

UTAH PROGRAM IMPROVEMENT PLANNING SYSTEM (UPIPS) MANUAL 2022–2028



Utah State
Board of
Education

Special
Education
Services

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UTAH STATE BOARD OF EDUCATION STRATEGIC PLAN

Vision

Upon completion, all Utah students are prepared to succeed and lead by having the knowledge and skills to learn, engage civically, and lead meaningful lives.

Mission

The Utah State Board of Education leads by creating equitable conditions for student success: advocating for necessary resources, developing policy, and providing effective oversight and support.

Goals

I. Early Learning

Each student starts strong through early grades with a foundation in literacy and numeracy.

II. Personalized Teaching and Learning

Each student and educator has access to personalized teaching and learning experiences.

III. Safe and Healthy Schools

Each student learns in a safe and healthy school environment.

IV. Effective Educators and Leaders

Each student is taught by effective educators who are supported by effective school leaders.

For more details about the [Utah State Board of Education Strategic Plan](https://schools.utah.gov/board/utah/strategicplan), visit the webpage (<https://schools.utah.gov/board/utah/strategicplan>).

OVERVIEW OF UTAH'S GENERAL SUPERVISION

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the Utah State Board of Education Special Education Rules (Rules) state Utah State Board of Education Special Education Section (USBES) staff have the responsibility of supporting local education agencies (LEAs) in the continuous improvement of program effectiveness. The program improvement monitoring process supports program improvement through the monitoring of compliance with federal and state requirements (20 U.S.C. §1400; Rules VIII.C-D). The primary focus is improving educational results and functional outcomes for all students with disabilities (Rules VIII.C.3.).

The USBES uses the Utah Program Improvement Planning System (UPIPS) to monitor and support improvement in educational results and functional outcomes of students with disabilities as well as compliance with federal and state requirements in LEAs across the state of Utah. UPIPS encompasses both external monitoring by the USBES and internal monitoring by the LEA. This data-driven approach to monitoring provides a systematic way for the USBES and the LEA, including stakeholders, to evaluate the educational benefit special education services.

UPIPS monitoring also helps generate data the USBES is required to report to the U.S. Office of Special Education Programs (OSEP) regarding the indicators on the Annual Performance Report (APR). The APR indicators were established to provide OSEP with the ability to monitor state compliance with federal requirements. Each year, the USBES compiles the data for each indicator for the entire state to determine whether targets were met and submits the APR for OSEP review. OSEP uses the Report to determine a level of risk for each state and provides tiered support for program improvement and risk reduction based on the State's level of risk. States must develop state program improvement plans based on OSEP's risk determination.

Data used for the APR indicators are also used by the USBES for the Results Driven Accountability (RDA) process. The USBES annually sends a letter to each LEA reporting the LEA's performance on each APR indicator in relation to the state targets along with additional data points. The USBES assigns each LEA to a Targeted Improvement and Support Tier based on each LEA's level of risk. The USBES uses the assignments to provide tiered supports and activities for program improvement and risk mitigation. LEAs are expected to utilize the data and information gathered from internal and USBES monitoring, the RDA data analysis process, and other LEA processes to conduct a root cause analysis and develop a plan that is intentionally designed for improving their special education programs.

SIX PRINCIPLES OF IDEA

I. Free Appropriate Public Education (FAPE)

Free appropriate public education (FAPE) means special education and related services that—(a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the USBE and Part B of the IDEA; (c) Include preschool, elementary school, and secondary school education in Utah; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of Part B of the IDEA and these Rules (Rules I.E.20.).

II. Appropriate Evaluation

A team of qualified professionals must use a variety of formal and informal assessments, existing academic achievement data, performance data, and information provided by the parent(s) in order to determine eligibility and the content of the student's IEP. Evaluation activities include gathering information related to enabling the student to be involved in and progress in the general curriculum or, for preschool students, to participate in appropriate activities (Rules II.F.).

III. Individualized Education Program

Individualized education program (IEP) means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Part B of the IDEA and these Rules (Rules I.E.26.).

IV. Least Restrictive Environment (LRE)

Least restrictive environment (LRE) means that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Rules I.E.31.).

V. Parent and Student Participation in Decision Making

One of the essential purposes of special education is “to ensure that the rights of students with disabilities and their parent(s) are protected” (Rules I.A.1.c.).

The intent of IDEA is to strengthen the role and responsibility of parents and ensure that families of such children have meaningful opportunities to participate in the education of their children at school and at home (20 U.S.C. § 1400(c)(5)(B)).

VI. Procedural Safeguards

Safeguards ensure the rights of students with disabilities and their parents are protected, students with disabilities and their parents are provided with the information they need to make decisions about the provision of FAPE, and procedures and mechanisms are in place to resolve disagreements between parties (Rules IV.).

