

State of Vermont Part B Annual Performance Report for FFY 2008 (2008 - 2009)



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DEPARTMENT OF EDUCATION

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Table of Contents

Monitoring Priority: FAPE in the LRE

Indicator 1: Graduation Rates.....	1
Indicator 2: Drop Out Rates.....	5
Indicator 3: Assessment Participation and Performance.....	8
Indicator 4: Suspension and Expulsion Rates.....	13
Indicator 5: Ages 6 - 21 Educational Environments.....	18
Indicator 6: Preschool Educational Environments.....	23
Indicator 7: Preschool Childhood Outcomes.....	24
Indicator 8: Parent Involvement.....	29

Monitoring Priority: Disproportionality

Indicator 9: Disproportionality by Race and Ethnicity.....	33
Indicator 10: Disproportionality by Race, Ethnicity and Disability.....	37

Monitoring Priority: Effective General Supervision Part B/Child Find

Indicator 11: Eligibility Determination Timeliness.....	41
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Monitoring Priority: Effective General Supervision Part B/Effective Transition

Indicator 12: Part C to Part B Transition.....	48
Indicator 13: Post-secondary Transition Goals.....	57
Indicator 14: Post-secondary Outcomes.....	63

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 15: General Supervision System.....	64
Indicator 16: Signed, Written Complaints.....	70
Indicator 17: Hearing Requests.....	73
Indicator 18: Resolution Sessions.....	76
Indicator 19: Mediations.....	78
Indicator 20: State Reported Data.....	80

Attachment 1: Indicator 15: Indicator B-15 Worksheet.....	82
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Attachment 2: Indicator 20: Self-Scoring Rubric.....	88
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Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

The Vermont Special Education Advisory Council again participated in a work day to review Annual Performance Report (APR) data and make recommendations for revisions and activities. They also reviewed the new targets for Indicator 3 assessment data.

Information regarding the APR data and activities was also shared and discussed at regional special education administrator meetings and with the executive council of the Vermont Council of Special Education Administrators (VCSEA). The executive council also reviewed the new targets for indicator 3.

Staff from the Vermont Department of Education continued quarterly meetings with staff from Vermont Vocational Rehabilitation. These meetings included review of data from indicators 1, 2, 13 and 14. The group continues to plan collaborative activities to improve performance on these indicators.

Information was also shared and discussed with relevant Vermont Department of Education staff. This included an in depth discussion with new staff in the legal department of the State Performance Plan (SPP) and APR requirements, past performance and current data relevant to indicators 16, 17, 18 and 19. Plans were made for new activities for the upcoming year that will be included in next year's APR.

The Vermont Family Network (formerly Vermont Parent Information Center) has had interim directors for the past year. A new permanent director started on January 1, 2010. It was not possible to meet with the new director in time for this submission of the APR. However, a meeting has been scheduled for February 10, 2010 to familiarize the new director with the SPP and APR. Possible areas of collaboration will also be discussed.

The completed APR will be posted on the Vermont Department of Education website. Copies will be distributed to members of the Vermont Special Education Advisory Council, the Vermont Council of Special Education Administrators, Vermont Part C staff, the Vermont Parent Information Center and others who have been involved in the development process. Information about the APR will be made available to the media by the Vermont Department of Education Communications Director.

Public reporting of the performance of individual school districts in relation to state SPP targets will take place after this APR is submitted on February 1, 2010 and prior to June 1, 2010. These reports will reflect performance on relevant indicators in relation to national performance in each area where data is available and in relation to state performance and targets. Numbers and percentages will be reported only when the "n" size is greater than or equal to 11.

State to local determinations were issued to LEAs for the second time in May of 2009.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
<p>2008 (2008-2009)</p>	<p>Not available for FFY 2008 (July 1, 2008 – June 30, 2009) due to U.S. Department of Education Office of Special Education (OSEP) changes to the reporting requirements for this indicator. See note below in the section titled “Actual Target Data for FFY 2008” for additional information.</p>

Actual Target Data for FFY 2008:

Note: Beginning in FFY 2008 (July 1, 2008 – June 30, 2009) the U.S. Department of Education Office of Special Education Programs (OSEP) changed the instructions for reporting graduation rates. This change requires all states to utilize the same graduation rate calculation for this indicator as is used for calculating and reporting to the U.S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). As a result, FFY 2008 (July 1, 2008 – June 30, 2009) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 1 contains a revised “Overview of the Issue/Description of System or Process” section including a description of the four-year graduation rate methodology utilized under ESEA. The revised FFY 2005 SPP submitted to OSEP on February 1, 2010 also contains new baseline data, a revised discussion of these new baseline data and revised targets. Those baseline data from FFY 2008 (July 1, 2008 – June 30, 2009) are also included in this Annual Performance Report immediately following this note in the “Actual Target Data for FFY 2008” section.

Because this is new baseline data for FFY 2008 (July 1, 2008 - June 30, 2009), there are no measurable and rigorous targets for this reporting period (FFY 2008 [July 1, 2008 - June 30, 2009]) contained in this FFY 2008(July 1, 2008 - June 30, 2009) Annual Performance Report. The targets utilized will be the same as those used for ESEA reporting. Performance on this indicator against the targets contained in the revised SPP will be reported in the FFY 2009 (July 1, 2009 - June 30, 2010) Annual Performance Report submitted to OSEP on February 1, 2011.

Please also note that as allowed in the instructions from OSEP and as reported under the ESEA, the data being examined for this FFY 2008 (July 1, 2008 – June 30, 2009) Annual Performance Report and as contained in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 is from the 2007 – 2008 school year (FFY 2007).

754 of 1132 or 66.61% of IEP students in the cohort of IEP students expected to graduate on-time during FFY 2007 (July 1, 2007 – June 30, 2008) graduated with a regular diploma in FFY 2007 (July 1, 2007 - June 30, 2008). This is the first year these data are available in the Annual Performance Report. For comparative purposes, the cohort graduation rate as reported for IEP students under the ESEA was 68% for FFY 2006 (July 1, 2006 – June 30, 2007) and 66% for FFY 2005 (July 1, 2005 – June 30, 2006).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

An interagency workgroup continues to monitor and provide trainings on implementation of the Part B Interagency Agreement. Training and support for local interagency teams (LITs) was delivered through regional trainings, an online training, and distribution of information in the Interagency Matters newsletter. The evaluation system put into place last year allows for the collection and analysis of graduation rate information for students with coordinated service plans. These are students who receive services from both education and human services.

Student support team consultants are working with high schools on Differentiated Instruction and Positive Behavioral Supports to have positive effects on student outcomes and graduation rates.

Event rate graduation data from FFY 2007 (June 1, 2007 – July 31, 2008) was used to determine which schools received technical assistance. There were three schools implementing Differentiated Instruction and 11 high schools implementing Positive Behavioral Supports.

Vermont's current system of making determinations required by IDEA includes graduation rate as one of the indicators considered in making the determination. Because this is a baseline data year (FFY 2008), graduation rate will not be included in the FFY 2008 local determinations.

Instead of developing a Transition Guidelines Manual Vermont Department of Education Student Support Team staff have created two transition websites. One is located at www.uvm.edu/~cdci/tripsy/. The other serves as an on-line learning community and is located at <http://tlcworkshops.pbworks.com/>. Both provide technical assistance documents, best practices information and training opportunities can be accessed through this website. *(This is a repeated activity and will not be reported on in subsequent indicators)*

A subgroup of the State Advisory Council met in December to review available APR information and made recommendations to the full panel and to the Vermont Department of Education.

The decision was made to combine the SPP steering committee with our focused monitoring steering committee. That group met in May 2009 to review indicator data and select priority areas for focused monitoring. *(This is a repeated activity and will not be reported on in subsequent indicators)*

Student Support Team consultants continued to work with mental health providers to implement Tiers II and III support of the statewide PBS initiative.

Targeted presentations of best practices impacting retention and graduation of students with IEPs were delivered to both education and interagency groups throughout the state.

This is a baseline data year. One result of this was that analysis of FFY 2007 (June 1, 2007 – July 31, 2008) prior graduation rates reported in this Annual Performance Report were not completed in FFY 2008. Beginning in FFY 2009 the cohort graduation rates and related data will be completed to identify LEA-level trends. In addition LEAs with poor graduation results and poor results across indicators will be targeted for technical assistance.

Progress or Slippage

FFY 2008 (July 1, 2008 - June 30, 2009), as described above, is a baseline data year for this indicator. A discussion of progress and slippage against the revised targets will be included in the FFY 2009 (July 1, 2009 - June 30, 2010) APR submitted to OSEP on February 1, 2011.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Beginning in FFY 2008 (July 1, 2008 – June 30, 2009) the U.S. Department of Education Office of Special Education Programs (OSEP) changed the instructions for reporting graduation rates. This change requires all states to utilize the same graduation rate calculation for this indicator as is used for calculating and reporting to the U.S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). As a result, FFY 2008 (July 1, 2008 – June 30, 2009) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 1 contains a revised "Overview of the Issue/Description of System or Process" section including a description of the four-year graduation rate methodology utilized under ESEA. The revised FFY 2005 SPP submitted to OSEP on February 1, 2010 also contains new baseline data, a revised discussion of these new baseline data and revised targets. Per OSEP instruction, the targets are the same as the annual graduation rate targets under Title I of the ESEA.

Improvement activities for this indicator prior to FFY 2009 (July 1, 2009 – June 30, 2010) have not been changed in the revised FFY 2005 SPP submitted to OSEP on February 1, 2010 except as noted in previous revisions (see page 3). The FFY 2009 and FFY 2010 improvement activities, as written prior to the revised SPP submitted to OSEP on February 1, 2010, are still relevant and have not been changed, but will be informed by the new four-year cohort graduation rate methodology articulated in the "Overview of Issue/Description of System of Process" section in the revised SPP submitted to

OSEP on February 1, 2010 on page 1. In future years, data from the “Actual Target Data” section of the appropriate Annual Performance Report will be utilized to determine progress or slippage against the targets in the SPP and revisions to the improvement activities will be made as necessary.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See indicator #1

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Not available for FFY 2008 (July 1, 2008 – June 30, 2009).

Actual Target Data for FFY 2008:

Note: Beginning in FFY 2008 (July 1, 2008 – June 30, 2009) the U.S. Department of Education Office of Special Education Programs (OSEP) changed the instructions for reporting dropout rates. This change requires all states to utilize the same dropout rate calculation for this indicator as is used for calculating and reporting to the U.S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). As a result, FFY 2008 (July 1, 2008 – June 30, 2009) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 10, contains a revised “Overview of the Issue/Description of System or Process” section including a description of the dropout rate methodology utilized under ESEA. The revised FFY 2005 SPP submitted to OSEP on February 1, 2010 also contains new baseline data, a revised discussion of these new baseline data and revised targets. Those baseline data from FFY 2008 (July 1, 2008 – June 30, 2009) are also included in this Annual Performance Report immediately following this note in the “Actual Target Data for FFY 2008” section.

