UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAY 20 2004

Honorable Patrick Ogden
Superintendent of Public Instruction
Utah State Office of Education
250 East 500 South
Salt Lake City, UT 84111

Dear Superintendent Ogden:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Utah. As indicated in my letter to you of January 20, 2004, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to Utah from April 27-28, 2004.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and State-wide assessment systems to assess and improve State performance; and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Utah State Office of Education (USOE), OSEP staff met with Mr. Karl Wilson, the State's Director of Special Education and members of USOE's staff who are responsible for the State's general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings), the collection and analysis of State-reported data, and State-wide assessment. Prior to and during the visit, OSEP staff reviewed a number of documents[1], including the following: (1) the State's response to the Desk Audit questions; (2) the State's Annual Performance Report for grant year 2002-2003; (3) the Utah Corrective Action Plan concerning the Special Conditions under which Utah was granted Federal Fiscal Year (FFY) 2003 funding under Part B; 4) the Utah State Improvement Grant (SIG) application; (5) the 2004 Utah General Supervision Enhancement Grant (GSEG); (6) USOE Data Base Requirements and other documents related to the collection and reporting of 618 data; (7) the Utah Comprehensive System of Personnel Development; (8) the Utah Alternate Assessment Administration Manual and Assessment Tasks; and (9) other information from the State's website related to special education and State-wide assessment in Utah.

[1] Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

OSEP also conducted a conference call on March 25, 2004, with several members from Utah's Steering Committee to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and for Part B, State-wide Assessment. Mr. Wilson and other USOE Part B staff participated in the call and assisted us by recommending and inviting the participants.

The information that Mr. Wilson and his staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of USOE's systems for general supervision, data collection and reporting, and Statewide assessment.

General Supervision

In reviewing the State's general supervision system, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (3) utilizes guidance, technical assistance, follow-up, and—if necessary—sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

With the exception of the two issues noted in this section, OSEP believes that USOE's systems for general supervision constitute a reasonable approach to the identification and correction of noncompliance; however, OSEP cannot, without also collecting data at the local level, determine whether the systems are fully effective in identifying and correcting noncompliance.

At the beginning of the OSEP verification visit, USOE staff discussed the Utah Agenda for Students with Disabilities established in 1991and updated in 2003. The review of the Utah Agenda included identifying the objectives, such as: performance on the State-wide assessment; diploma/certificate acquisition; age appropriate social behaviors; and the analysis of suspension data. The Utah Agenda has ten strategies to achieve the objectives.

USOE reported that a major restructuring of its general supervision systems occurred since OSEP's monitoring visit in 1999. While the past monitoring system had been generally effective in maintaining procedural compliance, it had not been used to systematically evaluate the impact of special education services on student achievement. USOE developed the Utah Program Improvement Planning System (UPIPS) emphasizing a data-driven, systematic approach to compliance and improved results for children with disabilities. Major monitoring themes include continuity, partnership with stakeholders, local educational agency (LEA) accountability, self-assessment and improvement planning, data to drive results, and technical assistance.

USOE and OSEP reviewed the UPIPS Manual. The following description of the USOE's monitoring system is based on OSEP's review of the Manual and interviews with USOE staff. USOE conducts an on-site monitoring visit to all 40 LEAs and the State's 20 charter schools as well as the juvenile correction facilities and the Utah School for the Deaf and Blind at least once every five years.

In Year one of the five-year monitoring cycle, an LEA conducts a Self-Assessment and develops a Program Improvement Plan. The LEA establishes a steering committee comprised of stakeholders in the State's special education system to guide the development of the Self-Assessment process. While developing the Self-Assessment, each LEA convenes focus groups and reviews local, State and national outcome data provided by the State as part of the State's resources for technical assistance. State-wide assessment data at the State and local levels are also provided by the State for the steering committee to use in the Self-Assessment process. (See the State-wide Assessment section of this letter for additional information about the State-wide assessment.)

Minimally, the LEA must consider the State-prepared data analysis of the LEA's performance and describe how the LEA will address issues raised by the data analysis. The State uses the UPIPS Student Record Review, a software program developed through the Utah GSEG, to aid the LEA in reviewing the completeness and accuracy of each student record file. The State provides funding for LEAs during the Self-Assessment process. In the event that an LEA fails to complete the Self-Assessment, USOE would place a special condition on the LEA grant award and the LEA would not receive a reimbursement grant covering the expenses the LEA incurred while developing the Self-Assessment.