UTAH PROGRAM IMPROVEMENT PLANNING SYSTEM (UPIPS)

UPIPS is the program used by the USBE SES to collect data, determine monitoring activities, and support LEAs in the process of self-assessment leading to the development and implementation of program improvement. UPIPS is based on the concept that monitoring and improvement are ongoing processes and includes an annual USBE review of state and individual LEA performance in pre-identified areas and APR Indicators.

UPIPS Objectives (Rules VIII.D.2.)

Major objectives of the program improvement monitoring system are:

- ◆ Ensure a meaningful and continuous process that focuses on improving academic and social outcomes for students with disabilities by linking LEA data to improvement efforts.
- ◆ Ensure compliance with IDEA federal regulations and the Rules.
- ◆ Connect LEA program improvement efforts with multi-year professional learning planning.
- ◆ Support each LEA in the process of self-assessment, evaluation, and improvement of program effectiveness.

UPIPS Themes

UPIPS is founded on the following underlying principles:

- ◆ **Continuity:** The monitoring process is continuous rather than episodic, is linked to systemic change, and is integrated with self-assessment, continuous feedback, and response.
- ◆ **Partnership with Stakeholders:** The USBE SES and LEA collaborate with diverse stakeholders in the following areas: collection and analysis of self-assessment data; identification of critical issues and solutions to problems; and development, implementation, and oversight of improvement strategies to ensure compliance and improved results for students with disabilities (SWD).
- ◆ **LEA Accountability:** LEAs are accountable for identifying strengths and areas of concern based upon data analysis; identifying, implementing, and revising strategies for program improvement; and submitting annual measurement and progress reports through their Program Improvement Plans (PIPs).

- ◆ **Data Driven Self-Assessment Process:** Each LEA works with stakeholders to design and implement a self-assessment and root cause analysis process to review and improve outcomes for SWD using data that align with both the USBE’s and the LEA’s performance goals and the APR Indicators. Data that are available and can be critical to the self-assessment process may include, but are not limited to, the Utah State Systemic Improvement Plan (SSIP), areas and APR Indicators that make up the RDA score, personnel needs, and other LEA improvement efforts and initiatives.
- ◆ **Technical Assistance:** Since the UPIPS process is continuous, technical assistance is a critical component of program improvement.

UTAH SPP/APR/SSIP

The Annual Performance Report (APR) is a federal report submitted to OSEP on an annual basis regarding state performance on 17 indicators. Each LEA annually receives an individualized APR that identifies if the LEA met state targets. The 17 indicators are described below.

Relevant Documents

- ◆ [Annual Performance Report \(APR\); State Performance Plan \(SPP\); State Systemic Improvement Plan \(SSIP\) Reports](https://www.schools.utah.gov/specialeducation/programs/datareporting)
(<https://www.schools.utah.gov/specialeducation/programs/datareporting>)
- ◆ [Utah State Board of Education Strategic Plan](#)

Indicators in the Annual Performance Report (APR)

- Indicator 1** Percent of youth with IEPs graduating with regular diploma.
- Indicator 2** Percent of youth with IEPs dropping out.
- Indicator 3** (A) Participation rate of students with IEPs in statewide assessments, (B) Proficiency rate for students with IEPs on statewide assessments against grade-level academic achievement standards, (C) Proficiency rate for students with IEPs on statewide assessments against alternate academic achievement standards, (D) Gap in proficiency rates for students with IEPs and all students on statewide assessments against grade-level academic achievement standards.
- Indicator 4** (A) Percent of LEAs with significant discrepancy in the rate of suspensions/expulsions of students with IEPs, (B) Percent of LEAs with significant discrepancy by race/ethnicity in the rate of suspensions/expulsions of students with IEPs.

- Indicator 5** Percent of students with IEPs, age 5 and enrolled in kindergarten and ages 6–21, served (A) Inside regular class 80% or more of day; (B) Inside regular class less than 40% of day; (C) In separate schools, residential facilities, or homebound/hospital placements.
- Indicator 6** Percent of students with IEPs, ages 3, 4, and 5 who are enrolled in a preschool program, (A) Receiving majority of special education and related services in regular early childhood program; (B) Attending separate special education class, separate school, or residential facility; (C) Receiving special education and related services in the home.
- Indicator 7** Percent of preschool students ages 3–5 with IEPs with improved (A) Positive social-emotional skills, (B) Acquisition and use of knowledge and skills, (C) Use of appropriate behavior to meet needs.
- Indicator 8** Percent of parents who report that the school facilitated parent involvement.
- Indicator 9** Percent of LEAs with disproportionate representation of racial/ethnic groups due to inappropriate identification.
- Indicator 10** Percent of LEAs with disproportionate representation of racial/ethnic groups in specific disability categories due to inappropriate identification.
- Indicator 11** Percent of students evaluated within 45 school days of parental consent.
- Indicator 12** Percent of children receiving Part C services found Part B eligible with IEP implemented by 3rd birthday.
- Indicator 13** Percent of youth ages 14+ with measurable, annually updated IEP goals and appropriate transition assessment, services, and courses.
- Indicator 14** Percent of youth with IEPs, no longer in school, (A) Enrolled in higher education, (B) Enrolled in higher education or competitively employed, (C) Enrolled in higher education, other postsecondary education, or training program, or competitively employed, or in some other employment, within one year of leaving high school.
- Indicator 15** Percent of hearing requests resolved through resolution session settlement agreements.
- Indicator 16** Percent of mediations held resulting in mediation agreements.
- Indicator 17** SPP/APR includes comprehensive, ambitious, achievable, multi-year SSIP, with Phase I analysis, Phase II plan, Phase II implementation and evaluation, with stakeholder engagement in all phases, for improving results for students with IEPs.

