDEA, this office was pleased to find parents satisfied with services provided by Oklahoma's SoonerStart Program. Parents expressed satisfaction with the "partnership" exemplified through interaction between them and service providers during the evaluation processes, the development of the individualized family service plans (IFSPs), and most particularly, their role in implementing services for their children.

As addressed in Enclosure B, we also found that OKSDE had taken a number of noteworthy initiatives to improve educational services for infants, toddlers, and school aged students with disabilities as part of Oklahoma's overall education reform efforts.

OSEP's monitoring places a strong emphasis on those requirements most closely associated with positive results for children and youth with disabilities, and has extended its review procedures to include programs and services for all children with disabilities from birth through twenty one years of age. OSEP concentrated the efforts of this review on those provisions of IDEA relative to child identification and evaluation procedures; the development and implementation of IEPs and IFSPs; procedural safeguards, including complaint investigations; and procedures used by OKSDE to ensure that public agencies with responsibility for programs and services are implementing those programs consistent with the requirements of Part B and Part H of IDEA.

Our monitoring revealed that OKSDE needs to monitor more closely the collaboration between the Part H SoonerStart Program and the preschool service delivery structure established by OKSDE's local educational agencies so that special education services are neither delayed nor discontinued when a child turns three and is no longer eligible for services under Part H. Issues around timely referrals, evaluations and development of IFSPs were also noted.

Relative to Part B, OSEP found evaluations were not conducted in a timely manner when children were identified to be in need of special education services, or when a reevaluation was needed; and that when a purpose of the IEP meeting is to determine needed transition services, the notice used to inform parents of IEP meetings did not always include the appropriate content and the required participants were not always invited.

Carolyn Smith, the OSEP monitoring team leader, Maral Taylor and Marlene Simon, discussed the team's preliminary findings with Dr. John Corpolongo, Ms. Darla Griffin, Ms. Cathy Perry, and staff members of the Special Education Section at an exit conference held at the conclusion of OSEP's on-site visit. At that time, Ms. Smith invited OKSDE to provide any additional information it wanted OSEP to consider during the development of OSEP's monitoring report. No additional information was submitted.

The findings in this Report are final, unless -- within 15 days from the date on which OKSDE receives this Report -- OKSDE concludes that evidence of noncompliance is significantly inaccurate and that one or more findings is incorrect and requests reconsideration of the finding(s). Any request for consideration must specify the finding(s) for which OKSDE requests reconsideration, and factual and/or legal basis for the request, and must include documentation to support the request. OSEP will review the request for reconsideration and, if appropriate, issue a letter of response informing OKSDE of any revision to the findings. Requests for reconsideration of a finding will not delay Corrective Action Plan development and implementation of timelines for findings not part of the reconsideration request.

I thank you for the assistance and cooperation provided during our review. Throughout the course of the monitoring process, Dr. Corpolongo and staff members were responsive to OSEP's requests for information, and provided access to necessary documentation that enabled OSEP staff to acquire an understanding of Oklahoma's various systems to implement Part B and Part H.

Page 3 - Honorable Sandy Garrett

Ms. Maral Taylor (Part B) and Ms. Jacquelyn Twinning-Martin (Part H) are available to provide technical assistance during any phase of the development and implementation of OKSDE's corrective actions for Part B and Part H. Please let me know if we can be of assistance.

Prior to the enactment of the Individuals with Disabilities Education Act (IDEA) and its predecessor the Education of All Handicapped Children Act, one million children with disabilities were excluded from school altogether, and another 3.5 million were not receiving appropriate programs within the public schools. The enactment of IDEA and the joint actions of schools, school districts, State educational agencies and the Department, enable more than 5.4 million children with disabilities to participate in our country's public educational programs. Thank you for your continued efforts toward the goal of improving education programs for children and youth with disabilities in Oklahoma.

Sincerely,

Thomas Hehir
Director
Office of Special Education Programs

Enclosures

cc: Dr. John Corpolongo
Ms. Darla Griffin
Ms. Cathy Perry

ENCLOSURE A

OSEP's Monitoring Methodology

Pre-site Preparation: OSEP staff began its review of documents related to OKSDE's special education system in January 1996. The review included, but was not limited to, OKSDE's Part B State Plan and Part H application, State regulations, interagency agreements, and other materials that must comply with the requirements of Part B and Part H, such as procedures for complaint management, due process hearings, and State monitoring systems. OSEP also reviewed OKSDE's placement data for school-aged students based on the December 1, 1995 child count.