At the conclusion of Year one, USOE meets with the LEA to discuss the results of the State's review of the Self-Assessment. USOE staff also review the LEA's Self-Assessment to determine the level of on-site monitoring and technical assistance the LEA will receive from the State in Year two.

In Years three through five, the LEA submits annual progress reports related to the Program Improvement Plan and a corrective action plan, if a corrective action is required. If 20% or more of the student files are out of compliance, the State determines there is systemic noncompliance and the LEA must develop a written corrective action plan. The State monitors the implementation of the corrective action plan during the following year. When the State identifies non-systemic noncompliance, such as when one student record file is out of compliance, the State monitoring team meets with the local director of special education, provides detailed information about the specific finding, and requires the local director to correct the nonsystemic noncompliance. The Program Improvement Plans are adjusted based on continuous self-assessment during Years four and five. Depending on the issues that arise out of the monitoring system and the dispute resolution system, the LEA may receive an on-site visit in addition to the regular, cyclical monitoring visit. Even though USOE informs the local director of special education when USOE identifies non-systemic noncompliance, the State does not follow-up to ensure the non-systemic noncompliance is corrected. Under 20 U.S.C. 1232d(b)(3)(E), the State is

required to correct deficiencies in program operations that are identified through monitoring. USOE must submit to OSEP, no later than 60 days from the date of this letter, either documentation that it has already ensured the correction of non-systemic noncompliance that it identified through monitoring, or a plan for correcting that noncompliance as soon as possible but no later than one year from the date of OSEP's acceptance of the plan.

The State on-site monitoring visit is conducted in Year two of the five-year cycle. With the focus on both compliance with IDEA and student outcomes, the State interviews the LEA director, special education case managers, secondary students, regular and special education teachers, LEA representatives on the IEP teams, and related services personnel. The selection of personnel interviewed by the State is aligned with the student files reviewed by the State. During the on-site visit, the LEA also invites parents to a parent focus group convened by the State monitoring team.

At the conclusion of the on-site visit, the State monitoring team convenes a consensus meeting with the steering committee. The State monitoring team also meets with the LEA superintendent and the local special education director to share the results of the monitoring visit, including specific noncompliance issues the team found during the visit.

USOE staff described how the State Improvement Grant enhances the quality of special education personnel, including recruitment and retention of teachers and related services personnel. The State works closely with LEAs and institutions of higher education to determine the quality of the professional development programs. When noncompliance in this area is determined by the State monitoring team, the State meets with the LEA director of special education to define the technical resources that the LEA will access to address the monitoring findings related to professional development. The State would like to enhance the cooperation between the State Personnel Development Center, the USOE staff and LEAs in their efforts to secure highly qualified staff. The State identified the Reading First Initiative as one of the personnel development areas where cooperation between USOE and LEAs is working well for both regular and special education teachers. Some LEAs follow the State's Comprehensive System of Personnel Development goal to train special educators and release teachers to attend State training programs.

OSEP staff reviewed one of the State's monitoring files for an LEA. The file included information related to each phase of the monitoring process including findings identified by the LEA, findings identified by USOE, and documentation that systemic noncompliance was corrected in one year or less. Although the LEA file reviewed by OSEP demonstrated compliance within a year, USOE does not have a formal mechanism to ensure that compliance is corrected within a year.

OSEP learned, through its review of USOE's complaint log and through interviews with the State staff that USOE investigates administrative complaints and has the authority to order compensatory education. USOE reported that, in a one-year timeline, when USOE investigated complaints and issued its findings, five of thirteen were not issued within 60 calendar days from its receipt of the complaint consistent with 34 CFR §300.661(a) and

(b)(1). USOE must submit to OSEP, no later than 60 days from the date of this letter either documentation that it has already corrected the failure to resolve all complaints within timelines or a plan for correcting that noncompliance as soon as possible but no later than one year from the date of OSEP's acceptance of the plan. USOE is reviewing the State's complaint process to determine what strategies the State needs to use in order to meet the complaint timeline. Additionally, USOE staff stated that they plan to meet with the State Disability Law Center to work more collaboratively in addressing issues related to IDEA implementation.