APR Determination: Framework for Recognition, Assistance, and Intervention

OSEP uses information from the SPP/APR, information obtained through monitoring visits, and any other public information to annually determine if the state:

- **Meets requirements** and purposes of the IDEA
- **Needs assistance** in implementing the requirements of the IDEA
- **Needs intervention** in implementing the requirements of the IDEA
- **Needs substantial intervention** in implementing the requirements of the IDEA

The USBE SES compares each LEA's scores for Indicators 1–14 to a group of cut scores to make a determination for each LEA. LEAs are able to access their individual reports in UPIPS. The public has access to the reports on the [Annual Performance Report \(APR\); State Performance Plan \(SPP\); State Systemic Improvement Plan \(SSIP\) Reports](#) page of the USBE website.

RESULTS DRIVEN ACCOUNTABILITY (RDA)

The RDA process consists of an annual data review conducted by the USBE SES to determine risk levels of LEAs. Data sources used for this review are based on state and federal priorities. Data sources include, but are not limited to, APR Indicators 1–14, internal monitoring, fiscal data, timely and accurate submission of data reports, scoring completeness of the PIP, corrective action plans, etc.

Level of risk is scored on a scale of 1–5 with 1 being the lowest level of risk and 5 the highest. The risk score determined by the LEA data informs the USBE SES of the level of support and guidance needed by the LEA during the next school year. The USBE SES assigns each LEA to a Targeted Improvement and Support Tier based on the LEA's risk score. Scores are based on the data sources and do not measure the implementation of special education services or the quality of an LEA's special education program.

The initial determinations of level of risk are provided in a letter annually to LEA special education directors typically by the middle of February. LEAs are expected to review the data provided in the letter. If data errors are found, LEAs can submit an appeal within 30 days of receipt of the initial determination to have the information corrected. A final letter is sent to LEA superintendents/directors and special education directors following the appeals deadline (typically by the beginning of April) stating the final determination of level of risk.

While the USBE SES monitoring and technical assistance efforts continue to address compliance issues, most efforts focus on working collaboratively with LEAs. Together, the USBE SES and LEAs work to develop and strengthen capacity to implement, scale-up, and sustain LEA-level systems that result in improved outcomes for SWD.

Targeted Improvement and Support Tiers

Supporting Tier (Risk Level 1)

LEAs in the Supporting Tier demonstrate the minimum level of risk. They show successful self-monitoring, high levels of compliance with IDEA regulations, acceptable rates of positive outcomes for SWD, and effective use of professional learning resources.

Guiding Tier (Risk Level 2)

LEAs in the Guiding Tier demonstrate low risk. They show successful self-monitoring, high levels of compliance with IDEA regulations, acceptable rates of positive outcomes for students with disabilities, and effective use of professional learning resources. However, one or more areas of minor need have been identified.

Assisting Tier (Risk Level 3)

LEAs in the Assisting Tier demonstrate medium risk. They have shown one or more areas of moderate need.

Coaching Tier (Risk Level 4)

LEAs in the Coaching Tier demonstrate high risk. They have demonstrated either one area of intense need or multiple areas of moderate need.

Directing Tier (Risk Level 5)

LEAs in the Directing Tier demonstrate highest risk. They have demonstrated multiple areas of moderate and/or intensive need.

USBE SES TIERED SUPPORT AND ACTIVITIES

The USBE SES provides differentiated levels of support to LEAs based on the assigned risk score given through the RDA process. While the USBE SES continually monitors IDEA compliance, a focus has also been placed on the systematic evaluation of the impact of special education services on student outcomes. The USBE SES has conceptualized its IDEA general supervision, monitoring, and accountability systems to more effectively support LEAs in delivering special education programs focused on improving academic and social outcomes for students with disabilities and ensuring compliance.