Because this is new baseline data for FFY 2008 (July 1, 2008 - June 30, 2009), there are no measurable and rigorous targets for this reporting period (FFY 2008 [July 1, 2008 - June 30, 2009]) contained in this FFY 2008 (July 1, 2008 - June 30, 2009) Annual Performance Report. Performance on this indicator against the targets contained in the revised SPP will be reported in the FFY 2009 (July 1, 2009 - June 30, 2010) Annual Performance Report submitted to OSEP on February 1, 2011.

Please also note that as allowed in the instructions from OSEP and as reported under the ESEA, the data being examined for this FFY 2008 (July 1, 2008 – June 30, 2009) Annual Performance Report and as contained in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 is from the 2007 – 2008 school year (FFY 2007).

124 of 3,181 or 3.9% of IEP students in grades 9 - 12 dropped out of school in FFY 2007 (July 1, 2007 - June 30, 2008). This is the first year these data are available in the Annual Performance Report. For comparative purposes, the dropout rate as reported for IEP students under the ESEA was 3.6% for FFY 2006 (July 1, 2006 – June 30, 2007) and 3.4% for FFY 2005 (July 1, 2005 – June 30, 2006).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**Activities**

Work on the implementation of the Part B Interagency Agreement has continued. An interagency workgroup continues to monitor and provide trainings on implementation of the Part B Interagency Agreement. Training and support for local interagency teams (LITs) was delivered through regional trainings, an online training, and distribution of information in the Interagency Matters newsletter. The evaluation system put into place last year collected baseline information concerning graduation rates for students with coordinated service plans. These are students who receive services from both education and human services.

An interagency workgroup continues to monitor and provide trainings on implementation of the Part B Interagency Agreement. Training and support for local interagency teams (LITs) was delivered through regional trainings, an online training, and distribution of information in the Interagency Matters newsletter. The evaluation system put into place last year allows for the collection and analysis of graduation rate information for students with coordinated service plans. These are students who receive services from both education and human services.

Student support team consultants are working with high schools on Differentiated Instruction and Positive Behavioral Supports to have positive effects on student outcomes and graduation rates. Event rate graduation data from FFY 2007 (June 1, 2007 – July 31, 2008) was used to determine which schools received technical assistance. There were three schools implementing Differentiated Instruction and 11 high schools implementing Positive Behavioral Supports.

The Vermont Department of Education Student Support Team newsletter includes best practices resources in each issue.

Instead of developing a Transition Guidelines Manual Vermont Department of Education Student Support Team staff have created two transition websites. One is located at www.uvm.edu/~cdci/tripscy. The other serves as an on-line learning community and is located at <http://tlcworkshops.pbworks.com/>. Both provide technical assistance documents, best practices information and training opportunities can be accessed through this website.

Technical assistance was provided to Community High School of Vermont (CHSVT) as requested.

Vermont Department of Education Student Support Team staff meet quarterly with staff from Vocational Rehabilitation (VR) to share data and plan joint activities. Joint activities included:

- Online courses in secondary transition developed in collaboration with the Transition Coalition at the University of Kansas continued to be offered during 2008 - 2009.
- The electronic Community of Practice developed in collaboration with the Training and Resources for Interdisciplinary Professionals Serving Children and Youth (TRIPSCY) at the University of Vermont continued to be utilized during 2008 - 2009. This CoP focuses on professional development content for educators, families, students and community employment personnel. The TRIPSCY website is at: <http://www.uvm.edu/~cdci/tripscy/?Page=about.html>
- On-line professional development resources developed in collaboration with TRIPSCY continue to be available 24/7 to interested transition interagency stakeholders at <http://tlcworkshops.pbworks.com/>. Specifically resources from National Secondary Transition Technical Assistance Center (NSTTAC) are disseminated to interagency stakeholders including VR transition counselors.
- The state transition advisory group (Career Start- convened by Vocational Rehabilitation) meets on a quarterly basis. The purpose of the group is to convene statewide, interagency partners to consider and advise policy and practice for secondary transition in Vermont.

Analysis of FFY 2007 (July 1, 2007 – June 30, 2008) data revealed a decline in number and percentage of students with IEPs who dropped out of high school in comparison to prior years.

However, there continues to be a large variation in dropout rates across high schools. The range is from no dropouts (16 high schools) to dropout rates of twice the state target or more (5 schools with large enough numbers for the percentages to be meaningful). Schools with low dropout rates tended to make use of multiyear plans at greater rates than schools with high dropout rates. Several of the schools with the highest dropout rates are also schools that have been identified for assistance for several reasons and are engaged in planning to address the areas of need.

Progress or Slippage

FFY 2008 (July 1, 2008 - June 30, 2009), as described above, is a baseline data year for this indicator. A discussion of progress and slippage against the revised targets will be included in the FFY 2009 (July 1, 2009 - June 30, 2010) APR submitted to OSEP on February 1, 2011.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Beginning in FFY 2008 (July 1, 2008 – June 30, 2009) the U.S. Department of Education Office of Special Education Programs (OSEP) changed the instructions for reporting dropout rates. This change requires all states to utilize the same dropout rate calculation and data for this indicator as is used for calculating and reporting to the U.S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). As a result, FFY 2008 (July 1, 2008 – June 30, 2009) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 10 contains new baseline data, a revised discussion of these new baseline data and revised targets.

Improvement activities for this indicator prior to FFY 2009 (July 1, 2009 – June 30, 2010) have not been changed in the revised FFY 2005 SPP submitted to OSEP on February 1, 2010 except as noted in previous revisions (see page 12). The FFY 2009 and FFY 2010 improvement activities, as written prior to the revised SPP submitted to OSEP on February 1, 2010, are still relevant and have not been changed. In future years, data from the “Actual Target Data” section of the appropriate Annual Performance Report will be utilized to determine progress or slippage against the targets in the SPP and revisions to the improvement activities will be made as necessary.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1

Staff from the Standards and Assessment Team assisted in developing the data for this indicator.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with disabilities on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level standards, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.
- B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
- C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Not available for FFY 2008 (July 1, 2008 – June 30, 2009) due to U.S. Department of Education Office of Special Education (OSEP) changes to the reporting requirements for this indicator. See note below in the section titled “Actual Target Data for FFY 2008” for additional information.

Actual Target Data for FFY 2008:

Note: Beginning in FFY 2008 (July 1, 2008 – June 30, 2009) the U.S. Department of Education Office of Special Education Programs (OSEP) changed the instructions for reporting assessment information. This change requires all states to use the same Annual Yearly Progress (AYP) information for this indicator as it used for accountability reporting to the U.S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). As a result, FFY 2008 (July 1, 2008 – June 30, 2009) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on

page 17, contains a revised measurement methodology. The revised FFY 2005 SPP submitted to OSEP on February 1, 2010 also contains new baseline data, a revised discussion of these new baseline data and revised targets. Those baseline data from FFY 2008 (July 1, 2008 – June 30, 2009) are also included in this Annual Performance Report immediately following this note in the “Actual Target Data for FFY 2008” section.

Because this is new baseline data for FFY 2008 (July 1, 2008 - June 30, 2009), there are no measurable and rigorous targets for this reporting period (FFY 2008 [July 1, 2008 - June 30, 2009]) contained in this FFY 2008 (July 1, 2008 - June 30, 2009) Annual Performance Report. Performance on this indicator against the targets contained in the revised SPP will be reported in the FFY 2009 (July 1, 2009 - June 30, 2010) Annual Performance Report submitted to OSEP on February 1, 2011.

Please also note that public reports of assessment results for the State of Vermont are available at: http://education.vermont.gov/new/html/pgm_assessment/data.html#necap

3A. 1 of 35 districts or 2.86% that have a disability subgroup that met Vermont’s minimum “n” size requirements, met the State’s Annual Yearly Progress (AYP) targets for the disability subgroup. There were 203 town districts for which no decision was made on the disability subgroup because the minimum “n” size was not met.

This is the same information used for accountability reporting under Title I of the ESEA and only reflects AYP assessment targets for reading/language arts and mathematics proficiency, not targets for graduation or other elements of AYP.

3B. 6044 of 6122 or 98.73% of Vermont children with IEPs, including those enrolled for a full academic year and those not enrolled for a full academic year in grades 3 - 8 and 11 participated on the Math assessments in FFY 2008 (July 1, 2008 - June 30, 2009).

6061 of 6123 or 99.01% of Vermont children with IEPs, including those enrolled for a full academic year and those not enrolled for a full academic year in grades 3 - 8 and 11 participated on the Reading assessments in FFY 2008 (July 1, 2008 - June 30, 2009).

Table 3.1, on the next page, contains a summary of this information by grade; this is the same information as used for accountability reporting under Title I of ESEA and accounts for all children with IEPs, in all grades assessed, including children not participating in assessments and those not enrolled for a full academic year.

Table 3.1: Participation Rates for Children with IEPs, FFY 2008

Subject Area and Grade Level	Count of Participants	Count of Non-Participants	Total Count	Percent Participation
Math				
3	643	5	648	99.23%
4	741	7	748	99.06%
5	904	8	912	99.12%
6	899	2	901	99.78%
7	992	9	1001	99.10%
8	994	6	1000	99.40%
11	871	41	912	95.50%
Totals	6044	78	6122	98.73%
Reading				
3	633	5	638	99.22%
4	741	8	749	98.93%
5	906	10	916	98.91%
6	901	0	901	100.00%
7	995	10	1005	99.00%
8	994	5	999	99.50%
11	891	24	915	97.38%
Totals	6061	62	6123	98.99%

3C. 1274 of 5691 or 22.39% of children with IEPs enrolled for a full academic year in grades 3 – 8 and 11 scored at or above proficient on the Math assessment in FFY 2008 (July 1, 2008 - June 30, 2009).

1465 of 5711 or 25.65% of children with IEPs enrolled for a full academic year in grades 3 – 8 and 11 scored at or above proficient on the Reading assessment in FFY 2008 (July 1, 2008 - June 30, 2009).

Table 3.2, on the next page, contains a summary of this information by grade; this is the same information as used for accountability reporting under Title I of ESEA and results in proficiency rates for each content area across all NCLB assessments (combining regular and alternates) for all children with IEPs enrolled for a full academic year.