Involvement of Parents and Advocates: During the week of March 25, 1996, OSEP held three public meetings in Tulsa, Enid, and Oklahoma City and conducted outreach meetings with the Oklahoma Advisory Commission on Special Education, the Interagency Coordinating Council for Early Childhood Intervention, the Oklahoma Disability Law Center and Parents Reaching Out in Oklahoma (PRO-Oklahoma). The purpose of these meetings was to solicit comments from parents, advocacy groups, teachers, administrators and other interested citizens regarding their perceptions of OKSDE's compliance with Part B and Part H of IDEA.

During the on-site visit, OSEP's Part H component held parent focus group meetings in Tulsa, Claremore, and Oklahoma City to hear parents' impressions of early intervention services provided to their children.

Selection of Monitoring Issues and Public Agencies to Visit

OSEP has identified core requirements that are most closely related to learner results, and focuses its compliance review in all states on those core requirements (e.g., transition from school to work and other post school activities, placement in least restrictive environment, parents participation in decision making, etc.). Similarly, OSEP has identified core components which help to focus its review of programs and services under Part H of IDEA (e.g., transition from Part H to Part B and other services, family participation, provision of services in natural environments, etc.). OSEP also focuses its review in each State on requirements most germane to that State's structure. The information that OSEP obtained from its pre-site public meetings and outreach meetings, interviews with State officials, and review of State and local documentation, assisted OSEP in: (1) identifying the issues faced by consumers and others interested in special education and early intervention services in Oklahoma; (2) selecting monitoring issues (e.g., provision of related services) to be emphasized while on-site; and (3) selecting the sites to be monitored.

OSEP Collaboration with Rehabilitative Service Administration:

OSEP extended an invitation to the Rehabilitative Services Administration (RSA) to participate in a collaborative monitoring review of the OKSDE's special linkages between schools and vocational rehabilitation counselors to assess the level of transition services for students with

disabilities. Representatives from the regional and State offices for vocational rehabilitative services participated in the review of student records and interview of teachers, vocational rehabilitative counselors, and school administrators in one local education agency. A Report of their participation was issued by the Rehabilitation Services Administration Regional Office to the Office of Special Education Programs on June 13, 1996. A copy of that Report is available upon request.

On-site Data Collection and Findings:

The OSEP team included Carolyn Smith, the OSEP Team Leader, Maral Taylor, Marlene Simon, and Peggy Cvach. Carolyn Smith worked with Maral Taylor to review Part B programs in one kindergarten program, one middle school, two high schools and one separate facility in three public agencies. This review included interviews with administrators, special education teachers, preschool and early intervention providers, and parents. Marlene Simon and Peggy Cvach interviewed Part H administrators, regional coordinators and early intervention and related service providers in four early intervention programs. Where appropriate, OSEP has included in this letter data collected from those agencies to support or clarify OSEP’s impressions regarding the sufficiency and effectiveness of OKSDE’s systems for ensuring compliance with the requirements of Part B and Part H. The agency in which the supporting or clarifying data were collected is indicated by a designation such as "Agency A." The agencies that OSEP visited and the designation used to identify those agencies in Enclosures C and D of this letter are set forth below:

PUBLIC AGENCIES			
Part B Sites		Part H Sites	
Agency A	Tulsa City Public Schools	Agency D	Tulsa County
Agency B	Cushing Cooperative	Agency E	Northeast Region (Claremore)
Agency C	Oklahoma City Public Schools	Agency F	Oklahoma County
		Agency G	North Region (Cushing)

General Corrective Action Procedures

In order to support the development of a mutually agreeable corrective action plan that will correct the findings in Enclosures C and D, and improve the results for infants, toddlers, and school-aged students with disabilities, OSEP proposes that OKSDE representatives discuss with OSEP staff, either in a meeting or telephone conference, the findings and the most effective methods for ensuring compliance and improving programs for all children with disabilities in the State, and to agree upon specific corrective actions. We also invite a representative from Oklahoma's Special Education Advisory Council and the Interagency Coordinating Council for Early Childhood Intervention to participate in that discussion. OKSDE's corrective action plan must be developed within 45 days of receipt of this letter. Should we fail to reach agreement within this 45 day period, OSEP will be obliged to develop the corrective action plan.

Page 6 of this letter outlines the general corrective actions that OKSDE must take to begin immediate correction of the findings in the Enclosures, as well as guidelines for the more specific actions that OKSDE must take to ensure the correction of each of the specific findings in Enclosures C and D.

ENCLOSURE B

COMMENDABLE INITIATIVES

The following are commendable OKSDE initiatives that OSEP identified during the on-site review.

