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# UTAH STATE BOARD OF EDUCATION SPECIAL EDUCATION SERVICES SPECIAL EDUCATION DIRECTOR AND MONITORING VISITS

## **Q1. Who can fill the role of special education director at a local education agency (LEA)?**

A1. The role of special education director can be filled by an individual, with qualifications determined by the LEA, who can oversee special education programs, assist with program administration, and ensure the quality of special education services. The individual works with special educators, related service providers, and general educators to ensure compliance with special education requirements and to support effective instruction. The individual also works with parents to ensure understanding and participation in special education eligibility and individualized education program (IEP) development and implementation.

The Individuals with Disabilities Education Act (IDEA) does not define special education director. Utah Code has never provided specific requirements or a definition for LEA special education director. A special education director may be an employee of the LEA or a private contractor.

Some special education directors focus primarily on special education administration. Other special education directors focus on several LEA duties beyond special education administration.

IDEA fiscal requirements specify that the underlying activities of a special education director must be related to special education in order to be funded with IDEA funds. General education administrative and/or general education teaching responsibilities cannot be funded with IDEA funds. When a special education director is responsible for duties outside of special education, the individual must complete time and effort documentation. This documentation outlines time spent on special education and other LEA duties. Only special education responsibilities outlined in time and effort are allowable costs under IDEA (34 CFR § 200.430; Rules X.B.).

LEAs have the authority to select a special education director based on such qualifications as prior experience with providing special education teaching or administrative duties, related services, and/or school administration. Special education directors typically hold bachelors, masters, or doctoral degrees but a specific degree is not required by any licensing regulations or policies.

## **Q2. Why does the Utah Program Improvement Planning System (UPIPS) team interview a special education director during a UPIPS monitoring visit?**

A2. The Utah State Board of Education (USBE) conducts monitoring and evaluation of LEAs through program monitoring (Rules VIII.D.). UPIPS monitoring requirements include, but are not limited to, ensuring a meaningful and continuous process that focuses on improving academic and functional outcomes for students with disabilities and ensuring compliance with the IDEA and the USBE Special Education Rules (Rules VIII.D.).

The 2020 UPIPS Manual states:

*Interviews meet two objectives of the monitoring visit. First, they provide the UPIPS team with an understanding of the LEA in order 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 UPIPS team members and LEA staff. The UPIPS team encourages conversation during the interview and invites questions from the LEA.*

*During the visit, UPIPS team members will interview the special education director (or other LEA administrator), school administrator(s), special education teacher(s), general education teacher(s), and related service provider(s) at each school site.*

Special education director interviews allow the UPIPS team to monitor and evaluate the LEA's special education program, determine knowledge, ensure that processes are in place, and understand strengths and areas of concern the LEA may need to address.

## **Q3. Can the LEA select a person to be interviewed as the special education director at the UPIPS monitoring visit?**

A3. The USBE maintains an LEA Special Education Director contact list based on information the LEAs provide to the USBE annually or as changes occur; the UPIPS team typically relies on this information when scheduling the special education director interview for a UPIPS monitoring visit. However, the LEA has the discretion to determine the individual who best understands the LEA's special education program strengths and areas of concerns and who therefore can best provide information the UPIPS team may use to evaluate the LEA.

## **Q4. What if the special education director is privately contracting with the LEA and not an employee?**

A4. The intent of the interview is to evaluate and understand programmatic areas of strength and concern for the LEA, not the individual being interviewed. If the individual the LEA selects can provide that information to the UPIPS team, it is irrelevant whether the individual being interviewed is an LEA employee or private contractor.

**Q5. A UPIPS contractor may already know/be familiar with the interview questions and preferred answers—will this knowledge skew information gained from an interview where that individual serves as an LEA’s special education director?**

A5. Interview questions are available online for any LEA to access and it is standard practice for educators and administrators to review these questions in preparation for a UPIPS monitoring visit.

In situations where an individual is providing contractual special education director services for the LEA and is interviewed during a UPIPS monitoring visit in that capacity, it is expected the individual will provide LEA-specific information regarding programmatic strengths and any concerns rather than generalized information he or she has gained through experience as a UPIPS contractor regarding ideal interview answers.

In preparation for a scheduled monitoring visit, the USBE encourages LEA administrators and contractors who serve as special education directors to discuss who will fulfill the responsibilities of the LEA’s special education director for purposes of the UPIPS monitoring process (i.e., scheduling, communicating with the UPIPS team, interview, corrections follow-up, etc.). If the contractor is uncomfortable with serving in the role of the LEA’s special education director during a UPIPS interview, and UPIPS monitoring in general, for any reason (including potential conflicts or concerns stemming from that individual simultaneously providing contractual services for the USBE as a UPIPS monitor for other LEAs), the contractor should discuss those concerns/questions with the LEA to determine who will fulfill the various responsibilities associated with the monitoring process prior to the scheduled UPIPS monitoring visit.