Table 3.2: Proficiency Rates for Children with IEPs, FFY 2008

Subject Area and Grade Level	Count of Proficient	Count of Non-Proficient	Total Count (Full Academic Year)	Percent Proficient
Math				
3	212	449	661	32.07%
4	215	513	728	29.53%
5	233	571	804	28.98%
6	230	683	913	25.19%
7	178	695	873	20.39%
8	162	779	941	17.22%
11	44	727	771	5.71%
Totals	1274	4417	5691	22.39%
Reading				
3	188	473	661	28.44%
4	202	525	727	27.79%
5	219	584	803	27.27%
6	239	677	916	26.09%
7	241	632	873	27.61%
8	191	752	943	20.25%
11	185	603	788	23.48%
Totals	1465	4246	5711	25.65%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

Information regarding NECAP participation and performance results for high school students with disabilities was shared and discussed with the Special Education Advisory Council and the Vermont Council of Special Education Administrators.

Plans were made to include training in Response to Intervention (RTI) as part of the required actions for four identified elementary schools in collaboration with School Improvement Coordinators. The four identified school teams began this work at the BEST Institute in June 2009.

Student Support Team staff continued to analyze results of New England Common Assessment Program to identify trends and changes for students with IEPs.

Information on successful models and practices for improving student achievement was disseminated through an electronic Student Support Team newsletter.

Assessment data on performance of students with IEPs was included in all relevant trainings and technical assistance by Student Support Team consultants.

Training and technical assistance in collaboration with other Vermont Department of Education divisions that focuses on improving achievement of students with IEPs and other NCLBA subgroups continued. For example, a guidance document for the identification and instruction of English Language Learners (ELL) with disabilities was created in collaboration with Vermont Department of Education ELL consultant and the Northeast Regional Resource Center (NERRC).

The Vermont Department of Education Assessment Team has discontinued the cohort studies for all NCLB subgroups.

Information about assessment results for students with IEPs has been included in trainings about the SPP/APR, in technical assistance to schools and as part of the monitoring system.

Collaboration with the Director of the Standards and Assessment Division and the School Improvement coordinators from that division has led to a plan for implementing RtI in a selected group of identified schools.

Student Support Team initiatives that are designed to improve student performance include focused monitoring, PBS, RtI and DI.

Progress or Slippage

FFY 2008 (July 1, 2007 - June 30, 2008), as described above, is a baseline data year for this indicator. A discussion of progress and slippage against the revised targets will be included in the FFY 2009 (July 1, 2009 - June 30, 2010) APR submitted to OSEP on February 1, 2011.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Beginning in FFY 2008 (July 1, 2008 – June 30, 2009) the U.S. Department of Education Office of Special Education Programs (OSEP) changed the instructions for reporting assessment information. This change requires all states to use the same Annual Yearly Progress (AYP) information for this indicator as it used for accountability reporting to the U.S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA). As a result, FFY 2008 (July 1, 2008 – June 30, 2009) is a baseline data year for this indicator. To reflect this change, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 17, contains a revised measurement methodology. The revised FFY 2005 SPP submitted to OSEP on February 1, 2010 also contains new baseline data, a revised discussion of these new baseline data and revised targets.

Because this is new baseline data for FFY 2008 (July 1, 2008 - June 30, 2009), there are no measurable and rigorous targets for this reporting period (FFY 2008 [July 1, 2008 - June 30, 2009]) contained in this FFY 2008 (July 1, 2008 - June 30, 2009) Annual Performance Report. Performance on this indicator against the targets contained in the revised SPP will be reported in the FFY 2009 (July 1, 2009 - June 30, 2010) Annual Performance Report submitted to OSEP on February 1, 2011.

Improvement activities for this indicator prior to FFY 2009 (July 1, 2009 – June 30, 2010) have not been changed in the revised FFY 2005 SPP submitted to OSEP on February 1, 2010 except as noted in previous revisions (see page 23). The FFY 2009 and FFY 2010 improvement activities, as written prior to the revised SPP submitted to OSEP on February 1, 2010, are still relevant and have not been changed. In future years, data from the “Actual Target Data” section of the appropriate Annual Performance Report will be utilized to determine progress or slippage against the targets in the SPP and revisions to the improvement activities will be made as necessary.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year) divided by the (# of districts in the State)] times 100.
- B. Percent = [(# of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race ethnicity) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

FFY	Measurable and Rigorous Target
2008 (2008-2009)	<p>4A. 0% of Vermont LEAs report significant discrepancies in suspension and expulsions of children with disabilities for greater than 10 days in a school year based on analysis of data from FFY 2007 (2007 – 2008).</p> <p>4B. Per OSEP instruction in 2008 - 2009, Vermont is not reporting targets for this indicator.</p>

Actual Target Data for 2008:

Note: Per Office of Special Education Programs (OSEP) instruction those data examined for this indicator are from the year before the reporting year of this Annual Performance Report (e.g. data from 2007 – 2008 is being used for this 2008 – 2009 reporting year).

4A. 0 of 60 or 0.00% of LEAs in Vermont have been identified by the state as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. Vermont has met the measurable and rigorous target of 0% for this indicator.

A significant discrepancy for any individual LEA is defined as an LEA that has a rate of suspension/expulsions greater than ten days that is more than 3 percent of that LEA’s total special education population. The suspension/expulsion rate is derived from the total number of

suspension/expulsions >10 days for special education students in an LEA (numerator) divided by the total number of special education students in the LEA (denominator).

The source information for the numerator in the LEA calculations was the same as that used to populate the “Report of Children with Disabilities Subject to Disciplinary Removal: School Year 2007-2008” (Table 5, in Section A, Column 3B), submitted to OSEP on November 1, 2008. The source information for the denominator in the LEA calculations was the same as that used to populate the “Report of Children with Disabilities Receiving Special Education Under Part B of IDEA, as Amended” (Table 1) submitted to OSEP on February 1, 2007. Additional information on these reports may be found at ideadata.org.

During the 2007 - 2008 school year, only 18 of Vermont's 60 LEAs reported any occurrences of suspensions or expulsions greater than 10 days. Of these LEAs that reported suspensions or expulsions exceeding 10 days, the rate of suspension/expulsion averaged less than 1%.

4B. Note: *Per the instructions to Vermont and other states contained in the Part B State Performance Plan (SPP) and Annual Performance Report (APR) Instruction Sheet for FFY 2007 (July 1, 2007 - June 30, 2008), and in the Vermont Part B SPP/APR Response Table from FFY 2005 (July 1, 2005 - June 30, 2006) prepared by the U.S. Department of Education Office of Special Education Programs, Vermont is no longer reporting baseline data, annual target data, or measurements for this indicator¹.*

The FFY 2005 State Performance Plan submitted to OSEP on February 1, 2008 was modified to reflect this change, beginning on page 30. Subsequent reporting in Annual Performance Reports and any additional State Performance Plan revisions on this indicator will be made according to OSEP instructions as they are made available.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities:

Vermont has shown continued and meaningful progress on this indicator, improving from 1.67% of LEAs identified with significant discrepancies in suspensions and expulsions of children with disabilities for greater than 10 days in a school year in FFY 2006 (July 1, 2006 - June 30, 2007) to 0.00% in FFY 2007 (July 1, 2007 - June 30, 2008). The following activities contributed to the state's progress:

- The Vermont Department of Education Student Support Team supported the implementation of the Part B Interagency Agreement that provides for coordinated service plans for students eligible for services from both education and human services.
- Work between Student Support Team & Building Effective Strategies for Teaching Students with Behavioral Challenges (BEST) consultants was coordinated to provide assistance to schools with high rates of suspension and expulsion for children and youth with IEPs.
- Targeted technical assistance was provided to schools concerned with the numbers of suspensions and expulsions for children and youth with IEPs
- The annual BEST Summer Institute was held in the summer of 2008.
- A subgroup of the State Advisory Council met in December to review available APR information and made recommendations to the full panel and to the Vermont Department of Education.
- Student Support Team consultants continued to work with mental health providers to implement Tiers II and III support of the statewide PBS initiative.

¹As of November 2009, these documents were available on the “SPP/APR Calendar” site at <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/417/23#category3>

Progress or Slippage

As shown above under “Actual Target Data for 2008,” the Vermont Department of Education’s examination of data from FFY 2007 (July 1, 2007 - June 30, 2008) revealed no significant discrepancies for any LEAs in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

If and only if there were significant discrepancies in the rates of suspensions and expulsions of children with disabilities greater than 10 days in specific LEAs in FFY 2007 would the Vermont Department of Education review, and as appropriate, revise policies, procedures and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for those LEAs identified with significant discrepancies.

Identification and Correction of Noncompliance

Those data collected for this indicator for FFY 2007 (July 1, 2007 - June 30, 2008) were obtained from the Vermont Department of Education Combined Incident Reporting System. This data collection is implemented annually to meet IDEA B 618 reporting requirements. Table 4.1, on the next page, shows the compliance monitoring schedule for this indicator from FFY 2004 through FFY 2010.

Please note that the compliance monitoring schedule reflected below illustrates the Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

Table 4.1: Compliance Monitoring Schedule APR Indicator 4

Monitoring Year (“MY”)/Source Data Year	# of LEAs Monitored	Data Review/Finding Year	Correction within One Year	APR Correction Year Reporting Date
FFY 2004 (July 1, 2004 - June 30, 2005)	ALL	FFY 2005 (data review)	FFY 2006	February 1, 2008
FFY 2005 (July 1, 2005 - June 30, 2006)	ALL	FFY 2006 (data review)	FFY 2007	February 1, 2009
FFY 2006 (July 1, 2006 - June 30, 2007)	ALL	FFY 2007 (data review)	FFY 2008	February 1, 2010
FFY 2007 (July 1, 2007 - June 30, 2008)	ALL	FFY 2008 (data review)	FFY 2009	February 1, 2011
FFY 2008 (July 1, 2008 - June 30, 2009)	ALL	FFY 2009 (data review)	FFY 2010	February 1, 2012
FFY 2009 (July 1, 2009 - June 30, 2010)	ALL	FFY 2010 (data review)	FFY 2011	February 1, 2013
FFY 2010 (July 1, 2010 - June 30, 2011)	ALL	FFY 2011 (data review)	FFY 2012	February 1, 2014

Table 4.1 shows that for FFY 2004 through FFY 2010, all LEAs have been/will be monitored annually for compliance with this indicator based on a data review. One characteristic of this statewide compliance monitoring process, as detailed in table 4.1, was and is that it is not feasible for the General Supervision Team to complete the analysis of these monitoring year (“MY”) data until the next monitoring year (“MY +1”) has started. As a result, the following two rules govern the identification, correction and reporting of noncompliance for this indicator. First, the reviews of those data and the subsequent findings of noncompliance based on those data reviews will not occur until “MY +1” has begun. Second, the reporting of corrections of findings within one year of the LEAs receipt of a finding will not occur until two years after the initial monitoring year or “MY +2”.