- 1. Comprehensive System of Personnel Development.** Under Oklahoma's system of personnel development, the State initiated a strategic plan which included the formation of four Regional Action Teams with membership consisting of stakeholder representing parents, consumers, advocacy groups, local education agencies, institutions of higher education, SoonerStart program, vocational and technical education, and rehabilitation services. The role of the Regional Action Teams is to provide a forum for communication, to identify regional personnel development needs, and to implement activities based on those needs. This encourages an efficient use of resources for personnel development. Each team selected representatives to serve on the Implementation Council for Oklahoma's system of personnel development. As a result, the Implementation Council provides: a forum for discussions of issues related to personnel preparation on a statewide basis; provides advice and oversight for changes in existing policy and rules affecting personnel development; recommends changes in delivery of preservice and continuing education; and promotes personnel development opportunities for all individuals, including families and general educators involved in the education of students with disabilities.
- 2. Resources for Physical and Occupational Therapy Services in Oklahoma Public Schools.** The goal of this project is to meet the increased need for occupational and physical therapists who are well qualified to provide related services for children with disabilities in the public schools. Support to school districts for locating and providing qualified occupational and physical therapists is available through technical assistance consultations; an employment/referral database of available pediatric occupational and physical therapists; a mentoring program for newly graduated occupational and physical therapists employed in public schools; assistance in drafting and developing school contracts; and continued development of "best practices" practicum sites for occupational and physical therapy students.
- 3. The Enriching Children's Hearing Opportunities (ECHO).** This project is a collaborative effort between the Oklahoma State Department of Education and the Oklahoma School for the Deaf. ECHO is a statewide home program for families with children who have a hearing impairment (birth to age six). A coordinator and several trained parent advisors make weekly home visits to teach parents to manage their child's hearing aid; help their child learn to use the child's residual hearing; communicate effectively with their child; and increase and improve the child's language skills. The program is designed to meet the individual needs of families as well as providing program staff the opportunity to work closely with other agencies serving the child so that the child and family receive well-coordinated services.
- 4. Mediation.** OKSDE, parents and representative from other agencies collaborated with the Alternative Dispute Resolution Program through the Administrative Office of the Courts to establish convenient access to mediation through the statewide network of Early Settlement Centers, allowing parents and schools to request mediation sessions to address issues of dispute under the IDEA.
- 5. Oklahoma Statewide Systems Change Project.** This is a collaborative effort between the State agency, university affiliated programs, the Interagency Coordinating Council for Special Services to Children and Youth, and local school districts to provide training and technical assistance to families of and professionals working with children and youth with severe disabilities in developing and implementing effective educational programs in school and community environments. The project is being implemented in collaboration with family support groups, advocacy agencies, state agencies, local education agencies and colleges and universities throughout the State. The project was awarded by OSEP's Severe Disabilities Branch.
- 6. Head Start Interagency Agreements.** The State level agreement and local level agreements were developed to provide guidance and assistance for coordination of responsibilities and effective use of resources between Head Start programs and local education agencies. The agreements were developed collaboratively with assistance from school representation and the State Head Start Association.

COMMENDABLE INITIATIVES

- 7. Natural Environments.** The SoonerStart Program, in meeting the needs of infants and toddlers with disabilities and their families, is providing over 90% of early intervention services in home and community settings in which children without disabilities participate. Parents expressed satisfaction with this family- and community-centered aspect of the program.
- 8. Statewide Training and Regional Support Program.** A comprehensive, coordinated, interagency, multidisciplinary training system designed to meet the needs of individuals and teams providing services to infants and toddlers with disabilities and their families. Nationally recognized as an innovative model, it has been presented at the annual Comprehensive System for Personnel Development Conference in Washington, DC; the American Speech-Language-Hearing Association Annual Convention; the Division of Early Childhood; and the Midwestern Consortium for Faculty Development Conference. Several other State early intervention programs have contacted Oklahoma for technical assistance in the replication of this model in their State.
- 9. SoonerStart Statewide Monitoring System.** Oklahoma has developed a statewide monitoring system to evaluate the SoonerStart Program which incorporates site visits by an interagency team to each early intervention region and family interviews. Oklahoma's system has been presented on request as a model of parent involvement and interagency collaboration at the national early intervention conference sponsored by the Federal Interagency Coordinating Council.
- 10. Family support Task Force.** The Family Support Task Force was initially a committee of the Oklahoma Interagency Coordinating Council for Early Childhood Intervention. Due to the need to expand support for families who participate in the SoonerStart Program and increase their voice in State-level decisions, the 25-member task force was developed. The objectives of the task force are to: (1) develop a parent network; (2) promote and provide networking, educational, and local support group opportunities for families; (3) provide a mechanism for family input in interagency coordinating council activities; and (4) provide opportunities to develop and enhance advocacy skills.