In 2001, the State moved from a two-tier to a one-tier due process hearing system to address the timelines issue. OSEP learned, through its review of USOE's due process hearing log and through interviews, that all timelines are met and that, specifically, decisions on due process hearings are issued within 45 calendar days from USOE's receipt of the hearing request, unless the hearing officer grants a specific extension of the timeline at the request of a party, consistent with 34 CFR §300.511(a) and (c).

USOE staff told OSEP that one way it has addressed the hearing timeline is that the State initiated new recruitment procedures for hearing officers, including the requirement that all hearing officers attend State-mandated training for a period of two days. At the conclusion of the training, USOE required individuals who wanted to be hearing officers to pass a State examination. After appointment to the position of hearing officer, the State requires the hearing officer to attend a State training program offered biennially. USOE carefully considers each decision to determine if the problem addressed by the decision is a systemic issue in the respective LEA or in the State. If it is systemic, the State requires training for the LEA staff (i.e. principals and special education department chairs) and then requires those participants to train all staff in their respective offices and schools.

The Parent Center conducts training for parents about how to access the dispute system, with special outreach to parents who reside in rural areas. The Utah Law Institute is convened every summer for parents, teachers, administrators and the Special Education Advisory Panel to learn about recent administrative and regulatory changes in special education laws.

USOE staff described their authority to withhold funds with the approval of the State Board of Education. The authority is specific to the LEA's violations when compiling the child count report. When the LEA does not complete the required activities and documentation to assure compliance issues are corrected, the State communicates directly with the LEA superintendent. The State delays funding if the LEA does not complete the activities the State requires as a follow-up to the on-site visit. The State is exploring further sanctions as a means of ensuring the timely correction of noncompliance.
The State discussed the results of the State's Self-Assessment regarding the issue of early childhood transition. The State is unable to track 100% of the Part C children who are eligible for special education services at their third birthday. The State has a memorandum of understanding between Part B and Part C. The State explained the challenge of implementing the State's memorandum of understanding in tracking Part C children who leave Part C when the parents have not provided the consent to share child-specific information between the Part B and Part C agencies. To address this challenge,

USOE, the Utah Department of Health, and the Utah Parent Center developed a DVD entitled *For Parents: Transitioning Your Child from Early Intervention and Preschool.* The State also discussed a survey of parents of preschool children indicating that the quality of transition services was adequate or better.

Collection of data under section 618 of the IDEA.

In looking at the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified barriers, (e.g., limitations on authority, sufficient staff or other resources, etc.) that impede the State's ability to accurately, reliably collect and report data under section 618.

OSEP believes that USOE's system for collecting and reporting data is reasonably calculated to ensure the accuracy of the data that USOE reports to OSEP under section 618.

During OSEP's verification visit, USOE discussed the evolution of the State's data capacity. In March 2000, all section 618 child count data were collected through pencil and paper. In 2004, the State system is almost 100% electronic. The special education data manager works collaboratively with other data management personnel at USOE. The USOE Data Clearinghouse has a broad range of data collected on all children attending public schools in Utah, including students with disabilities. The Data Warehouse contains data elements such as discipline[2], assessments, attendance and teacher information that is used to guide decision-making at the State and local levels. Individual files are created at the school and LEA levels and downloaded into the Warehouse. The individual student files contain data fields necessary for Federal reporting purposes. Data are collected from all entities within the LEA boundaries as well as from the State School for the Deaf and Blind.

As described in the General Supervision section of this letter, OSEP learned that the collection of data is a significant component of the UPIPS. Data are used for the LEA self-assessment process, the State off-site data review and on-site data collection. Annual reports from LEAs are part of the continuous improvement monitoring process. Each year, the Utah State Advisory Panel reviews the reports from each of the districts. The feedback from this panel is used to improve the UPIPS process for the next school year.

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[2] LEAs have the option of entering discipline data (suspension and expulsion) into the USOE Data Clearinghouse but most LEAs continue to submit the data to the State in a non-electronic format.