Note that because there has been *no* noncompliance associated with this indicator since the baseline reporting year (FFY 2004 [July 1, 2004 - June 30, 2005]) and continuing through FFY 2007 (July 1, 2007 - June 30, 2008), there have not been any findings, or corrections of findings within one year to report for this indicator or within Indicator 15. If noncompliance is identified in the future, the identification, correction and reporting of that noncompliance will occur according to the schedule outlined in Table 4.1 and as governed by the associated reporting rules detailed in the previous paragraph.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement activities have been added, beginning on page 38, for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding “Critical Element 1: Identification of

Noncompliance.” These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:

1. “Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period.”
 2. “Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identifies as findings of noncompliance with the requirements in Part B of the IDEA.”
 3. “A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance.”
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding Critical Element 2: Correction of Noncompliance. These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02.”
 2. “Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State’s identification of the noncompliance and including data on the correction of these findings in its date for Indicator 15 of its APR.”
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State’s identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day; and) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	<p>Percentage of children and youth with IEPs age 6-21 who are served inside the regular class 80% or more of the day will increase to 78.5%.</p> <p>Percentage of children and youth with IEPs served inside the regular class less than 40% of the day will decrease to 7.5% or less.</p> <p>Percentage of children and youth with IEPs in segregated settings will decrease to 4.0% or less.</p>

Note 1 (February 1, 2010 Revision): Language in this indicator was changed to align with 618 state-reported language in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2008 and the Annual Performance Report submitted to OSEP on February 1, 2008. No additional changes have been made.

Note 2 (February 1, 2010 Revision): Statewide aggregate reports for 6 - 21 educational environments received from the Education Data Exchange Network (EDEN) reporting system will not accurately reflect actual statewide values reported for this indicator. Those actual timely and accurate statewide values are reflected in this indicator for FFY 2008 (July 1, 2008 - June 30, 2009) and are based on the same queries built on those same data tables in the Vermont Department of Education December 1,

2008 Child Count that was used to create EDEN tables N/002 and N/X089. The next two paragraphs of this note provide a detailed explanation.

For general background, recall per the August 8, 2006 memo from the U.S. Department of Education to the Vermont Department of Education that “Vermont has been qualified to supply the data for the Part B, Individuals with Disabilities Education Act Implementation of FAPE Requirements (Table 3)... exclusively through the Education Data Exchange Network.” Further note that the identical source data tables in the source data system, the Vermont Department of Education December 1, 2008 Child Count, were queried to provide those data for this indicator and those data in tables N/X002 and N/X089 (FAPE/Educational Environments) submitted on February 1, 2009 through EDEN.

Within this context, it is important to realize, as stated above, that the statewide ages 6 - 21 educational environments reports generated through the EDEN reporting system will not match the information presented for this indicator. Specifically, the Vermont Department of Education small “n” reporting policy requires any data cell contained in an EDEN submission that contains a value of less than 11 to be suppressed. In response to this policy, EDEN has instructed the Vermont Department of Education to denote any suppressed cell (fewer than 11 records) with a value of “-4” (the Vermont Department of Education has followed these instructions). When reports on these data are subsequently “pulled” from the EDEN reporting system, the EDEN reporting system “rolls-up” the values in individual cells from tables N/X002 and N/X089; those cells containing a “-4” are omitted from the total. The result of this methodology is best illustrated with a simple example: Imagine a four cell table with actual values of 20, 15, 5, and 3. The total sum or “roll-up” of these actual values is 43 ($20+15+5+3=43$). With small “n” suppression rules applied, the EDEN submission table would contain values 20, 15, -4 and -4. The total sum or “roll-up” of these suppressed values (recall - 4 is null) from the EDEN reporting system is 35 ($20+15+“null”+“null”=35$).

Taken together then, the “roll-up” methodology utilized in the EDEN reporting system to create statewide aggregate reports and the insertion, per EDEN instructions, of “-4” values in cells that are to be suppressed per the Vermont Department of Education small “n” policy, result in statewide EDEN educational environment reports that do not accurately reflect actual statewide values. Those actual timely and accurate statewide values, based on queries built on those same data tables in the Vermont Department of Education December 1, 2008 Child Count used to create EDEN tables N/002 and N/X089, are reflected in this indicator.

- 5A. 69.82% or 8,621 of the 12,348 children age 6 – 21 were served inside the regular class 80% or more of the day, a .13 percentage point decrease from FFY 2007 (July 1, 2007 - June 30, 2008). This does not meet the measurable and rigorous target of 78.5% set for FFY 2008 (July 1, 2008 - June 30, 2009).
- 5B. 8.90% or 1099 of the 12,348 children age 6 – 21 were served inside the regular class less than 40% of the day, a .57 percentage point decrease from FFY 2007 (July 1, 2007 - June 30, 2008). This does not meet the measurable and rigorous target of 7.5% or less set for FFY 2008 (July 1, 2008 - June 30, 2009).
- 5C. 6.88% or 849 of the 12,348 children age 6 – 21 were served in separate schools, residential facilities, or homebound/hospital placements, .4 percentage points higher than FFY 2007 (July 1, 2007 - June 30, 2008). This does not meet the measurable and rigorous target of 4.0% or less set for FFY 2008 (July 1, 2008 - June 30, 2009).

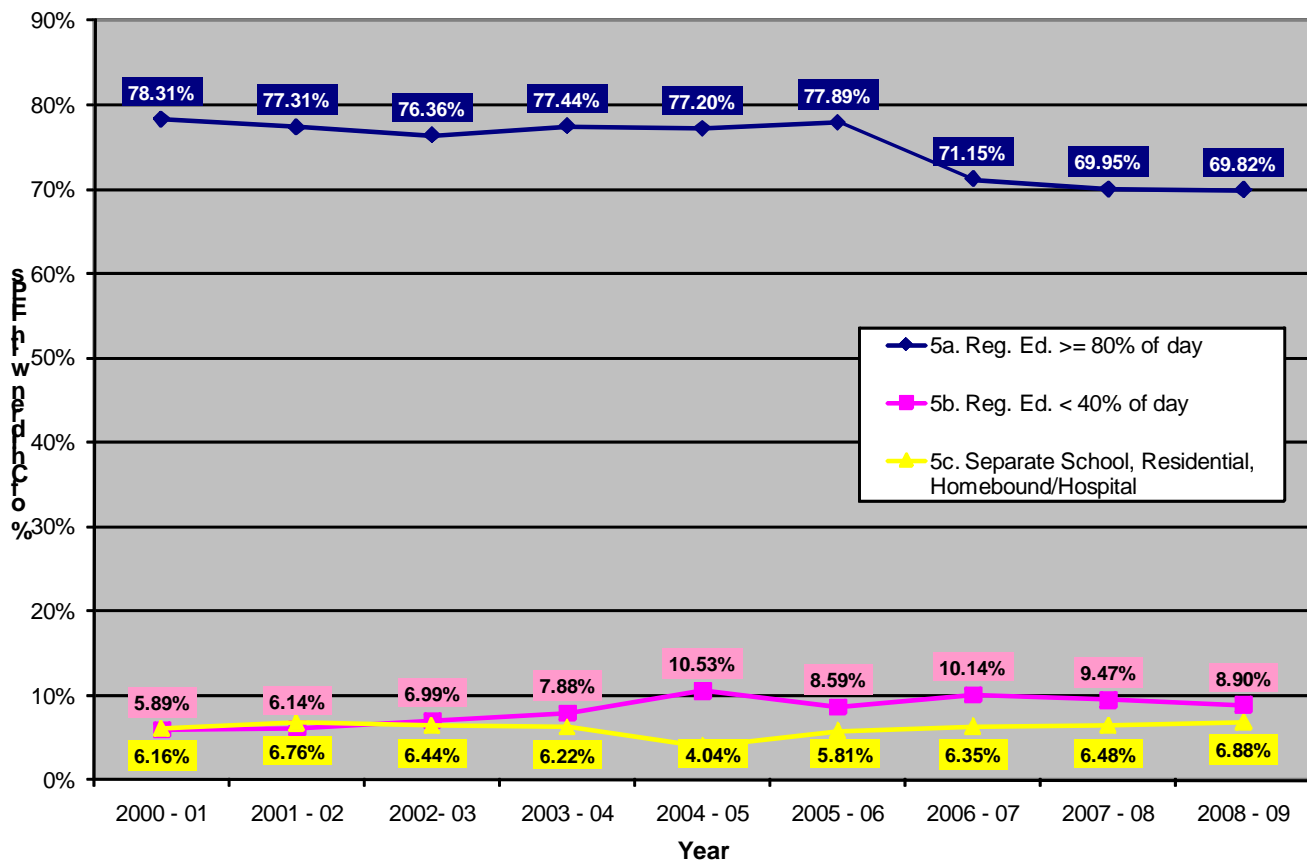
Note that the sum of the percentages reported in 5A., 5B., and 5C. do not add to 100%. 14.37% or 1775 of the children with IEPs age 6 – 21 in Vermont in this reporting period were served inside the regular education class no less than 40% of the day, but no more than 79% of the day (this compares to 14.00% of children in similar environments in FFY 2007 (July 1, 2007 - June 30, 2008), a percentage point increase of .37%). The remaining children with IEPs age 6 - 21 not accounted for in 5A., 5B., or 5C. were reported as being in correctional facilities.

Table 5.1, on the next page, provides a summary table of 5A., 5B. and 5C. for FFY 2008 (July 1, 2008 - June 30, 2009); Figure 5.1, on the next page, shows these FFY 2008 data in comparison with previous years.

Table 5.1: Percent of Children with IEPs age 6 – 21 by placement

Educational Environment	Count	Total # ages 6-21 with IEP	% of Children in Placement
5a. Inside Regular Class >= 80% of the Day	8621	12348	69.82%
5b. Inside Regular Class < 40% of the Day	1099	12348	8.90%
5c. Separate School, Residential, Homebound or Hospital Placement	849	12348	6.88%

Figure 5.1: Percent of Children with IEPs by Placement by Year



As shown in Figure 5.1, the decline in the percentage of children served inside the regular class 80% or more of the day (5a.) is leveling off. The number of children served inside the regular class less than 40% of the day (5b.) shows a slight decrease (9.47% to 8.90%) while those students served in separate schools, residential facilities, or homebound/hospital placements (5c.) shows a slight increase from 6.48% to 6.88%. The placement category not formally reported in this indicator; those served inside the regular education class no less than 40% of the day, but no more than 79% of the day increased slightly from 14.00% in FFY 2007 (July 1, 2007 – June 30, 2008) to 14.37% in FFY 2008 (July 1, 2008 – June 30, 2009).