GENERAL CORRECTIVE ACTION PROCEDURES

In order to begin immediate correction of deficient practices OKSDE must undertake the following general corrective actions:

1. OKSDE must develop memoranda informing all public agencies of OSEP's findings and directing them to determine whether they have complied with the requirements of Part H and Part B, as clarified by OSEP's report. The memoranda must further direct these agencies to discontinue any noncompliant practices and implement procedures that are consistent with these Parts. OKSDE must submit these memoranda to OSEP within 30 days of the date of this letter. Within 15 days of OSEP's approval of the memoranda, OKSDE must disseminate them to all agencies throughout the State providing special education or related services to children and infants and toddlers with disabilities.

2. OKSDE must also disseminate memoranda to those agencies in which OSEP found deficient practices, as identified in Enclosures C and D of this letter, requiring those agencies to immediately discontinue the deficient practice(s) and submit documentation to OKSDE that the changes necessary to comply with the requirements of Part H and Part B have been implemented. The memoranda must be submitted to OSEP within 30 days of the issuance of the this letter. Within 15 days of OSEP's approval of the memoranda, they must be issued to those public agencies in which OSEP found deficient practices. OKSDE must send to OSEP verification that all corrective actions have been completed by these public agencies.

ENCLOSURE C: PART B FINDINGS

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>I. TRANSITION FROM PART H TO PART B [§§300.154]</p> <p>OKSDE is responsible for developing policies and procedures relating to the smooth transition of individuals participating in the early intervention program under Part H of IDEA who will participate in preschool programs, including a method of ensuring that when a child turns age three, an IEP or, if consistent with sections 614(a)(5) and 677(d) of IDEA, an IFSP, has been developed and implemented by the child’s third birthday. The policies and procedures in Oklahoma’s Part B state plan are consistent with Part B.¹ However, based on OSEP’s review of IFSPs and interviews with administrators, service providers, and parents, OSEP finds that OKSDE has not effectively implemented these policies in order to ensure a smooth transition from the SoonerStart infant and toddler program to a preschool placement, including a method of ensuring that an IEP or IFSP has been developed and implemented by a child’s third birthday. Specifically:</p> <p>(1) Because agencies with delegated responsibility for initiating the transition planning process are not conducting meetings within state established timelines, an IEP is not developed and implemented prior to the child’s third birthday. (See Enclosure D.) In addition, the necessary information required to ensure that an IEP or IFSP is developed and implemented by the child’s third birthday is not consistently available to the local school systems.</p> <p>(2) Extended school year services are not considered or provided, when appropriate, in those instances when a child’s third birthday occurs during the summer.</p>	<p>OKSDE must demonstrate that its procedures have ensured the smooth transition of individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under Part B of the Act, and that those procedures are implemented commensurate with State established standards for Parts H and B of IDEA. Specifically, OKSDE must ensure that:</p>

¹ The policies and procedures in Oklahoma’s Part B State Plan specify that transition from SoonerStart, the Oklahoma Early Intervention Program, to public school preschool programs shall be initiated six to twelve months prior to a child’s third birthday. The Early Intervention Unit, with parents consent, will notify the child’s district of residence to initiate the transition planning process. A meeting must be conducted to develop or revise the IFSP to establish a transition plan and to review the child’s program options prior to reaching age three. During the period of transition, a SoonerStart transdisciplinary evaluation team will conduct a comprehensive evaluation and collect any additional information needed to determine eligibility, and to ensure that an IEP is developed and implemented prior to the child’s third birthday. In those instances where the child’s third birthday occurs during the summer, the IEP will include extended school year services, if needed, to provide a free and appropriate educational program. In some cases it may be appropriate for a child who has reached the third birthday to continue be served under SoonerStart until the beginning of the following school year. That is an individual determination made by the Early Intervention Unit at the request of the local education agency. Consideration is given to individual needs of the child and family, the staffing and service capacity of the early intervention unit, including the number of current and projected referrals; the family’s choices regarding services for their child; and the child’s next entry point into the local public school.