Supports LEAs in all Tiers

The USBE SES seeks to provide support to all LEAs as they continuously review and improve special education programs. Supports and activities may include:

- ◆ Technical Assistance
 - ❖ Documents
 - ❖ Newsletters (SpEdOmeter, eNewsletter)

- ❖ Website Resources
- ◆ USBE SES Specialist Coaching and Support
 - ❖ Assessment
 - ❖ Accessibility and Accommodations
 - ❖ Behavior
 - ❖ Collaboration with General Education Programs
 - ❖ Data and Reporting
 - ❖ Dispute Resolution
 - ❖ Effective Instruction
 - ❖ Fiscal
 - ❖ Inclusion
 - ❖ Licensing
 - ❖ Parent and Family Engagement
 - ❖ Preschool
 - ❖ Postsecondary Transition
 - ❖ Rules/Regulations/Policies and Procedures
 - ❖ UPIPS Program
- ◆ Utah Special Education Administrators' Meeting (USEAM)
- ◆ Professional Learning Courses
 - ❖ Data Literacy
 - ❖ Fiscal Recorded Trainings
 - ❖ New Leaders' Summit
 - ❖ Running Start
- ◆ LEA-identified needs requested through the Training Request Portal (TRP)
- ◆ Conference Opportunities (Institute on Special Education Law, Systems Conference, Transition Institute, etc.)

Additional Supports for LEAs in Assisting, Coaching, and Directing Tiers

LEAs in the Assisting, Coaching, and Directing Tiers reflect an increased level of need. An At-Risk Support Specialist is assigned to work collaboratively with the special education director as the director tackles obstacles the LEA is facing.

The At-Risk Support Specialist will contact the LEA to meet and determine the best ways to support the LEA. An initial review of the RDA data, as well as any other data, in person or virtually will help guide the supports the LEA will be provided.

The Targeted Improvement and Support Tier determines the amount of at-risk support LEAs are entitled to each month.

- ◆ LEAs in the Assisting Tier are entitled to up to two hours.
- ◆ LEAs in the Coaching Tier are entitled to up to four hours.
- ◆ LEAs in the Directing Tier are entitled to up to six hours.

LEAs can request additional time as needed; this must be approved by the USBE SES. The LEA can reach out any time, but the At-Risk Support Specialist will regularly contact LEA special education leadership.

The At-Risk Support Specialist will prioritize requests for support, technical assistance, and collaboration. Participation in New Leaders' Summit by LEA special education leadership is recommended. Other possible options of targeted support may include:

- ◆ Problem-solving
- ◆ Specific indicator support
- ◆ A root cause analysis
- ◆ Program Improvement
- ◆ Internal Monitoring

USBE SES MONITORING VISIT PROCESS

Selecting LEAs for Program Improvement Monitoring Visits

The USBE SES is required to monitor the implementation of IDEA Part B and the Rules (Rules VIII.C.). To this end, the UPIPS team selects a sample of LEAs for a program improvement monitoring visit each school year. LEAs will be selected to receive a program improvement monitoring visit based on multiple factors including length of time between visits, RDA risk scores, dispute resolution, investigations related to a hotline tip, fiscal concerns, specific populations (youth in care/custody), and other areas as determined by the USBE SES. LEAs will receive a program improvement monitoring visit at least once every six years.

Preparing for the Program Improvement Monitoring Visit

At the beginning of each school year, the UPIPS team will hold a virtual introductory meeting for all LEAs involved in program improvement monitoring for the upcoming school year to give an overview of the visit and to answer questions.

Each LEA will be assigned a UPIPS specialist as the program improvement monitoring team lead and main contact for the LEA. The monitoring team lead ensures the LEA receives a letter six to eight weeks prior to the visit with specific details of the visit.

A sample of schools/campuses to visit within the LEA will be chosen by the LEA and the monitoring team lead. The LEA will be provided with a link to an interactive schedule to logistically coordinate and communicate about the visit. This is intended to allow the LEA to schedule the activities, so the visit minimizes impact on student learning. The schedule for the visit will be completed at least one week prior to the visit.

Program Improvement Monitoring Visit Components

A program improvement monitoring visit includes the following components:

- ◆ File reviews
- ◆ LEA staff interviews
- ◆ Student observations
- ◆ Student focus groups
- ◆ License verification
- ◆ Root cause analysis/Program improvement planning
- ◆ Corrections schedule
- ◆ Closing letter

File Reviews

The LEA is asked to provide a caseload list for each special education teacher and related service provider from the chosen schools/campuses prior to the visit. The monitoring team lead will provide the LEA with a spreadsheet for the LEA to collect caseload details including students' names, grades, disability categories, time codes (A/B/C), placements, home languages, Statewide Online Education Program (SOEP) status, and State ID (SSID) numbers. File selection will be made by the team lead and typically includes two files per case manager, but may be adjusted to meet the minimum state sampling size. File selection will represent a variety of student grade levels, classifications, as well as files where English is not the student's first language.

File reviews are recorded in the UPIPS program, unless otherwise specified by the monitoring team lead. Case managers are encouraged to engage with the file reviewers while their selected files are being reviewed. This provides an opportunity for file reviewers to recognize compliance efforts and for LEA staff to learn about any errors and needed corrections as they are found. If the case manager is unable to attend the review, it is recommended that an alternate individual attend, although it is not a requirement. To maintain confidentiality, students cannot be in the file review or interview rooms.