The downward but stabilizing trend in the number of children served inside the regular class 80% or more of the day continues to present policy challenges in Vermont: Vermont has often been recognized as a leader in providing inclusive educational opportunities to students with special needs. As an example, for the FFY 2006 (July 1, 2006 - June 30, 2007) reporting period, the national percentage of 6 - 21 year old children served inside the regular class 80% or more of the day was

53.70%. And, of the 50 states, only North Dakota and Alabama reported higher percentages (77% and 74% respectively) of children served inside the regular class 80% or more of the day during the same time period².

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

This indicator was analyzed by numerous Student Support Team consultants and the Special Education Advisory Council (SAC) to identify trends in placements by disability category and LEA for children with IEPs age 6-21. Actions for improving LRE were developed and implemented.

Targeted technical assistance was provided to schools with high numbers of students served inside the regular class less than 40% of the day and students in separate schools, residential, homebound or hospital placements. This technical assistance was provided by SST Monitoring Team members, the SST Autism Consultant and the Low-incidence Disabilities Consultant. Much of this work was done in conjunction with the state I-Team (Interdisciplinary Team) and Project Evolve team members. Project Evolve focuses on strategies to increase the amount of time students spend in the least restrictive environment and decrease the use of paraprofessionals. Both the I-Team and Project Evolve are hosted at the University of Vermont Center for Excellence in Education for Developmental Disabilities (UCEED).

Technical assistance regarding the implementation of the Part B Interagency Agreement that focuses on coordinated service planning may be contributing to the stabilization of the student placement in LRE.

Focused monitoring visits were conducted in five LEAs using LRE as the indicator for selection.

There is not currently a plan to develop statewide diagnostic and training sites for students with autism. In place of this there is a multi-year plan for developing a lifelong system of care with specific goals for increasing success in the local community.

A training in evidence based strategies for students with autism was completed.

The Student Support Team LD consultant continued to provide technical assistance to Learning Disability Lab Schools staff.

Targeted technical assistance to LEAs with high or increasing numbers of students in more restrictive settings was provided by SST Monitoring Team members, the SST Autism Consultant and the Low-incidence Disabilities Consultant. In addition this was a focus of the consultant working with identified as high-spenders for special education.

The BEST team continued to provide statewide training on functional behavioral assessments, positive behavioral supports, Crisis Prevention and Intervention, Life Space Intervention and other strategies for students with emotional and behavioral challenges.

The Low-incidence Disabilities Consultant provided training and technical assistance in educating students with low incidence disabilities in collaboration with the I-Team, consultants for the blind and visually impaired and consultants for the deaf and hard of hearing.

The Residential Review Team provided technical assistance to IEP Teams regarding residential and other high cost placements and other least restrictive placement options.

Educational Support System consultants provided training and technical assistance in systems and strategies for developing school based support systems for all learners.

² Data retrieved from www.ideadata.org. This web site provides public access to the most recent data about children with disabilities served under the Individuals with Disabilities Education Act (IDEA). These data are collected annually by the U.S. Department of Education, Office of Special Education Programs in accordance with Section 618 of IDEA. They are provided in the form of tables produced for the Annual Reports to Congress.

Progress or Slippage

The FFY 2008 (July 1, 2008 - June 30, 2009) targets for this indicator were not met. The Vermont Department of Education Student Support Team continues to work to identify reasons for the decrease in the percentage of children being served inside the regular class 80% or more of the day, from 77.89% in FFY 2005 (July 1, 2005 - June 30, 2006) to 69.82% in FFY 2008 (July 1, 2008 - June 30, 2009).

Potential reasons for this downward trend may include:

- LEAs have been more attentive to how they are reporting on LRE in Child Count, given the visibility these data receive through the statewide Annual Performance Report, the LEA-level public reports and the LEA determinations process.
- As part of the implementation of a focused monitoring system in Vermont, LRE was selected by the focused monitoring stakeholder group during FFY 2006 (July 1, 2006 - June 30, 2007) as an area of focus. The stakeholder group choose to continue focusing on this indicator (among others) in FFY 2007 (July 1, 2007 – June 30, 2008) and FFY 2008 (July 1, 2008 - June 30, 2009). This continuing focus on this indicator by the Vermont Department of Education Monitoring Team may be increasing the attentiveness of LEAs to how they are reporting LRE in Child Count.
- Increased awareness of this indicator by special educators and Special Education Administrators around the LRE data trends resulting from the Local Annual Performance Report and Local Annual Determination requirements may be a factor in the stabilization of LRE data.
- Increased accuracy in data reporting: LEAs have continued to introduce new and/or improved Child Count software to help with the required data collections, this may be increasing the accuracy of Child Count data reported to the State of Vermont in these LEAs.

A potential reason for the downward change that has been ruled out:

- As described in the revised FFY 2005 SPP submitted to OSEP on February 1, 2008, beginning on page 37, Vermont changed the nomenclature for describing educational environments in the December 1, 2006 Child Count data collection to be consistent with the changes required by OSEP. These naming convention changes reversed statements of time “outside the regular classroom” to time spent “inside the regular classroom.” For example, prior to FFY 2006 (July 1, 2006 - June 30, 2007), the least restrictive educational environment was defined as being “removed from regular class less than 21% of the day.” Beginning in FFY 2006, this description was changed to: “served inside the regular class 80% or more of the day.” Vermont DOE thought this change may have caused some confusion in how student placement information was reported on students’ IEPs and subsequently, in Child Count data submitted to the State of Vermont by LEAs. If this was a cause of the variation in FFY 2006 data, then the FFY 2007 (July 1, 2007 - June 30, 2008) data should have reflected a return to historic norms as LEAs adjust to the new nomenclature. This did not occur and, anecdotally, LEA representatives reported that the nomenclature change caused minimal confusion.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions are planned at this time.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator # 1.

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = [(# of preschool children with IEPs who received special education services in settings with typically developing peers) divided by the (total # of preschool children with IEPs)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Not available for FFY 2008 (July 1, 2008 - June 30, 2009); see note below in “Actual Target Data for FFY 2008” section.

Actual Target Data for FFY 2008:

Note: As a result of changes to the instructions for collecting preschool least restrictive environment data required by the U.S. DOE Office of Special Education Programs (OSEP), Vermont is not reporting data for this indicator for FFY 2008 (July 1, 2008 - June 30, 2009). The FFY 2005 State Performance Plan and subsequent Annual Performance Reports will be revised according to OSEP instructions as they are made available.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

No information reported for FFY 2008 (July 1, 2008 - June 30, 2009).

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No information reported for FFY 2008 (July 1, 2008 - June 30, 2009).

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Staff from the Early Education Workgroup developed the data and content for this indicator.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
- b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
- d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
- e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1:
 Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: Percent = # of preschool children reported in progress category (d) plus # of preschool children reported in progress category (e) divided by [the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Not Available.

Actual Target Data for FFY 2008:

Note that per U.S. Department of Education Office of Special Education Programs instruction, Vermont is providing baseline data and targets, (in addition to the existing improvement activities) based on information collected during FFY 2008 (July 1, 2008 – June 30, 2009) in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 beginning on page 58. For reference, these baseline data have been included in this FFY 2008 Annual Performance Report. The improvement activities completed during FFY 2008 (July 1, 2008 - June 30, 2009) and revisions to the improvement activities for FFY 2009 (July 1, 2009 – June 30, 2010) and FFY 2010 (July 1, 2010 – June 30, 2011) based on analysis of FFY 2008 baseline data have also been included in the appropriate sections.

Social Emotional Skills Summary Statement 1: 485 of 525 or 92.38% $((c.+d.)/(a.+b.+c.+d.))$ of those preschool children who entered the preschool program below age expectations in the positive social-emotional skills outcome area substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Social Emotional Skills Summary Statement 2: 335 of 634 or 52.84% $((d.+e.)/(a.+b.+c.+d.+e.))$ of preschool children were functioning within age expectations in the positive social-emotional skills outcome area by the time they turned 6 years of age or exited the program.

Use of Knowledge and Skills Summary Statement 1: 527 of 581 or 90.71% $((c.+d.)/(a.+b.+c.+d.))$ of those preschool children who entered the preschool program below age expectations in the use of knowledge and skills outcome area substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Use of Knowledge and Skills Summary Statement 2: 314 of 634 or 49.53% $((d.+e.)/(a.+b.+c.+d.+e.))$ of preschool children were functioning within age expectations in the use of knowledge and skills outcome area by the time they turned 6 years of age or exited the program.

Use of Appropriate Behavior to Meet Needs Summary Statement 1: 449 of 484 or 92.77% $((c.+d.)/(a.+b.+c.+d.))$ of those preschool children who entered the preschool program below age expectations in the use of appropriate behaviors to meet their needs outcome area substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Use of Appropriate Behavior to Meet Needs Summary Statement 2: 385 of 634 or 60.73% $((d.+e.)/(a.+b.+c.+d.+e.))$ of preschool children were functioning within age expectations in the use of

appropriate behaviors to meet their needs outcome area by the time they turned 6 years of age or exited the program.

Table 7.1, below, contains a summary of these baseline data for FFY 2008 (July 1, 2008 – June 30, 2009).

Table 7.1: Baseline Data for FFY 2008 (2008-2009):

Summary Statements	% of children
Outcome A: Positive social-emotional skills (including social relationships)	
1. Of those preschool children who entered the preschool program below age expectations in the positive social-emotional skills outcome area and substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	92.38% (485 of 525)
2. The percentage of preschool children functioning within age expectations in the positive social-emotional skills outcome area by the time they turned 6 years of age or exited the program.	52.84% 335 of 634
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)	
1. Of those preschool children who entered the preschool program below age expectations in the acquisitions and use of knowledge and skills outcome area and substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	90.71% (527 of 581)
2. The percentage of preschool children functioning within age expectations in the acquisition and use of knowledge and skills outcome area by the time they turned 6 years of age or exited the program.	49.53% (314 of 634)
Outcome C: Use of appropriate behaviors to meet their needs	
1. Of those preschool children who entered the preschool program below age expectations in the use of appropriate behaviors to meet their needs outcome area and substantially increased their rate of growth by the time they turned 6 years of age or exited the program.	92.77% (449 of 484)
2. The percentage of preschool children functioning within age expectations in the use of appropriate behaviors to meet their needs outcome area by the time they turned 6 years of age or exited the program.	60.73% (385 of 634)

Tables 7.2a, 7.2b. and 7.2c., beginning on the next page, contain the actual numbers and percentages for the five reporting categories for each of the three outcome areas required to create the summary statements in Table 7.1.