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>(3) OKSDE’s monitoring system does not include inquiry or collect data that would determine whether the development and implementation of an IEP or IFSP by a child’s third birthday was delayed because the transition planning had not occurred in a timely manner. OKSDE’s monitors reported that this aspect of their compliance review would be conducted by the Part H Coordinator, and would not be a component of the monitoring findings and corrective actions of their compliance reviews. As reported in Enclosure D, OKSDE Part B monitors do not utilize information available from Part H monitoring.</p>	<p>(a) its policies and procedures relating to the smooth transition of individuals participating in the early intervention programs under Part H of IDEA and who will be participating in Part B preschool programs, are effectively implemented.</p> <p>(b) extended school year services are considered or provided, when appropriate, in those instances when a child’s third birthday occurs during the summer; and</p> <p>(c) its monitoring system includes inquiry that would determine whether an IEP or IFSP has been developed and implemented by the child’s third birthday.</p>

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>Finding: Delayed Transition Planning, Evaluation and Provision of a Free Appropriate Public Education</p> <p>OSEP monitors reviewed four student records and interviewed the parents of those students and the administrator, teacher, and related service personnel responsible for the provision of services at a preschool program in Agency B. In three of the four records, the meeting to establish a transition plan, including evaluations, had not been conducted within State-established timelines. In three of the four records, transition plans were not developed until 30 days before the child's third birthday, and the IEP was developed after the child turned three. OSEP found that if the child has more severe disabilities, the transition process often delayed the provision of services until after the child's third birthday because evaluations were incomplete, as was the case in two of the four files reviewed. Parents of two students with more involved disabilities confirmed that services had been delayed until after the third birthday in order to receive additional evaluation information, identify needed related services, and determine teacher inservice needs. Though agency administrators and related service providers commented positively on their interaction with the early intervention staff, these persons confirmed that transition planning meetings and evaluations were often delayed, particularly for students with more involved disabilities.</p> <p>OSEP further determined that extended school year services are not considered or made available to children whose third birthday occurs during the summer months.² Administrators, service providers and parents of children served in early intervention programs in regions D, E, and F indicated that, regardless of whether a child may need special education and related services during the summer months in order to receive a free appropriate public education, Part B services are not available to children who turn age three prior to the beginning of the next school year. It was not evident from review of the child's record, including the IEP or IFSP, that extended school year services were ever considered as an "other appropriate service" to support transition from early intervention programs to preschool services. OSEP further determined that OKSDE's monitoring procedures for Part B does not include a review for this requirement.</p>	

² A public agency must develop and implement an IEP (or IFSP in accordance with 20 USC 1414(a)(5)) by the third birthday for each child eligible for special education and related services. This IEP (or IFSP) must specify the projected initiation date for these services. If the child reaches the age of three during the summer months, the IEP team must, if it determines that the child needs services during the summer months in order to receive a free appropriate public education, specify in the IEP (or IFSP) the services the child will receive during the summer months.

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>II.A. FREE APPROPRIATE PUBLIC EDUCATION: PREPLACEMENT EVALUATION §§300.300, 300.8(b), 300.128 and 300.600(a)(2)(ii).</p> <p>OKSDE must ensure that all children with disabilities who are in need of special education and related services are identified, located and evaluated. While Part B does not establish specific timelines, public agencies must ensure that initial evaluations of all children suspected of having disabilities are conducted without undue delay so as not to delay or deny a child's right to a free appropriate public education. Consistent with this Part B requirement, OKSDE standards require public agencies to conduct a full and individual evaluation in a timely manner after receipt of the parents' consent to evaluate for eligibility for special education services.</p> <p>OSEP determined during its 1992 compliance review that untimely evaluations delayed the eligibility determination for special education services. Personnel shortages were reported as a cause for these delays. Corrective actions, including the development of a timely evaluation process and inservice training to administrators and teachers, had been completed at the time of this review.</p> <p>Oklahoma's 1993 Policies and Procedures for Special Education state on page 42 that "within fifteen (15) school days from completion of the multidisciplinary evaluation, parents must receive an explanation of the evaluation procedures utilized, the evaluation results, and the determinations as to whether a child has a disability which requires special education and related services or other educational interventions and services." The policies and procedures further state that the IEP team must convene within 30 calendar days after identifying a child as eligible for special education and that it is permissible for the IEP team to meet and develop the IEP at the same time the evaluation results and determinations are provided to parents.</p> <p>Based on these established timelines, OSEP reviewed the timelines used for tracking initial evaluations in data provided by each agency. Agencies visited by OSEP provided documentation on referrals made for initial/preplacement evaluations for the 1995-96 school year. The following analysis of these data demonstrate that evaluations are not completed in a timely manner, and indicate instances when the evaluation had been completed, public agencies had not taken steps necessary to determine eligibility and develop an IEP within the State's timeline.</p> <p>Findings:</p>	<p>OKSDE must demonstrate that established procedures ensure that all children suspected of having disabilities are evaluated without undue delay so as not to delay or deny a child's right to a free appropriate public education.</p>