LEA Staff Interviews (virtual option available)

Interviews meet two objectives of the monitoring visit. First, they provide the USBE SES with an understanding of the LEA to identify strengths and areas of concern that may need to be addressed. Second, they provide an opportunity for one-on-one professional learning between the UPIPS monitoring team and LEA staff. Conversation during the interviews is encouraged and questions from the LEA are welcomed.

The LEA will determine which staff will be interviewed at the chosen schools/campuses and interviews should be conducted in a private room if possible. Although current interview questions are posted on the USBE SES UPIPS webpage, LEA staff are encouraged not to bring notes to the interviews so the discussion can be rich and meaningful to all involved. The monitoring team member conducting the interview will provide the LEA staff with a copy of the questions. The following LEA staff will be interviewed at each school/campus, as available:

- ◆ Special education director (or another LEA administrator)
- ◆ School administrator(s)
- ◆ Special education teacher(s)
- ◆ General education teacher(s)
- ◆ School counselor(s)
- ◆ Related service provider(s) – Speech Language Pathologist (SLP), Occupational Therapist (OT), Physical Therapist (PT), School Psychologist

Student Observations

Monitoring team members will visit special education and general education classrooms chosen by the LEA to observe specially designed instruction aligned to students' IEP goals. Specific students are chosen by the LEA in advance of the visit to minimize disruption to the learning environment. The LEA will ensure copies of student IEPs are provided prior to the observations.

Student Focus Groups

At each secondary school/campus visited, the LEA will be asked to gather five to ten students with a range of grade levels and disability classifications for a focus group. The monitoring team will need space at the school to conduct the focus group. LEA staff are excused from the focus group. Questions asked during the student focus group center on general questions about student experiences and school involvement. No questions regarding specific disabilities will be asked. Students will be given the option to respond verbally and/or in writing.

License Verification

The USBE will verify that educator license qualifications of the teachers and providers included on the caseload list align with the IDEA and USBE Rules.

Root Cause Analysis/Program Improvement Planning

Approximately six weeks from the end of the program monitoring visit, the monitoring team lead will help the LEA begin the process of root cause analysis by meeting with the LEA stakeholder committee (e.g., administrators, special education teachers, general education teachers, parents, etc.) to review data. This meeting will help facilitate discussions of strengths, needs, and next steps for the special education program in the LEA. Data analysis will be conducted utilizing state level data, monitoring data, and LEA level data. The root cause analysis process will naturally flow into the review, revision, or development of a program improvement plan (PIP).

Corrections Schedule

Each monitoring visit will include a process for noncompliance to be corrected. LEAs will have one week after the end of the program improvement monitoring visit to

review items marked as noncompliant to ensure no errors were made by UPIPS file reviewers. Any errors made by reviewers will be removed from the data collection.

During scheduling, the UPIPS specialist will schedule corrections sessions with the special education director. These sessions will ensure all noncompliance is corrected in a timely manner. However, corrections are ongoing and can occur at any time after the visit and between corrections sessions.

Two Months After the End of the Visit

- ◆ Simple areas of noncompliance (Prong 1) are expected to be verified as corrected. Examples may include timelines and Notices of Meetings.
- ◆ Additional areas that require further review in new files (Prong 2) will be listed in the UPIPS program. The students the LEA intends to use for this process should be selected.
- ◆ Any required trainings or activities that have been assigned to the LEA should be scheduled.

Four Months After the End of the Visit

- ◆ Most areas of noncompliance (Prong 1) are expected to be verified as corrected. Examples beyond the two-month period may include IEP updates, evaluations, and eligibility determinations.
- ◆ At least 50% of additional areas that require further review in new files (Prong 2) are expected to be verified as complete.
- ◆ Some or all required trainings or activities that have been assigned to the LEA should be completed.

Six Months After the End of the Visit

- ◆ All areas of noncompliance (Prong 1) are expected to be verified as corrected. All additional areas that require further review in new files (Prong 2) are expected to be verified as completed.
 - ❖ If noncompliance and/or additional areas remain unverified as corrected and/or completed, a notice will be sent to the superintendent/school director and a plan will be developed with the monitoring team lead to address each correction that is incomplete.
- ◆ All required trainings or activities that have been assigned to the LEA should be completed.

Eight Months After the Visit

- ◆ All corrections, additional areas, training, and activities are complete.
 - ❖ If not, an in-person meeting will be scheduled to address enforcement activities with the special education director and superintendent/school director.

Closing Letter

After all corrections and other required components of the program improvement monitoring visit have been completed, a notice of monitoring visit closure will be sent to the superintendent/school director and special education director.

IDENTIFICATION AND CORRECTION OF NONCOMPLIANCE

Compliance Identification

The USBE SES reviews data collected from LEAs during program improvement monitoring, indicator visits, dispute resolution, LEA report/data submissions, and other areas deemed necessary to ensure compliance with the regulatory requirements of the IDEA and the Rules. Data collected on the date of the visit is reported in the APR and RDA scores as the level of compliance.