Table 7.2a: Outcome 1 – Positive Social-Emotional Skills

<i>Positive social-emotional skills, including social relationships</i>	Number of children	% of children
a. Percent of preschool children who did not improve functioning	16	2.52%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	24	3.79%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	259	40.85%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	226	35.65%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	109	17.59%
Total	634	100%

Table 7.2b: Outcome 2 – Acquisition and Use of Knowledge and Skills

<i>Acquisition and use of knowledge and skills (including early language/communication and early literacy)</i>	Number of children	% of children
a. Percent of preschool children who did not improve functioning	17	2.68%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	37	5.84%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	266	41.96%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	261	41.17%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	53	8.36%
Total	634	100%

Table 7.2c: Outcome 3 – Use of Appropriate Behaviors to Meet their Needs

<i>Use of appropriate behaviors to meet their needs</i>	Number of children	% of children
a. Percent of preschool children who did not improve functioning	13	2.05%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	22	3.47%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	214	33.75%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	235	37.07%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	150	23.66%
Total	634	100%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

A number of improvement activities were completed in FFY 2008 (July 1, 2008 – June 30, 2009) as baseline data was collected for this indicator:

- Professional development was provided on the pre-K assessment options that were required to be used starting September 2009 to early childhood and early childhood special educators and related professionals
- Ongoing technical assistance was provided for administering the required pre-K assessments and for analyzing the results according to the COSF ratings.
- The enhanced outcomes system for all children who enter EEE on or after 7/1/09 was implemented.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Based on the analysis of FFY 2008 baseline data for this indicator, the following improvement activities have been added to the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 68:

FFY 2009 (July 1, 2009 – June 30, 2010):

- Provide a statewide training on the Early Childhood Outcomes to re-focus early childhood special educators and related professionals on the COSF ratings, inter-rater reliability, and using a team process to arrive at accurate ratings of children’s development and progress.
- Compare data from both processes and consult with the EEE Advisory Committee; re-set targets as needed.

FFY 2010 (July 1, 2010 – June 30, 2011):

- Examine the implications and impact of adopting the new version of Teaching Strategies’ developmental continuum on reporting early childhood outcomes since the majority of EEE programs use the Creative Curriculum Developmental Continuum.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Percentage of all parents of pre-kindergarten - 12th grade children with disabilities reporting schools facilitated involvement will increase to 34.12%.

Actual Target Data for FFY 2008:

Note: As in previous years, the NCSEAM preschool and school age parent involvement surveys were utilized for this indicator. These surveys were unchanged from the previous year and are not attached to this document, per Office of Special Education instruction. These surveys, also as in previous years, have been designed to “be aggregated, if desired, to report a single result to OSEP for parents of all children 3-21.”³ The analysis and valid and reliable procedures performed to aggregate the results for the purpose of this Annual Performance Report were completed per instructions publicly available from the Louisiana State University Health Sciences Center on-line at: http://www.accountabilitydata.org/parent_family_involvement.htm

36.18% or 584 of 1614 parents of children with disabilities who responded to the survey reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities (± 2.35% at the 95% confidence level). Vermont has met the measurable and rigorous target of 34.12% for this indicator for FFY 2008 (July 1, 2008 - June 30, 2009). Table 8.1, on the next page, contains a summary of this information.

³ Please see the LSU Parent Involvement Survey web page at: http://www.accountabilitydata.org/parent_family_involvement.htm for additional information on results aggregation.

Table 8.1: Parent Involvement Survey Results Summary

	Number of Parents Responding	% Parents Reporting Involvement	Standard Error	95% Confidence Interval	
				Low	High
6 Pilot States Benchmark (2005)	2705	17.00%	0.70%	15.63%	18.37%
Vermont Parents 2005 - 2006	2277	28.00%	0.90%	26.24%	29.76%
Vermont Parents 2006 - 2007	1808	34.02%	1.10%	31.86%	36.18%
Vermont Parents 2007 - 2007	1963	34.13%	1.10%	31.97%	36.29%
Vermont Parents 2008 - 2009	1614	36.18%	1.20%	33.83%	38.53%

Table 8.1 shows that in 2008 - 2009, 36.18% or 584 of 1614 responding parents of PK - 12 children with disabilities reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities ($\pm 2.35\%$ at the 95% confidence level). This is not a significant change from the 2007 - 2008 school year.

To provide additional context for these results, the top row of Table 8.1 titled “6 Pilot States Benchmark,” contains the overall results in the six states used to pilot the National Center for Special Education Accountability Monitoring (NCSEAM) Parent Involvement Survey. In these states 17% of parents reported that schools facilitated parent involvement as a means of improving services for children with disabilities ($\pm 1.37\%$ at the 95% confidence level)⁴. Although inter-state comparisons need to be considered cautiously, when viewing Vermont data in the context of the pilot state’s benchmark, Vermont appears to perform quite well in involving parents in improving their children’s special education services.

Response Rates:

Vermont utilized a survey consultant to assist with all survey mailing, data processing and data analysis tasks. The consultant verified the accuracy of the submitted addresses utilizing address validation software. Surveys were mailed in the summer. There were 1,614 valid responses from mailings to 11, 872 verified parent addresses for a response rate of 13.6%. Mailings were not sent to addresses that could not be verified to protect student confidentiality. The response rate is down from 16.36% in 2007 – 2008 and 16.28% in 2006 - 2007.

Survey Respondent Characteristics Compared to All Students Eligible for Survey

To understand if the 1614 parents who responded to the survey had children who were representative of the children in the overall special education eligible student population, demographic characteristics of respondent parent’s children were compared to those characteristics of the entire population eligible for special education services. Table 8.2, on the next page, contains the counts and percentages of the characteristics of respondent’s children compared to the entire eligible population in race/ethnicity, gender, disability and age group categories. Note that some categories have been collapsed to avoid reporting discrete identifying student characteristics when individual cells contained less than 11 records. The Vermont Department of Education “small ‘n’ rule” prohibits public reporting of potentially personally identifying information where the number of students being reported on is less than 11.

⁴ For additional information on the development and piloting of the NCSEAM parent involvement survey, please see http://www.accountabilitydata.org/parent_family_involvement.htm and the Revised FFY 2005 Vermont State Performance Plan, Indicator 8, available at http://education.vermont.gov/new/html/pgm_sped/data_reports_pubs.html

Table 8.2: Demographics of Respondent’s Children vs. All Special Education Children

Demographic Characteristic	Count of Respondent Children	Percent of Respondent Children	Count of Eligible Population	Percent of Eligible Population	Over/Under Representation*
Race/Ethnicity					
Non-White**	72	4.46%	547	3.88%	0.58%
White	1542	95.54%	13549	96.12%	-0.58%
Totals	1614	100.00%	14096	100.00%	0.00%
Disability					
Autism	96	5.95%	525	3.72%	2.22%
Developmental Delay	327	20.26%	2326	16.50%	3.76%
Emotional Disturbance	158	9.79%	1997	14.17%	-4.38%
Hearing Impairment	14	0.87%	119	0.84%	0.02%
Learning Impairment	108	6.69%	934	6.63%	0.07%
Multiple Disabilities	26	1.61%	161	1.14%	0.47%
Other Health Impairment	285	17.66%	2216	15.72%	1.94%
Specific Learning Disability	418	25.90%	4093	29.04%	-3.14%
Speech or Language Impairment	164	10.16%	1591	11.29%	-1.13%
All Other Disabilities***	18	1.12%	134	0.95%	0.16%
Totals	1614	100.00%	14096	100.00%	0.00%
Gender					
Female	522	32.34%	4722	33.50%	-1.16%
Male	1092	67.66%	9374	66.50%	1.16%
Totals	1614	100.00%	14096	100.00%	0.00%
Age					
3 to 5	253	15.68%	1748	12.40%	3.27%
6 to 11	625	38.72%	5192	36.83%	1.89%
12 to 17	647	40.09%	6391	45.34%	-5.25%
18 to 21	89	5.51%	765	5.43%	0.09%
Totals	1614	100.00%	14096	100.00%	0.00%

*Over/Under Representation is the percent of respondent children minus the percent of eligible population.

**Non-White includes Hispanic, African American, American Indian or Alaskan Native and Asian or Pacific Islander.

***All Other Disabilities Includes: Deaf-Blindness, Traumatic Brain Injury, Orthopedic Impairment and Visual Impairment.

Table 8.2 shows that, overall, survey respondents’ children were quite similar to the overall special education student population in terms of race/ethnicity, disability, gender and age group. With the exception of parents with children receiving services for emotional disturbance and parents whose children were 12 to 17 years of age-- underrepresented by 4.38% and 5.25% respectively-- the differences between respondents’ children and all children receiving special education services appears negligible. This suggests that the results of this survey for FFY 2008 (July 1, 2008 – June 30, 2009) are likely to provide a reasonably valid and reliable representation of parents’ feelings of being involved in improving their children’s special education services.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Vermont continued to contract with a consultant to collect and help with the analysis of the data for this indicator. Parent addresses were required to be collected for the second year in a row as a part of the December 1 Child Count.

The following activities were also completed during 2008 – 2009:

- Special Education Administrators were given notice of the impending mailing of the survey and were asked to remind staff to remind parents with whom they have contact to expect the survey.
- Vermont Family Network staff were notified in advance of when the survey would be mailed so that they could notify parents through their website, newsletter and spring trainings.
- A flyer was developed to promote the survey and distributed to the Vermont Family Network.
- The statewide training on effective IEP meetings was not held during 2008-2009. Instead, the Vermont Department of Education is in the process of designing a series of trainings focusing on a range of topics related to IEPs including effective meetings and parent involvement. We are planning a series on training modules that will be available on-line. The implementations of the first series of trainings are planned for fall 2010.
- The Vermont Department of Education is no longer planning to have annual day long trainings on parent involvement. Instead, there will continue to be a focus on supporting the Vermont Family Network work on family involvement through grants and collaborative work. During the reporting period, VFN used funds granted by the DOE to inform, support and educate 1,859 families of infants, toddlers and youth with disabilities to enable them to effectively participate in their children's education, development and transition to adult life.
- A representative of the Vermont Department of Education met with the Special Education Advisory Council to review the results and plan improvement activities for this and other indicators.

Progress or Slippage

Vermont met the target for this indicator. We will continue to work to improve the level of participation in the parent involvement survey.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions are planned at this time.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator # 1.

Monitoring Priority: Disproportionality

Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	0% of districts with disproportionate representation of racial and ethnic groups in special education and related services will be the result of inappropriate identification.