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>II.B. FREE APPROPRIATE PUBLIC EDUCATION: Psychological Counseling As a Related Service §§300.300, 300.8(d) and 300.16.</p> <p>OKSDE must ensure that each student with a disability receives the kind and amount of related services that are required to assist the student to benefit from special education, at no cost to the parent. OKSDE has not effectively ensured that public agencies provide related services based on the student’s unique needs as specified by an IEP, and at no cost to the parent.</p> <p>Finding: Administrators and teachers from agencies A and C stated that psychological counseling services are not provided based on an IEP, even if a child needs such services to benefit from special education. These personnel reported that due to a shortage of service providers, the IEP would not reflect the need for these services, nor would the IEP be revised once the services are obtained. If an IEP team determines that a student needs psychological counseling to benefit from special education, the IEP team would recommend that the parent pursue counseling from a community mental health agency. The parents are expected to contact the agency and see that services were provided to the student. The parents often had to obtain these services through private insurance.³ District administrators stated that although the local education agency has a cooperative agreement with the Mental Health Department to provide free assessments to students, the IEP will only reflect counseling if school personnel are providing it. There is no procedure to verify that the psychological counseling services required to assist the student to benefit from special education were provided by the outside agency.</p> <p>OKSDE monitoring procedures require a review of the IEP and an inquiry with teachers and related service providers to verify the provision of only those services indicated on the IEP. OSEP found this procedure ineffective because it only reviews the student’s IEP for services included, and would not identify instances where the public agency, as a practice, does not include on the IEP related services not available to meet the unique needs of the students.</p>	<p>OKSDE must demonstrate that its procedures have ensured that students with disabilities receive psychological counseling services as a component of a free appropriate public education, if such services are required for them to benefit from special education.</p>

³ Under Part B, it is permissible for public agencies to work collaboratively with other agencies, such as State or county mental health agencies, to ensure that needed related services are provided. However, public agencies must ensure that the needed services are included on IEPs and provided at no cost to the parent or child. The local education agency cannot transfer to the parent the responsibility for locating or funding such services.

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>III. PROTECTION IN EVALUATION PROCEDURES: Three Year Reevaluation §300.534</p> <p>OKSDE has not fully ensured that all children with disabilities are reevaluated at least once every three years.</p> <p>OSEP collected documentation from agencies A, B, and C on reevaluations conducted during the 1994-95 and 1995-96 school years. In Agency A and Agency C, interviews with administrators responsible for ensuring these evaluations are conducted every three years, reported that the following delays were the result of personnel shortages, lack of a tracking system to monitor overdue reevaluations, and a large assessment backlog.</p> <p><u>Findings:</u></p> <p>Agency A provided OSEP with reevaluation data on a total of 1,132 students in grades 9-12. From these data, OSEP calculated a delay for 333 of those students' reevaluations ranging from 3 years 1 month to 9 years, 7 months.</p> <p>Agency C provided OSEP with reevaluation data on a total of 5,973 students. From these data, OSEP calculated that the reevaluations for 900 students were overdue ranging from as little as 4 months to as long as 6 years. Of the total of 900 overdue reevaluations, there was no reevaluation date available for 217 students.</p> <p>OKSDE identified deficiencies regarding this requirement in agencies A and C when it last monitored those public agencies.</p>	<p>OKSDE must demonstrate that its procedures have ensured that an evaluation of the child based on procedures that meet the requirements of §300.532 is conducted at least every three years.</p>