USOE staff told OSEP that the data manager conducts individualized training events for special education directors on a regular basis to ensure the directors and local data managers are aware of the State's data collection methodology. The State disseminates policy guidance for gathering, analyzing and reporting special education data in compliance with IDEA reporting requirements, including the definitions for the data fields. State staff provide individual consultations for specific problems, including issues that arise during the State on-site monitoring visits. USOE also provides training at special education leadership meetings, including meetings with charter school personnel and at various workshops and roundtable discussions. Technical assistance is also provided through telephone communications and email. During interviews with USOE staff, OSEP staff found that the State's General Supervision Education Grant has had a major impact on the capacity building of the State's data collection activities. Data from UPIPS student record reviews are collected electronically and systemic compliance error reports are generated through the same system.

The State reported that it uses various tools to ensure security of the State database. The director of the USOE Information Technology has the authority to grant access to the data system. Staff use passwords as the method for limiting access. State personnel determine an individual's level of access to the data in the Clearinghouse. Districts limit access to individual student files in the Clearinghouse to those who work directly with the students. Larger districts enter all student data at one center terminal to ensure security and accuracy. The State created and uses a data accuracy auditing protocol that identifies and flags incorrect codes and dates. The State sends questioned data back to LEAs for correction before it is entered into the USOE Data Clearinghouse. After data are compiled and disaggregated in a reporting document, the State sends the district a hard copy. The LEA Special Education Director or Superintendent is obliged to sign a certification that the data are correct.

The State identified the following challenges in the data collection system: (1) non-electronic submission of personnel and discipline data; (2) data about students who move from one LEA to another or to another State; (3) consistent reporting of educational setting and environments across all the LEAs and charter schools; (4) the number of different computer platforms used by LEAs (the State receives data from the State Student Information System, several different types of LEA mainframes, etc.); (5) the accuracy of preschool enrollment; and (6) the formula for determining the dropout rate. USOE identified activities currently underway to address each of these barriers and challenges. OSEP suggests that USOE submit the progress in addressing these challenges in the State's next APR.

State-wide Assessment

In looking at the State's system for State-wide assessment, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for State-wide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and

requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand your system for State-wide assessment, OSEP also discussed with your staff how the alternate assessment is aligned with grade-appropriate content standards.

OSEP reviewed documentation about Utah's assessment system prior to the verification visit and confirmed during interviews with State staff that the State Legislature enacted legislation in 2000 creating the Utah Performance Assessment System for Students (U-PASS). The Core Assessment Criterion-Reference Tests (in language arts, grades 1-11; in mathematics, grades 1-12; and in science, grades 4-12) assess major elements of the Utah State Core Curriculum. The Direct Writing Assessment is administered in grades 6 and 9. The Basic Skills Competency Test is administered beginning in grade 10 and in subsequent years until the student passes the test or has participated in three trials. The Stanford 9 is administered in grades 3, 5, 8 and 11 and the National Assessment of Educational Progress (NAEP) is administered to students who are selected by NAEP. These assessments form the foundation of the U-PASS. During the visit, USOE shared that the State revised the assessment system for students not reading at grade level. These students have the option of taking a supplemental core assessment. The State no longer permits out-of-level testing as part of the State-wide assessment. Results of the norm-referenced tests and participation in the NAEP provide USOE with information about the progress of students and the students' relative performance with their age/grade-level peers nationwide.

The State also discussed pathways to high school completion. The State identified the two types of regular high school diplomas, the alternative completion diploma and the basic high school diploma that will be in effect for the graduating class of 2006. Students with disabilities served by special education programs may have changes made to graduation requirements through the IEPs to meet unique education needs. Currently, a student may be awarded a regular high school diploma, if diploma requirements are met, or a certificate of completion. USOE expressed a concern about the future impact of a newly adopted, high-stakes graduation test that will apply to the graduating class of 2006 and beyond. The State has taken steps to ensure that the graduation rate and the dropout rate are not negatively affected by the test.

Students with disabilities participate in the U-PASS in the same manner as regular students with modifications and accommodations as appropriate. USOE monitors the participation and performance of students with disabilities when the State conducts its monitoring visit in the LEA using a monitoring checklist to ensure compliance with IDEA State-wide assessment requirements. The State developed procedures and issued guidelines to assist LEAs and IEP teams in determining student participation in State-wide, district-wide and alternate assessments. Specifically, the State developed a document entitled "Participation of Students with Disabilities in Utah's Statewide Assessment Programs 2003-2004" that provides information for decision-making by school personnel, parents, and other IEP team members about the participation of students with disabilities in the various assessments. It explains in detail the use of adaptations, including accommodations and modifications, where necessary for students

to participate. Information is also presented about the alternate assessments for students who cannot participate in other parts of U-PASS. USOE utilizes this document to train district personnel throughout the State. In addition, the State website includes the established assessment guidelines and a range of information about participation in and accommodations for State-wide assessments and reporting the performance of students with disabilities on State-wide assessments.