Written findings of noncompliance will be issued to the LEA superintendent/director if the LEA data is below 100% compliant. Correction prior to findings will be available in circumstances when the noncompliance is unknown by the LEA or needs further investigation by the USBE.

Correction of Noncompliance

OSEP requires that all state-identified noncompliance be corrected as soon as possible, but in no case later than one year from the date of identification of noncompliance (34 CFR § 300.600(e)).

Before the USBE SES can conclude and report that noncompliance has been corrected, it must first verify, consistent with OSEP QA 23-01, that the LEA: 1) has corrected each individual case of student-specific noncompliance (Prong 1), and 2) is correctly implementing the specific regulatory requirements (Prong 2), based on USBE SES review of the corrections data.

Prong 1: Correcting Each Individual Case of Student-Specific Noncompliance

To correct noncompliance concerning student-specific requirements, the LEA must submit documentation that the LEA has corrected each individual case of noncompliance, unless the student's special education file is no longer within the jurisdiction of the LEA.

The LEA documents the required evidence by indicating correction and providing it to a UPIPS team member for review in person, or by uploading the evidence to the UPIPS program.

Prong 2: Correctly Implementing the Specific Regulatory Requirements

In conjunction with Prong 1 corrections, the LEA will be required to provide additional student special education files for review. The LEA may also be required to show evidence of training, collaboration, and/or other competency-based learning activities.

The LEA documents the required evidence by indicating correction and providing it to a UPIPS team member for review in person, or by uploading the evidence to the UPIPS program.

Additional Noncompliance Corrections

The USBE SES occasionally finds additional compliance errors during the corrections process. Any errors found during the process are not included in APR or RDA reporting. LEAs will not receive a written finding for these errors unless several files are found with the same error.

Compliance errors found during the corrections process must be corrected and verified with a UPIPS team member. The monitoring visit will not be closed until all original and additional noncompliance has been corrected.

The USBE SES is committed to supporting LEA efforts to improve results for SWD through the framework of compliance.

Enforcement

In addition to monitoring the implementation of IDEA Part B and the Rules, the USBE SES is also required to enforce implementation (Rules VIII.C.). Enforcement is necessary when the USBE SES obtains evidence of denial of rights outlined in the IDEA and/or systemic errors in procedural and substantive implementation. Evidence can be identified through a variety of methods including, but not limited to, file reviews, observations, interviews, dispute resolution, focus groups, and fiscal compliance. Methods of enforcement include technical assistance, conditions on funding, corrective action or improvement plan, and withholding funds (Rules VIII.C.).

POLICIES AND PROCEDURES MANUALS

LEAs are required to have a local board-approved policies and procedures manual on file with the USBE SES. The policies and procedures manual must outline the specific learning disability (SLD) method the LEA is using along with other mandated requirements outlined in Rules IX.A.4.

Policies and procedures manuals must be updated within one year of the Rules being updated and given final approval through the USBE (Rules IX.A.5). LEAs should submit manuals to the USBE SES for approval prior to submitting to the LEA's local board for approval. The USBE SES will notify the LEA of approval/disapproval via email. Submitting to the USBE SES first will prevent LEAs from having to submit to their local

board for approval multiple times. The USBE SES may not be able to approve it during the first attempt due to missing requirements. Once approval is received from both the USBE SES and the LEA's local board, LEAs may post the policies and procedures manual on their websites.

The policies and procedures remain in effect until any of the following occur:

- ◆ The LEA submits modifications to the USBE SES that have been deemed necessary by the USBE or LEA;
 - ❖ The provisions of the Rules apply to any modifications in the same manner and to the same extent as the original policies and procedures.
- ◆ The USBE staff gives the LEA notice of a new interpretation of the IDEA by Federal or State courts, or a change in Federal statute.
- ◆ There is an official finding of noncompliance with Federal or State law or regulations that requires a change in the LEA's policy and procedures (Rules IX.A.6.).

LEAs must determine which SLD method will be used before writing the policies and procedures manual. LEAs can choose: 1) Response to Intervention (RtI); 2) Combination; or 3) Alternative Research-Based Procedures, which includes Patterns of Strength and Weakness (PSW). [Model policies and procedures manuals](#) are available on the USBE website for all methods for both districts and charter schools. The model manuals outline the information required to be included in the policies and procedures manual. They also identify the sections the LEAs must complete regarding the individual LEA and its special education program. LEAs are not required to use the model manuals, though it is suggested to ensure all required information is included.

PROGRAM IMPROVEMENT PLAN (PIP)

A Program Improvement Plan (PIP) is intended to support an LEA in the development and implementation of an ongoing comprehensive multi-year improvement plan. The program improvement plan is dynamic and should be reviewed and revised regularly based on the needs of the LEA.

One purpose of the PIP is to assist LEAs in identifying areas for program improvement, prioritizing those areas, and developing meaningful plans to improve practices in special education. Another critical purpose of the PIP is to improve the effectiveness, equity, timeliness, and safety of all staff and students and improve the quality of the services being provided. As LEAs develop the PIP, high-leverage and research-based practices should be used to achieve these purposes.