Actual Target Data for FFY 2008:

0% or 0 of 60 LEAs were determined to have disproportionate representation of racial and ethnic groups in special education and related services resulting from inappropriate identification.

Although no LEAs were determined to have disproportionate representation of racial and ethnic groups in special education resulting from inappropriate identification, two LEAs were identified by their submitted Child Count data as having disproportionate representation within their special education population. For a discussion of how Vermont determined that the disproportionate representation of racial and ethnic groups in special education and related services was *not* the result of inappropriate identification, please see the section below titled “Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008.”

For a complete discussion of the criteria utilized for defining disproportionate representation, please refer to page 77 of the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities:

As noted in the baseline data section, two LEAs were determined to have disproportionate representation within the special education population. In one LEA, one non-white race/ethnicity category was underrepresented (Weighted or Alternate Risk Ratios <.33). In the other LEA, one non-

white race/ethnicity category was overrepresented (Weighted or Alternate Risk Ratios >3.0). To understand if this disproportionate representation of racial and ethnic groups in special education was the result of inappropriate identification the following procedures, based on policies of the State of Vermont Department of Education Student Support Team, were completed:

1. Letters from the Department of Education were sent by the Vermont Department of Education Student Support Monitoring Team (“Monitoring Team”) to the two LEAs alerting them that their submitted Child Count data indicated disproportionate under and/or overrepresentation within their special education population.
2. Copies of files of those students impacted by the disproportionate representation as well as any information regarding LEA policies, procedures and practices were requested from the LEAs for review by the Monitoring Team.
 - a) Review of LEA Student Files: Files of those students impacted were reviewed by the Monitoring Team to verify if inappropriate identification was occurring. Upon review of evaluations conducted within these two LEAs, the Monitoring Team concluded that no students deemed eligible for special education services resulted from inappropriate identification.
 - b) Review of LEA Policies, Procedures and Practices: Policies, procedures and practices that may help to prevent inappropriate identification were examined in each LEA identified with disproportionate representation. Although both LEAs had policies that reflected the use of reliable and valid diagnostic assessments, neither of the LEAs currently had a policy that spoke directly to testing procedures or practices that would have a significant impact on disproportional representation by either race or ethnicity. One of the LEAs is involved in a committee steered by the Vermont Department of Education to help develop policy and guidelines on the referral process for English Language Learners. This committee has been working on recommendations that will be given to the Vermont State Board of Education for adoption and dissemination to all LEAs within the State.

Vermont continues to be one of the least racially and ethnically diverse in the country. Several school districts have much higher rates of diversity than is typical because of an active refugee resettlement program that places families in these communities. At this time these districts do not show disproportionate representation of racial and ethnic groups as a result of inappropriate identification.

A large proportion of the racially and ethnically diverse students in Vermont are English Language Learners (ELL). A consultant from the Vermont DOE Student Support Team has worked with the ELL consultant for the Vermont DOE, staff from the Northeast Regional Resource Center and others to develop guidelines for instruction and evaluation of ELLs. These guidelines were finalized in the spring of 2008.

Several meetings have been held to update the Vermont DOE Student Support Team Director on the progress of the guideline work and other potential projects.

Progress or Slippage:

The State of Vermont Department of Education has shown continued compliance in meeting the requirements of this indicator through policies and procedures requiring the review of Child Count data, monitoring data and LEA-level policies, practices and procedures as described above. These SEA policies and procedures continue to prevent occurrences of disproportionate over or underrepresentation resulting from inappropriate identification.

Identification and Correction of Noncompliance

Those data collected for this indicator for FFY 2008 (July 1, 2008 - June 30, 2009) were obtained from the Vermont Department of Education December 1, 2008 Child Count data collection. This data collection is implemented each December to meet IDEA B 618 reporting requirements. Table 9.1, on the next page, shows the compliance monitoring schedule for this indicator from FFY 2005 through FFY 2010.

Please note that the compliance monitoring schedule reflected below illustrates the Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

Table 9.1: Compliance Monitoring Schedule APR Indicator 9

Monitoring Year (“MY”)/Source Data Year	# of LEAs Monitored	Data Review/Finding Year	Correction within One Year	APR Correction Year Reporting Date
FFY 2005 (July 1, 2005 - June 30, 2006)	ALL	FFY 2006 (data review)	FFY 2007	February 1, 2009
FFY 2006 (July 1, 2006 - June 30, 2007)	ALL	FFY 2007 (data review)	FFY 2008	February 1, 2010
FFY 2007 (July 1, 2007 - June 30, 2008)	ALL	FFY 2008 (data review)	FFY 2009	February 1, 2011
FFY 2008 (July 1, 2008 - June 30, 2009)	ALL	FFY 2009 (data review)	FFY 2010	February 1, 2012
FFY 2009 (July 1, 2009 - June 30, 2010)	ALL	FFY 2010 (data review)	FFY 2011	February 1, 2013
FFY 2010 (July 1, 2010 - June 30, 2011)	ALL	FFY 2011 (data review)	FFY 2012	February 1, 2014

Table 9.1 shows that for FFY 2005 through FFY 2010, all LEAs have been/will be monitored annually for compliance with this indicator. One characteristic of this statewide compliance monitoring process, as detailed in table 9.1, was and is that it is not feasible for the General Supervision Team to complete the analysis of these monitoring year (“MY”) data until the next monitoring year (“MY +1”) has started. As a result, the following two rules govern the identification, correction and reporting of noncompliance for this indicator. First, the reviews of those data and the subsequent findings of noncompliance based on those data reviews will not occur until “MY +1” has begun. Second, the reporting of corrections of findings within one year of the LEAs receipt of a finding will not occur until two years after the initial monitoring year or “MY +2”.

Note that because there has been *no* noncompliance associated with this indicator since the baseline reporting year (FFY 2005 [July 1, 2005 - June 30, 2006]) and continuing through FFY 2008 (July 1, 2008 - June 30, 2009), there have not been any findings, or corrections of findings within one year to report for this indicator or in Indicator 15. If noncompliance is identified in the future, the identification, correction and reporting of that noncompliance will occur according to the schedule outlined in Table 9.1 and as governed by the rules detailed in the previous paragraph.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement activities have been added, beginning on page 80, for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding “Critical Element 1: Identification of Noncompliance.” These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period.”
 2. “Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identifies as findings of noncompliance with the requirements in Part B of the IDEA.”
 3. “A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance.”
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding Critical Element 2: Correction of Noncompliance. These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02.”
 2. “Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State’s identification of the noncompliance and including data on the correction of these findings in its date for Indicator 15 of its APR.”
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State’s identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State’s definition of “disproportionate representation.”

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	0% of districts with disproportionate representation of racial and ethnic groups in specific disability categories will be the result of inappropriate identification.

Actual Target Data for FFY 2008:

0% or 0 of 60 LEAs were determined to have disproportionate representation of racial and ethnic groups in specific disability categories resulting from inappropriate identification.

No LEAs were identified by their submitted Child Count data as having disproportionate representation of racial and ethnic groups within a specific disability category within their special education population. Therefore, no LEAs were determined to have disproportionate representation of racial and ethnic groups receiving special education services for a specific disability resulting from inappropriate identification.

For a complete discussion of the criteria utilized for defining disproportionate representation, please refer to page 84 of the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

As noted in the baseline data section, no LEAs were determined to have disproportionate representation of racial and ethnic groups receiving services for a specific disability within the special education population. *If* disproportionate over or under representation had been found, the following procedures, based on policies of the State of Vermont Department of Education Student Support Team, would have been completed, to determine if the disproportionate representation was the result of inappropriate identification:

1. Letters from the Department of Education would be sent by the Vermont Department of Education Student Support Monitoring Team (“Monitoring Team”) to alert those LEAs where the submitted Child Count data indicated a disproportionate under and/or overrepresentation in a specific disability category of children receiving special education services by race/ethnicity within their special education population.
2. Copies of files of those students impacted by the disproportionate representation as well as any information regarding LEA policies, procedures and practices would be requested from the LEAs for review by the Monitoring Team.
 - a) Review of LEA Student Files: Files of those students impacted would be reviewed by the Monitoring Team to verify if the disproportionate representation was the result of inappropriate identification.
 - b) Review of LEA Policies, Procedures and Practices: Policies, procedures and practices that may help to prevent inappropriate identification would be examined in each LEA identified with disproportionate representation.

While Vermont’s racial and ethnic diversity is increasing, the state continues to be one of the least diverse in the country. Several school districts have much higher rates of diversity than is typical because of an active refugee resettlement program that places families in these communities. At this time these districts do not show disproportionate representation of racial and ethnic groups as a result of inappropriate representation.

Vermont continues to be one of the least racially and ethnically diverse in the country. Several school districts have much higher rates of diversity than is typical because of an active refugee resettlement program that places families in these communities. At this time these districts do not show disproportionate representation of racial and ethnic groups as a result of inappropriate identification.

A large proportion of the racially and ethnically diverse students in Vermont are English Language Learners (ELL). A consultant from the Vermont DOE Student Support Team has worked with the ELL consultant for the Vermont DOE, staff from the Northeast Regional Resource Center and others to develop guidelines for instruction and evaluation of ELLs. These guidelines were finalized in the spring of 2008.

Several meetings have been held to update the Vermont DOE Student Support Team Director on the progress of the guideline work and other potential projects.

Progress or Slippage:

The State of Vermont Department of Education has shown continued compliance in meeting the requirements of this indicator through policies and procedures requiring the review of Child Count data, monitoring data and LEA-level policies, practices and procedures as described above. These SEA policies and procedures continue to prevent occurrences of disproportionate over or underrepresentation resulting from inappropriate identification.

Identification and Correction of Noncompliance

Those data collected for this indicator for FFY 2008 (July 1, 2008 - June 30, 2009) were obtained from the Vermont Department of Education December 1, 2008 Child Count data collection. This data collection is implemented each December to meet IDEA B 618 reporting requirements. Table 10.1, on the next page, shows the compliance monitoring schedule for this indicator from FFY 2005 through FFY 2010.