Because the State has developed a comprehensive assessment system, most LEAs have discontinued district-wide assessments. The State is conducting a survey to determine if any of the State's LEAs are administering district-wide assessments during the 2003-04 school year. The preliminary results of the survey indicate that several LEAs administered an assessment at the kindergarten level. Based on the results of the survey, USOE staff stated that they would work with LEAs to ensure that all district-wide assessments meet IDEA requirements, including requirements for alternate assessments for students with disabilities.

As OSEP explained in the July 7, 2003 letter, Utah's FFY 2003 IDEA Part B Grant Award was released subject to special conditions regarding the alternate assessment. Specifically, OSEP determined that Utah was not developing and administering alternate assessments and reporting publicly and to the Secretary on the participation and performance of children with disabilities (in science) in alternate assessments, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a)(2). Utah is contracting with Utah State University to develop an alternate assessment in the area of science that will be aligned with the Utah Core Curriculum. According to Utah's corrective action plan and Utah's Annual Performance Report, full implementation of Utah's alternate assessment in science will occur during the 2005-06 school year. OSEP indicated in its March 18, 2004 letter that while this is a reasonable plan, it does not ensure that the special conditions would be met by June 30, 2004. OSEP is concerned that this timeline will not allow Utah to meet the terms of the special conditions. This may have an impact on Utah's FFY '04 grant award.

The State analyzed data from each LEA to identify specific training needs related to State-wide assessment. The results of the data analysis led to the establishment of the Utah Agenda Literacy Initiative, the Utah Core Curriculum Academies, the No Child Left Behind Conference, and Accommodations, Innovations and Modifications (AIMS) Training. The Utah Agenda for Students with Disabilities includes an objective to reduce the achievement gap between students with disabilities and their nondisabled peers. The State established a system to allow the State to "drill down" to better define the specific links between enhancing instruction to increase student performance. The State also established the Core Curriculum Academy to help more than 3500 regular and special education teachers learn how to differentiate instruction in science and language arts. The State provides follow-up technical assistance at the LEA level, as appropriate.

The Special Education Services Unit works closely with the USOE Division of Student Achievement and School Success to ensure that the needs of students with disabilities are included in all accountability and reform efforts. The monitoring process determines whether individual IEP teams have included participation in assessment information in

that Utah was not developing and administering alternate assessments and reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, specifically science, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a)(2). USOE was contracting with Utah State University to develop an alternate assessment in the area of science that would be aligned with the Utah Core Curriculum. According to Utah's corrective action plan and Utah's APR on page 39, full implementation of Utah's alternate assessment in science will occur during the 2005-06 school year. OSEP indicated in its March 18, 2004 letter that this was a reasonable plan. However, because the plan did not ensure that the special conditions would be met by June 30, 2004, OSEP continued the special conditions for the FFY 2004 grant award.

On pages 41-47 of this section, the State included data indicating that the numbers of students who participated in the State-wide assessments in reading and math were in many grades significantly lower than the numbers of children with disabilities enrolled in those grades. However, the State did not account for these discrepancies, as requested by the instructions for Attachment 3. In its FFY 2003 APR, USOE should include information on the reasons why children with disabilities are exempted from assessments as requested by the Attachment 3 instructions. Further, OSEP could not determine from the APR whether any students with disabilities did not participate in the State-wide assessment due to a failure by a public agency to meet the requirements of 34 CFR §300.347(a)(5) or 300.138. The State must include an analysis of compliance data related to those requirements as part of its FFY 2003 APR.[1]

On page 53 of the APR, USOE reported that it currently had no system for collecting follow-up data on preschool children with disabilities that would enable accurate reporting regarding improved skills of preschool children with disabilities. USOE was researching how to collect and report this data. USOE indicated that it would work collaboratively with other agencies to develop State-wide preschool standards and establish a task force to research effective ways to collect and report early language/communication, pre-reading, and social-emotional skills, of preschool children with disabilities. Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA section 619 program is being measured based on the extent to which early language/ communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services are improving. In the FFY 2003 APR, Utah must either submit documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

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[1] Please note that the regulations under the No Child Left Behind Act (NCLBA) provide, at 34 CFR §200.20(c), that, in order to make adequate yearly progress (AYP), a school or LEA must ensure that not less than 95 percent of its students with disabilities in the grades tested participate in the State assessments under 34 CFR §200.2.