An effective PIP requires the LEA to conduct a comprehensive data analysis and needs assessment with the stakeholder steering committee to systematically identify areas of strength and areas of need. Once needs are identified, a root cause analysis would

assist an LEA in establishing rigorous, yet attainable goals used to establish activities and interventions to support improvement.

INTERNAL STUDENT FILE REVIEW GUIDELINES

An annual internal review of student records must be conducted by each LEA no later than June 30 of each school year. Data collected from conducting an internal review and subsequently correcting noncompliance is for LEA use. The USBE does not have access to the review, the data, or the noncompliance. The LEA also determines how to use the data. For example, internal file review data could be used to understand professional learning needs of staff; to determine which policies, procedures, and practices are working and not working; to ensure students are receiving a free appropriate public education (FAPE); when conducting a root cause analysis; and for other forms of internal program improvement efforts.

The minimum number of records an LEA is required to review is based on the December 1 Child Count of SWD in the previous year. The internal review can be accomplished using the *Internal* section of the UIPS program.

December 1 Child Count	Minimum Number of Records to Review
Up to 500 Students	20 Records (or All)
501–900 Students	35 Records
901–1300 Students	45 Records
1301–1700 Students	55 Records
1701–2000 Students	65 Records
2001–4000 Students	75 Records
4001–6000 Students	100 Records
6001–8000 Students	140 Records
8001–10,000 Students	180 Records
10,001+ Students	200 Records

When an LEA receives a program improvement monitoring visit, the number of records reviewed during the visit will count toward the minimum required number above for that school year.

Records reviewed must be a representative sample of the LEA and include:

- ◆ Preschool, elementary, middle school, and high school records across the LEA geographically;
- ◆ Special schools, including YIC, Adult Education, online schools (if any), and SOEP;
- ◆ All races/ethnicities;

- ◆ Multi-language learners; and
- ◆ All disability categories.

NOTE: To get a representative sample, the LEA may need to increase the number of records reviewed.

An LEA may choose to include all student records in one file review or in multiple file reviews. Once each student record in a file review has been submitted, the file review must be finalized. The file review is not complete if it is not finalized (i.e., the % *Completed* is 100%, but the *Status* is *In Progress*). Student records *not* included in a finalized file review will *not* be counted towards the LEA's RDA score for internal monitoring.

Finalizing the review is an important step in the process as it moves the review to the corrections stage and a summary report of the LEA's level of compliance with the IDEA and state regulations is generated. Noncompliance identified through LEA internal file reviews is not subject to USBE SES review. All instances of noncompliance identified through LEA internal file reviews are not required to be corrected by June 30. However, LEAs must still correct all instances of noncompliance identified through internal reviews within one year of finalizing the review (Rules X.B.3.; X.Q.4.).

An LEA may choose not to use UPIPS to conduct internal file reviews. An alternate internal monitoring process as robust as the UPIPS Lite Review must be developed and uploaded to the UPIPS program and be approved before the LEA begins reviewing student records. The process will be approved/disapproved in the UPIPS program and will be reviewed annually as the USBE Lite Review is updated annually. Those using an approved alternative method must submit the previous year's documentation no later than January 15 for RDA determination. Documentation will also be accepted during the appeal process of the initial RDA determination.

TECHNICAL ASSISTANCE AND RESOURCES FOR COMPLIANCE

New Leaders' Summit

New Leaders' Summit provides new special education directors/leaders in their first three years with professional learning, resources, and one-on-one mentoring. Those invited to attend may be a special education director, special education coordinator, special education specialist, administrators, or a whole team within the LEA. New Leaders' Summit is intended to support these leadership roles across all LEAs, regardless of titles. Each LEA is required to meet basic compliance and reporting requirements outlined in this manual. The roles of those responsible for overseeing these requirements are determined by the LEA. The intent of the training sessions is to help new special education leaders establish a strong foundation of knowledge by gaining a more in-depth understanding of the Rules and compliance with federal and state reporting requirements.

Utah Institute on Special Education Law

The USBE SES hosts the Utah Institute on Special Education Law every summer. This conference is designed for administrators, educators, service providers, parents, families, and others responsible for the implementation of the IDEA and the Rules. Information is shared regarding regulatory requirements, relevant case law, and best practice to ensure students with disabilities receive a FAPE. For more information about rules and regulations, please visit the USBE [Special Education Rules and Policies](https://www.schools.utah.gov/specialeducation/programs/rulespolicies) (<https://www.schools.utah.gov/specialeducation/programs/rulespolicies>) webpage.