PART B FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>IV. TRANSITION SERVICES: MEETING NOTICE §300.345(b)(2); and PARTICIPANTS IN MEETINGS §§300.344(c)</p> <p>OKSDE has not fully ensured that when a purpose of an IEP meeting is the consideration of transition services: (1) the notice to parents of IEP meetings contains the required components; (2) the student is invited to the meeting and if the student cannot attend the meeting, the student’s interests and preferences are considered when transition services are discussed; and (3) a representative of any other agency that is likely to be responsible for providing or paying for transition services is invited and that the public agency takes steps to obtain the participation of the other agency in the planning of transition services when the agency representative is invited but does not attend the meeting.</p> <p>Finding. Incomplete Meeting Notice and Lack of Required Participants. OSEP learned from the review of the records of nine students 16 years or older in agencies A (a comprehensive high school) and C (a separate facility) that the IEP meeting notices for nine student’s meetings did not inform the parent that a purpose was the consideration of transition services; or that the agency would invite the student or identify any other agency that would be invited to send a representative. It should be further noted that only two of the nine students were actually invited to attend their IEP meeting, and that student records contained no indication that representatives of any other agency that is likely to be responsible for providing or paying for transition services for any of these nine students had been invited to the IEP meeting, although other agency representatives attended two IEP meetings.</p>	<p>OKSDE must demonstrate that its procedures have ensured that a notice to parents of an IEP meeting in which transition services will be considered informs the parents of this purpose, and that the agency will invite the student and identifies any other agency that will be invited to send a representative. OKSDE must also demonstrate procedures that ensure that the student is invited to an IEP meeting in which the consideration of needed transition services is a purpose. In addition, agencies must be able to demonstrate that a representative of any other agency that is likely to be responsible for providing or paying for transition services is invited and if an agency invited to send a representative to a meeting does not do so, the public agency must take other steps to obtain the participation of the other agency in the planning of any transition services.</p>

ENCLOSURE D: PART H FINDINGS

PART H FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>Prior to the onsite review, OSEP monitors identified core components which help to focus its review of programs and services under Part H of IDEA (e.g., transition from Part H to Part B and other services, family participation, provision of services in natural environments, etc.). OSEP monitors reviewed the results from OKSDE's self-assessment, Oklahoma's Part H policies and procedures, information from the public meetings, and the OKSDE monitoring report and corrective actions from the eleven regional early intervention programs. OSEP monitors reviewed IFSPs of children in four regional early intervention programs, and interviewed administrators, service coordinators and related service providers. OSEP monitors conducted at least one parent focus meeting with families of children served in each of the four regional early intervention program. Where appropriate, OSEP has included in this section data collected from those parent focus meetings to support or clarify OSEP's impressions regarding the sufficiency and effectiveness of OKSDE's systems for ensuring compliance with the requirements of Part B and Part H.</p>	

PART H FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>I. Transition to preschool programs: Content of IFSPs. §§303.148 and 303.344(h)</p> <p>Federal regulations specify that public agencies ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under Part B of the Act. This includes notifying the appropriate local educational agency or intermediate educational unit in which the child resides and convening, with the approval of the family, a conference among the lead agency, the family, and the local educational agency at least 90 days before the child's third birthday. The purpose of the conference is to review the child's program options for the period from the child's third birthday through the remainder of the school year and establish a transition plan. The IFSP must include the steps to be taken to support the transition of the child to (1) preschool services under Part B of the Act, in accordance with §303.148, to the extent that those services are considered appropriate; or (2) other services that may be available, if appropriate.</p> <p>OKSDE's procedures specify that (1) the process of planning for transition be initiated six to twelve months prior to the child's third birthday; (2) at least one of the meetings to develop or revise the IFSP include a conference between the service provider, family, and the representatives from the preschool program to review service delivery options available to a child during the period from the child's third birthday through the remainder of the school year, and to establish a transition plan. The IFSP in effect during the transition planning process must be developed or revised to include the steps to be taken to support the transition of the child upon reaching the third birthday to (1) preschool services under Part B of the Act, in accordance with §303.148, to the extent that those services are considered appropriate; or (2) other services that may be available, and must be clear about what services are to be provided, the actions that are to be taken by the service coordinator in initiating these services, and what actions will be taken by the parents.</p> <p><u>Finding:</u></p> <p>Based on OSEP's review of IFSPs and interviews with administrators, service coordinators and providers, and parents, OSEP finds that OKSDE has not effectively ensured that public agencies develop and implement IFSPs that support a smooth transition to preschool programs when a child turns age three. Specifically:</p>	<p>OKSDE must demonstrate that IFSPs are developed and implemented consistent with required timelines, and include the steps to be taken to support the transition of the child to preschool services under Part B or other available services, as appropriate.</p> <p>OKSDE must demonstrate that deficiencies identified either through its internal self-assessment or its monitoring system are corrected.</p>