On page 38 of the APR, USOE addressed its efforts to ensure that suspension and expulsion rates for children with disabilities are comparable among local education agencies within the State, or to the rates for nondisabled children in Utah. On page 51 of the APR, USOE provided data and information to ensure the provision of a free appropriate public education for children with disabilities in the least restrictive environment. In both instances, USOE included targets, explanation of progress or slippage, activities, and timelines and resources. OSEP looks forward to reviewing the impact of USOE's strategies in the next APR.

Secondary Transition

On pages 54-58 of the APR, USOE addressed the need to explore whether youth with disabilities are participating in post-school employment, education and training activities at a comparable rate to nondisabled youth. USOE's data indicated a slippage in participation in employment activities for youth with disabilities. USOE identified strategies to increase post school education and training activities for youth with disabilities including measures to increase awareness of strategies to access employment services for youth with disabilities by establishing a State interagency council, sponsoring conferences that focus on transition, and providing personnel development to parents, agency personnel and educators in a variety of settings. OSEP looks forward to reviewing the results of these strategies in the next APR.

Conclusion

In the FFY 2003 APR the State must provide evidence of progress in correcting noncompliance, including current data and analysis on:

- Ensuring correction of all noncompliance, including noncompliance it considers non-systemic, within one year of identification. This includes the noncompliance discussed in the parent involvement section of this letter.
- Ensuring that all complaints are resolved within the 60-day timeline.
- Ensuring that a free appropriate public education is available, by their third birthday, to eligible children leaving the Part C program.

As further noted above, the State must include in its FFY 2003 APR:

- Data and its analysis, along with a determination of compliance or noncompliance regarding Part B eligibility determinations for children leaving the Part C program. If the data show evidence of noncompliance, USOE must include a plan for correcting that noncompliance, including strategies, proposed evidence of change and timelines designed to achieve compliance within a reasonable period of time, not to exceed one year from when OSEP approves the plan.
- An analysis of compliance data related to the participation of children with disabilities in State-wide assessments.
- Either documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and

individual student files reviewed by the State. The USOE Interventions Team includes a special education specialist in assessment. The team provides direct technical assistance to schools identified by the State as needing improvement, including training to assist teachers in providing IEP accommodations, modifications, and differentiated instruction.

The USOE Curriculum and the Evaluation and Assessment Sections provide training and guidance for LEA curriculum and assessment directors every other month. The Special Education Assessment Specialist also makes presentations at these meetings. Utah also provides specific training for LEAs on accommodations, modifications, and interventions. Some of this training is offered through the Utah Professional Development Center. USOE organizes information about training participation and training topics by LEA and reviews this information as part of the professional development plan for each LEA. USOE further evaluates the impact of the LEA in this training through the analysis of the LEA's student participation rates and student performance on core assessments and Utah's alternate assessment. In 2004, the State monitoring process included a student record review regarding student-participation in the Utah Alternate Assessment.

In summary, two items in this letter require a response from USOE, as noted in the general supervision section of this letter. First, USOE must submit to OSEP documentation that, when USOE identified non-systemic noncompliance, the non-systemic noncompliance is corrected within a year. Second, USOE must demonstrate that complaints are resolved within the 60 calendar day timeline. As noted in the collection of data section of this letter, OSEP also suggests that USOE include the State's progress in addressing the challenges of collecting and reporting data under section 618 of IDEA in the State's next Annual Performance Report.

We appreciate the cooperation and assistance provided by your staff during our visit and look forward to collaborating with Utah as you continue to work to improve results for children with disabilities and their families.

Sincerely,

Patricia J. Guard for

Stephanie Smith Lee
Director
Office of Special Education Programs

cc: Mr. Karl Wilson