Utah Systems Conference

The Annual Utah Systems Conference brings together LEAs and school administrators, teachers, paraeducators, parents, and student support providers. The conference provides tools intended to guide LEA teams in evaluating and analyzing current practices, establishing supportive infrastructure, and utilizing data to improve student outcomes through a Multi-Tiered System of Supports (MTSS). MTSS is a framework for implementing systemic, evidence-based practices to maximize student achievement in academics and behavior in preparation for and leading to college and career readiness. The MTSS model includes universal, targeted, and intensive levels of support.

Transition Institute

The annual Transition Institute supports post-secondary transition planning and building capacity to improve college and career readiness for students with disabilities. This institute is designed for LEA-based teams which may include special educators, post-secondary transition specialists, general education teachers, parents, administrators, outside agency providers, higher education, related service providers, school counselors, career and technical education (CTE) counselors, Vocational Rehabilitation, paraeducators, and others. LEAs learn more about outside agencies, transition services, and how to use a web-based tool for post-secondary transition planning. For more resources on post-secondary transition planning, please visit the USBE [Special Education Secondary Transition and Graduation](https://www.schools.utah.gov/specialeducation/programs/secondarytransitiongraduation) webpage (<https://www.schools.utah.gov/specialeducation/programs/secondarytransitiongraduation>).

Targeted Trainings

Co-Teaching

Co-teaching is an instructional model that provides access to the grade-level core to all students. Co-teaching is an instructional arrangement in which a general education teacher and a special education teacher deliver core instruction (along with specialized instruction, as needed) to a diverse group of students in a single space.

These co-teaching partnerships require general and special educators to make joint instructional decisions and share responsibility and accountability for the learning of all students, while at the same time building on the strengths of each educator to provide high-quality core instruction paired with needed specialized instruction to meet the variety of student needs. This professional learning series is a year-long cohort with multiple learning sessions. The cohort combines methodology and content to support the co-teaching team.

Indicator 13 (Compliant Transition Plans) Canvas Course

As part of the State Systemic Improvement Plan (SSIP), the USBE has increased the focus on developing compliant postsecondary transition plans for students who are 14 years old at the time the IEP is written (Indicator 13). The Indicator 13 virtual Canvas course focuses on creating a greater understanding of how compliance and effective practices must be utilized in conjunction with each other to prepare students for further education, employment, and independent living. The virtual course provides opportunities for participants to work directly with USBE coaches to receive feedback on student transition plans throughout the training. Additional information regarding training and resources for developing transition plans can be found on the USBE [Special Education Secondary Transition and Graduation](#) webpage.

Newsletters

Each month, the USBE SES emails two newsletters to LEA special education directors. The *SpEdOmeter for LEA Action* contains important information LEAs need to be aware of, deadlines, and required activities or actions. The *SpEdOmeter for LEA Support* contains information about trainings, conferences, best practices, etc.

The USBE SES also provides an online monthly newsletter of articles and professional learning opportunities aimed at improving outcomes for SWD to [subscribers](#) (<https://mtpsports.us17.list-manage.com/subscribe?u=751ab87d1fa81859e0e48b064&id=f87b23355a>).

Utah Special Educator Administrators' Meeting (USEAM)

The USBE SES holds quarterly meetings for all special education directors that are held in-person and streamed online. Meetings include the latest compliance requirements, best practices, new initiatives, legislative updates, and networking with other special education directors and USBE staff.

USBE Website

The [Special Education Program Administration](#) page has multiple resources including details regarding special education deadlines and testing windows and technical assistance (<https://www.schools.utah.gov/specialeducation/resources/directors>).

Office of Special Education and Rehabilitative Services (OSERS), Office of Special Education Programs (OSEP), Office of Civil Rights (OCR)

OSERS, OSEP, and OCR are departments through the federal government that provide guidance for USBE and LEAs on providing services to students with disabilities. The guidance provided through these departments is a great source for research and will often be referred to by the USBE SES when discussing compliance. Each of these departments publish Dear Colleague Letters to provide guidance and clarification regarding special education services and compliance. LEAs working to solve challenging issues may be able to find some answers in these letters. They can be found using the search function on the [U.S. Department of Education](https://www.ed.gov/) (<https://www.ed.gov/>) website.

Special Education Connection (LRP)

The USBE SES believes in providing educators with the tools needed to support compliance and providing a FAPE to students. LRP's Special Education Connection is a national database of proven strategies, helpful tools, special education case law, federal statutes/regulations, and more. The USBE SES pays for a subscription to the newsletter for all special education directors and administrators in the state. Special education directors and administrators may share this resource with teachers and related services providers. Those with a login may opt-in to receiving a weekly summary via email to be informed of recent information and available tools. Special education directors who need login information should reach out to the USBE SES for support.

Fiscal Compliance and Accountability Monitoring

A comprehensive fiscal review is also a piece of USBE SES policies, procedures, and practices. The purpose of the review is to ensure LEAs are evaluating all areas that impact special education services and programming. Please refer to the [Special Education Fiscal](https://www.schools.utah.gov/specialeducation/programs/fiscal) (<https://www.schools.utah.gov/specialeducation/programs/fiscal>) webpage for direction on fiscal compliance.

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