

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

Name and Location of Facility: Oklahoma School for the Deaf
Sulfur, Oklahoma

Date of Visit: May 12, 2008

Oversight Reviewer: Ellen Harwell, Oversight Specialist

Focus of Visit: Unannounced Routine Visit

Date: July 2, 2008

Introduction

The Office of Juvenile System Oversight (OJSO) conducted a routine unannounced visit to the Oklahoma School for the Deaf (OSD) on May 12, 2008. The OSD, a special school for deaf and hard-of-hearing students, is operated by the Department of Rehabilitative Services (DRS). The OSD is accredited by the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD). The focus of the visit was to assess compliance with established responsibilities. The OJSO contracted the services of a certified level five interpreter who accommodated students' and staff members' language preferences and levels.

Interviews Conducted

- Entry and exit interview with the Superintendent
- Five resident interviews
- Four staff interviews

Documents Reviewed

- Three staff files
- Grievance log for the 2007-2008 school year
- Six caretaker conduct reviews
- Most recent Oklahoma State Department of Health Food Inspection Report, dated January 14, 2008

Findings

Facility Tour

The kitchen and Blattner Hall were toured by the OJSO. The kitchen was clean and well organized. Kitchen staff members were observed assisting the younger children with getting food from the salad bar since they were too small to view and reach all the

items. The youth observed were free to select from various items. Round tables allowed for easy conversation and a family style meal.

Blattner Hall was in good condition. Furnishings for the common areas were well maintained. Each floor was themed with coordinated furnishings youth would find appealing. Two bedroom drawers were in need of repair and a ceiling tile needed replacing on the second floor. A vent cover needed to be replaced on the third floor. A work order for these items was completed at the time of the visit.

Juvenile Interviews

Five students were interviewed. No concerns were noted from the student interviews. Two of the five students reported they preferred attending public schools in their home towns. Two students reported a preference for OSD. One student liked both. Students reported positive relationships with staff members and teachers. Students were asked what they liked and did not like about the dormitories. Students reported being with friends, communication with others, and games/activities as things they enjoyed about living on campus. All students stated there was nothing they disliked about the dormitories other than being away from their families.

Staff Interviews

Four direct care staff members were interviewed. In the previous report from the December 2007 oversight visit, staff members expressed concern regarding communication at the school due to language barriers resulting from various levels of language fluency. During the current oversight visit, all staff members spoke favorably about the addition of required sign language classes for direct care staff members. The hearing staff members interviewed reported the classes have helped them improve their level of fluency in American Sign Language (ASL). Deaf staff members interviewed by the OJSO did not express concern or barriers to effective communication using ASL. This was a significant improvement over the previous visit when deaf staff members reported that hearing staff members lacked appropriate language skills and relied too heavily on oral communication. The school's addition of required ASL classes this school year appeared to be having a positive influence as reported by staff members.

All staff members reported they were aware of their responsibility to report suspected child abuse and neglect to OSD supervisory staff members and to complete incident reports. Staff members, overall, expressed job satisfaction.

Staff Files

Three staff files were reviewed by the OJSO. No concerns were noted.

Grievances

The quarterly grievance reports for the current school year were reviewed. The school only had one grievance filed. The issue occurred away from school between two students. The youth was notified that the grievance alleged issues that were outside of

the school's control. The appropriate form, OCA-GR-8-A, had been completed and was with the grievance.

Caretaker Conduct Reviews

Alleged incidents of caretaker abuse, neglect, and misconduct are reported to the Department of Human Services (DHS) Office of Client Advocacy (OCA). Depending upon the specific allegations, the Office of Client Advocacy may investigate allegation(s) of caretaker misconduct or ask the facility to complete a Caretaker Conduct Review (CCR). Six CCRs for the current school year were reviewed by the OJSO to determine compliance with OAC 340:2-3-33 and OAC 340:2-3-37 sections (c) through (f) [see attached policy]. Case specific findings and information concerning these six CCRs are attached to this report in a confidential attachment to be reviewed by the facility. The attachment is not electronically published because the case specific information is not public record. General concerns and violations are noted below.

Areas of Concern

1. Five of the six CCRs reviewed did not confirm against any staff member, yet in these five cases, the facility process as performed failed to meet the objective policy requirements and criteria stated for caretaker conduct reviews in OAC 340:2-3-37.
2. It is unclear by documentation in the CCRs reviewed if alleged victims and witnesses were interviewed privately in a setting that allowed for open and candid inquiry into the allegations being investigated. In one CCR, it was unclear if the youth involved were addressed as a group or individually. Having the youth meet as a group regarding the actions of another student and/or staff member placed students at risk and compromised the integrity of the CCR.
3. In one CCR, an accused supervisor conducted interviews with the two victims for the purpose of completing the supervisory investigation. In one of the interviews, there was no documentation that another person or advocate was present.
4. In one CCR, the youth involved were talked to by their teacher when the incident occurred. The teacher then provided the information to the person completing the CCR. It is the opinion of the OJSO that this would not constitute investigative interviews for the completion of the CCR and appeared to be for the purpose of crisis intervention at the time of the incident.