PART H FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>OSEP monitors reviewed the records, including IFSPs, of eleven children who were at least 33 months old and in six (three from region D and three from region G) cases, found that IFSPs did not clearly indicate the steps that would be taken with the family to support the transition of the child to preschool services under Part B. IFSPs did not include information, such as a date, to indicate that meetings had been conducted to initiate transition planning. In those instances where transition planning occurred and agencies had met the timeline established by Federal regulations, public agencies had not met the timeline established by the State.</p> <p>Families and service providers in regions D, E, F, and G consistently expressed that their experience was that transitioning from the Part H program to preschool programs under Part B was a difficult process with formidable barriers, (e.g. limited awareness of service options available, untimely assessments, and lack of awareness of their rights). In region D, families indicated that transition planning is made difficult because the Part B agencies are not participating in meetings to write the IEP, or provide information about the child's future program until the child actually turns three years of age. However, OSEP monitors were not able to determine from the child's record and IFSP that local educational agencies had been notified of a meeting, or when that notification occurred. As indicated in Section I of Enclosure C of this Report, Part B local administrators and service providers reported that the need for evaluation information often delayed transition planning meetings to develop a transition plan.</p> <p>OKSDE monitored in June and November 1995 the four regions monitored by OSEP. In its monitoring of these regions, Oklahoma found that transition was not specifically addressed on the IFSP, IFSP review dates, including transition planning, were not documented on the IFSP cover sheet or anywhere else in the IFSP, and evaluation procedures were incomplete or inconsistently documented in the child's record. The corrective actions were limited to the discussions with service coordinators to remind them of certain requirements, projected training of service providers, and a correction of documents reviewed. Part B monitors do not utilize information available from Part H monitoring.</p>	

PART H FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>II. Public awareness program. §303.320</p> <p>Under Part H, the public awareness program must focus on the early identification of children who are eligible to receive early intervention services. This includes the preparation and dissemination of information materials for parents on the availability of early intervention services to all primary referral sources.</p> <p>The public awareness program must provide for informing the public about the State’s early intervention program and the child find system, including (1) the purpose and scope of the system; (2) how to make referrals; (3) how to gain access to a comprehensive, multidisciplinary evaluation and other early intervention services; and (c) the central directory.</p> <p>Finding. OKSDE has not ensured that the public awareness program informs the public about the State’s early intervention program and the child find system.</p> <p>Family members (at least one in region D and E, and ten in region F) stated that physicians, in particular, were uninformed about the early intervention program and many who were informed about it delayed referring families to SoonerStart. Service providers in region D stated that due to a lack of awareness, some physicians, rather than referring to Part H, refer families to physical therapy or occupational therapy provided outside of the early intervention system.</p>	<p>OKSDE must demonstrate steps taken within its public awareness program for informing the physicians about the State’s early intervention program and the child find system.</p>

PART H FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>III. Timelines for public agencies to act on referrals. §§303.321(e)(2) and 303.342(a)</p> <p>Within 45 days after it receives a referral, the public agency shall (1) complete the evaluation and assessment activities in §303.322; and (2) hold an IFSP meeting, in accordance with §303.342.</p> <p>Finding. IFSP meetings are not conducted in a timely manner for non-English speaking families referred for early intervention services. Parents in OSEP's parent focus meetings reported that referrals for evaluations are often delayed by language barriers. Spanish-speaking families in region F noted that they had particular problems communicating with the SoonerStart office whenever calls were made for information. Service providers in regions D and F reported a shortage of bilingual staff, and confirmed that referrals and IFSPs are often delayed for Spanish-speaking families. A service coordinator from region F was aware of at least one family required to wait three months between referral and initiation of services due to a shortage of bilingual staff.</p>	<p>OKSDE must demonstrate steps that it has taken to ensure referrals and service provision are not delayed for child of non-English speaking families.</p>

PART H FEDERAL REQUIREMENT/OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED
<p>IV. <u>Prior notice; native language.</u> §303.403</p> <p>Written prior notice must be given to the parents of a child eligible under this part a reasonable time before a public agency or service provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child’s family. The content of that notice must be in sufficient detail to inform the parents of the action being proposed and the reasons for that action, and should clearly articulate all of the procedural safeguards. The notice must be written in language understandable to the general public, and provided in the native language of the parents, unless clearly not feasible to do so.</p> <p><u>Findings.</u> OKSDE has not ensured that prior notices are provided in the native language of the parents or other mode of communication.</p> <p>Spanish-speaking families attending a parent focus meeting in region F indicated a lack of familiarity with the procedural safeguards because the information on the parents rights’ statement was not provided to them in Spanish, their native language.</p> <p>OKSDE’s monitoring system is not collecting data to determine that identified deficiencies are corrected. Problems with understanding the procedural safeguards were indicated as concerns of families in the State’s internal evaluation of its early intervention system. In regions D, E, and F, OKSDE found noncompliance with the SoonerStart program’s prior notice documentation requirements. Corrective actions attached to the monitoring reports for regions D, E, and F, did not include corrective actions to address this concern.</p>	<p>OKSDE must demonstrate that written notices, including procedural safeguards are provided in the native language of the parents.</p>