Violations

1. Three of six CCRs completed by the school did not meet the 30-day time frame for completion. OAC 340:2-3-37 (f) states, "The final written report is submitted to the advocate general within 30 calendar days from the date that OCA intake notified the administrator that an allegation is referred for CCR."
2. Three of the six CCRs were not reported to the OCA promptly. The Social Service Specialist made all referrals to the OCA. OAC 340:2-3-33 (a), (1) states, "Persons

having reason to believe that a minor is a victim of abuse or neglect are required by Section 7103 of Title 10 of the Oklahoma Statutes to promptly report it to the Oklahoma Department of Human Services (OKDHS)." OAC 340:2-3-33 (a), (3) states:

"In addition, employees of OKDHS, Department of Rehabilitation Services (DRS), Department of Mental Health and Substance Abuse Services (DMHSAS), Office of Juvenile Affairs (OJA), and the J.D. McCarty Center who have reason to believe that caretaker misconduct, as defined in OAC 340:2-3-2, with regard to a client has occurred promptly refer it to OCA intake."

According to OAC 340:2-3-33 (a), (7), "'Promptly' ...as used in this Subchapter means the same day or the next working day."

3. None of the CCRs reviewed contained a clear statement of finding(s). OAC 340:2-3-37 (e), (3) states that the final written report contains "the findings(s), whether caretaker misconduct did or did not occur, in accordance with OAC 340:2-3-36(m)."
4. Five of the six CCRs reviewed did not include the dates of interviews conducted. OAC 340:2-3-37 (e), (4) states that the completed report contains "a list of involved parties, their titles and role in the matter, whether they were interviewed and, if so, when."
5. None of the CCRs reviewed contained written statements from persons interviewed. Three of the six CCRs did not document interviews with all persons that might have had information about the alleged incident(s). OAC 340: 2-3-37 (c), (3), (A-D) requires that the CCR report include written statements and interviews with:
 - (A) each alleged victim;
 - (B) each eyewitness;
 - (C) other persons with knowledge relevant to the allegation; and
 - (D) each accused caretaker;
6. One CCR, where an injury had been reported, did not contain a statement of whether or not photographs had been taken of the injury sustained by the youth. OAC 340:2-3-37 (e), (2) states that the CCR report contains "a statement of any injury sustained by the alleged victim(s) and, in cases involving an injury, a statement whether photographs had been taken of the injury and if so, the date they were taken."
7. Completed CCRs were not signed and dated by the person who completed the report, and/or they lacked the signature and date of the person who reviewed the report. OAC 340:2-3-37 (e), (11) states the completed CCR must include "either on a cover memo or at the end of the report, the signature and date signed by the person who conducted the CCR, and the signature of the person who reviewed and approved the report."
8. One CCR did not indicate documentation relevant to the allegation had been examined by the investigator nor was information listed in the CCR. OAC 340:2-3-37 (c), (1) states that the investigation includes "reviewing pertinent documentation, records, and evidence collected". OAC 340:2-3-37 (e), (8) states the completed report contains "a list of relevant documents and records reviewed."
9. The school failed to report to the Department of Human Services Office of Client Advocacy an allegation of forced sexual activity upon a student. OAC 340:2-3-33 (a), (6), G) states in addition to other reportable incidents employees and agents of

the Department of Rehabilitation Services report to OCA “rape, sodomy, or other sexual activity prohibited by state law.”

10. Allegations of criminal behavior were not reported to the local law enforcement agency. The school was aware of two incidents of alleged forced sexual behavior by a student toward two other students as documented in an incident report and a report to the Department of Human Services Office of Client Advocacy. Oklahoma State Department of Rehabilitation Services OAC 612:20-3-20 (f), (1), (l) states “Any incidents involving criminal activities will be reported to local law enforcement by Oklahoma School for the Blind and Oklahoma School for the Deaf administration.”
11. A staff member reported to the OJSO that it was her impression that two students who were involved in an alleged incident were in a relationship; therefore, the staff member did not report an allegation of forced sexual contact to the Office of Client Advocacy. Further, the female student reported she did not know the name of the student who allegedly touched her sexually by force as evidenced by the incident report completed a staff member. OAC 340:2-3-33 (a), (5) states, “Knowledge of circumstances which may constitute maltreatment is reported even if the person reporting cannot substantiate the information.”

Summary

The school’s response to caretaker conduct reviews was not meeting criteria stated in OAC 340: 2-3-37. The facility should consider requesting guidance from DHS Office of Client Advocacy (OCA) as well as designating a staff member per shift to notify the OCA when incidents occur. The practice of having the Social Services Specialist make all referrals to the OCA has resulted in referrals failing to meet the time requirements for notification.

The OJSO recommends that the facility develop additional training for staff members regarding their statutory duty to report suspected child abuse and neglect to the Oklahoma Department of Human Services per Title 10 Oklahoma Statutes §7103. The OJSO will include more specific inquiry in this regard in its next routine oversight visit.

The students and staff members of the Oklahoma School for the Deaf expressed overall satisfaction with the school. Some students struggled to communicate; some were fluent in the use of signed language. The satisfaction of staff members was improved over the previous oversight visit. The addition of required ASL classes for employees appeared to have had a positive influence on communication at the school.