Please note that the compliance monitoring schedule reflected below illustrates the Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

Table 10.1: Compliance Monitoring Schedule APR Indicator 10

Monitoring Year (“MY”)/Source Data Year	# of LEAs Monitored	Data Review/Finding Year	Correction within One Year	APR Correction Year Reporting Date
FFY 2005 (July 1, 2005 - June 30, 2006)	ALL	FFY 2006 (data review)	FFY 2007	February 1, 2009
FFY 2006 (July 1, 2006 - June 30, 2007)	ALL	FFY 2007 (data review)	FFY 2008	February 1, 2010
FFY 2007 (July 1, 2007 - June 30, 2008)	ALL	FFY 2008 (data review)	FFY 2009	February 1, 2011
FFY 2008 (July 1, 2008 - June 30, 2009)	ALL	FFY 2009 (data review)	FFY 2010	February 1, 2012
FFY 2009 (July 1, 2009 - June 30, 2010)	ALL	FFY 2010 (data review)	FFY 2011	February 1, 2013
FFY 2010 (July 1, 2010 - June 30, 2011)	ALL	FFY 2011 (data review)	FFY 2012	February 1, 2014

Table 10.1 shows that for FFY 2005 through FFY 2010, all LEAs have been/will be monitored annually for compliance with this indicator. One characteristic of this statewide compliance monitoring process, as detailed in table 10.1, was and is that it is not feasible for the General Supervision Team to complete the analysis of these monitoring year (“MY”) data until the next monitoring year (“MY +1”) has started. As a result, the following two rules govern the identification, correction and reporting of noncompliance for this indicator. First, the reviews of those data and the subsequent findings of noncompliance based on those data reviews will not occur until “MY +1” has begun. Second, the reporting of corrections of findings within one year of the LEAs receipt of a finding will not occur until two years after the initial monitoring year or “MY +2”.

Note that because there has been *no* noncompliance associated with this indicator since the baseline reporting year (FFY 2005 [July 1, 2005 - June 30, 2006]) and continuing through FFY 2008 (July 1, 2008 - June 30, 2009), there have not been any findings, or corrections of findings within one year to report for this indicator or in Indicator 15. If noncompliance is identified in the future, the identification, correction and reporting of that noncompliance will occur according to the schedule outlined in Table 10.1 and as governed by the rules detailed in the previous paragraph.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement

activities have been added, beginning on page 87 for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont's FFY 2010 Grant Application, due May 10, 2010, that addresses the "Required Actions/Next Steps" surrounding "Critical Element 1: Identification of Noncompliance." These "Required Actions/Next Steps" dictate that the Vermont Department of Education must provide:
 1. "Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period."
 2. "Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identifies as findings of noncompliance with the requirements in Part B of the IDEA."
 3. "A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance."
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont's FFY 2010 Grant Application, due May 10, 2010, that addresses the "Required Actions/Next Steps" surrounding Critical Element 2: Correction of Noncompliance. These "Required Actions/Next Steps" dictate that the Vermont Department of Education must provide:
 1. "Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02."
 2. "Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State's identification of the noncompliance and including data on the correction of these findings in its date for Indicator 15 of its APR."
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State's identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of children with parental consent to evaluate are evaluated and eligibility determined within 60 days.

Actual Target Data for FFY 2008:

Note: Per U.S. Department of Education Office of Special Education Programs instructions, the measurement for this indicator has been simplified by collapsing previous b. and c. This change is reflected in this Annual Performance Report and in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 90.

82.50% or 462 of 560 children were evaluated within 60 days of receiving parental consent for initial evaluation.

- a. 560 children for whom parental consent to evaluate was received.
- b. 462 children’s evaluations were completed within 60 days.

There were 98 children included in 11a. but not included in 11b. In these 98 cases, evaluations were completed after the 60 day timeline. Completion dates for these cases ranged from 61 to 679 days.

The evaluations were delayed due to circumstances such as vacations, summer/winter recess, lack of staff and difficulties scheduling evaluations completed by outside (contracted) evaluators.

To obtain these data for FFY 2008 (July 1, 2008 - June 30, 2009), the Vermont Department of Education conducted a desk review of all initial evaluations made during FFY 2008 (July 1, 2008 - June 30, 2009) in 15 of 60 LEAs. FFY 2008 (July 1, 2008 - June 30, 2009) data was reviewed for these LEAs as part of a four year compliance monitoring cycle developed for this indicator during FFY 2006 (July 1, 2006 - June, 30, 2007). A complete description of this compliance monitoring cycle is included in the next section, “Discussion of Improvement Activities Completed and Explanation of

Progress or Slippage that Occurred for FFY 2008,” in the subsection titled: “Identification and Correction of Noncompliance.”

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

Vermont did not meet the 100% target; results for this indicator declined from 90.84% in FFY 2007 (July 1, 2007 – June 30, 2008) to 82.5% in FFY 2008 (July 1, 2008 – June 30, 2009). This decline occurred within the context of the following improvement activities:

- A Vermont Department of Education Student Support Team Newsletter article delivered to all LEAs explained the regulatory requirements associated with this indicator and the importance of compliance.
- A training module addressing the necessity of and regulatory requirements for improving evaluation timeliness was included at “SPED 101” annual trainings for new Special Education Administrators.
- General Supervision Team members revised and improved a self-assessment checklist related to this indicator for LEAs.
- The Vermont Special Education Advisory Council had a full day meeting in December to review SPP/APR progress and outcome data and make recommendations. In addition they received regular updates from the Student Support Team liaison.
- Technical assistance was provided to special education staff at all districts with identified noncompliance leading to development of corrective action plans. The technical assistance involved reviewing LEA specific data regarding the indicator, making plans for correction of noncompliance, and devising a system to track timelines internally to ensure further improvement annually. Additional information, training and/or support were provided to LEAs upon request.
- Public reports of LEA results, including results for this indicator were released in June 2009. The information in these reports, including the importance of this indicator, and all compliance indicators, has been shared at meetings with Special Education Administrators in all areas of the state prior to public release.

Progress or Slippage

Vermont did not meet the 100% target; results for this indicator declined from 90.84% in FFY 2007 (July 1, 2007 – June 30, 2008) to 82.5% in FFY 2008 (July 1, 2008 – June 30, 2009). To address the slippage in performance on this Indicator, the Vermont Department of Education will implement the existing improvement activities for this indicator articulated in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010. In addition, as detailed below in the section titled, “Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008,” the Vermont Department of Education will implement new improvement activities, beginning on page 94 of the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, in response to the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure.

Identification and Correction of Noncompliance

To obtain these FFY 2008 (July 1, 2008 - June 30, 2009) data, the Vermont Department of Education conducted a desk review of all initial evaluations that were completed during FFY 2008 (July 1, 2008 - June 30, 2009) in 15 of 60 LEAs from each of four geographic regions of the state – northeast, northwest, central and south.

These data were gathered through a desk review as part of the Vermont Department of Education General Supervision Team’s third year implementation (the first year was FFY 2006) of a four-year

compliance monitoring cycle specific to indicators 11 and 13⁵. Note that prior to the implementation of this new compliance monitoring cycle for these indicators, that is the FFY 2005 (July 1, 2005 - June 30, 2007) baseline data year, these data were collected on-site from 10 LEAs as part of the previous compliance monitoring cycle. This new compliance monitoring cycle for Indicators 11 and 13 was developed to capture those required data for indicators 11 and 13 from every LEA in the state over a four-year time period and is being implemented based on Vermont’s best efforts to comply with OSEP’s ongoing guidance surrounding the identification of noncompliance, the correction of noncompliance, and reporting of non-compliance in the Annual Performance Report. Resources consulted in the decision-making process leading to the implementation of this system included but were not limited to: SEA staff attendance at Part B Data Manager’s Meetings, National Accountability Conferences and OSEP Leadership Conferences, technical assistance from regional OSEP T/A representatives, technical assistance from the Northeast Regional Resource Center, and technical assistance from the National Center for Special Education Accountability Monitoring (NCSEAM). Table 11.1, below, shows the compliance monitoring schedule, as implemented across the two monitoring cycles, for indicators 11 and 13 from FFY 2005 through FFY 2009.

Please note that the compliance monitoring schedule reflected below illustrates the Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

Table 11.1: Compliance Monitoring Schedule APR Indicators 11 and 13

Monitoring Year (“MY”)/Source Data Year	# of LEAs Monitored	Data Review/Finding Year	Correction within One Year	APR Correction Year Reporting Date
FFY 2005 (BASELINE) (July 1, 2005 - June 30, 2006)	10	FFY 2005 (on-site)	FFY 2006	February 1, 2008
Transition from on-site to desk review monitoring process for these Indicators occurred during FFY 2005 and FFY 2006				
FFY 2006 (July 1, 2006 - June 30, 2007)	17	FFY 2007 (desk review)	FFY 2008	February 1, 2010
FFY 2007 (July 1, 2007 - June 30, 2008)	14	FFY 2008 (desk review)	FFY 2009	February 1, 2011
FFY 2008 (July 1, 2008 - June 30, 2009)	15	FFY 2009 (desk review)	FFY 2010	February 1, 2012
FFY 2009 (July 1, 2009 - June 30, 2010)	14	FFY 2010 (desk review)	FFY 2011	February 1, 2013

⁵ Note that compliance monitoring activities for Indicators 4a, 9, 10 and 12 are completed for every LEA in Vermont each year based on the review of the appropriate data sources and as described for each of these indicators in this FFY 2008 Annual Performance Report submitted to OSEP on February 1, 2010 in the “Progress and Slippage” section for each of the individual indicators and in Indicator 15.

Table 11.1 shows that for the FFY 2005 (July 1, 2005 - June 30, 2006) monitoring year, data were reviewed and findings of noncompliance made, as part of the on-site visits that occurred within that year. As reported in the FFY 2006 Annual Performance Report submitted to OSEP on February 1, 2008 for this indicator and in indicator 15, and as acknowledged in the Vermont Part B FFY 2006 SPP/APR Response Table, those findings associated with these FFY 2005 monitoring activities were appropriately corrected within one year.

For FFY 2006 through FFY 2009, table 11.1 shows the number of LEAs that have been or will be monitored through desk reviews, for indicators 11 and 13. LEAs in the Table 11.1 monitoring schedule have been selected to adequately represent the four primary geographic regions of the state within each of the four years; all 60 LEAs in Vermont will have been monitored for compliance on indicators 11 and 13 using this schedule through FFY 2009 (July 1, 2009 - June 30, 2010).

One characteristic of this desk review compliance monitoring process, as detailed in table 11.1, was and is that the General Supervision Team does not and will not receive any of these data for the initial monitoring year (“MY”) being analyzed for these indicators until the next monitoring year (“MY +1”) has started. As a result, the following two rules govern the identification, correction and reporting of noncompliance for Indicators 11 and 13. First, the review of those data and the subsequent findings of noncompliance based on those data reviews do not occur until “MY +1” has begun. Second, the reporting of corrections of findings within one year of the LEAs receipt of a finding will not occur in Indicator 15 until two years after the initial monitoring year or “MY +2”. However, to the extent possible, the Vermont Department of Education will report on the status of correction of individual instances of noncompliance and the status of LEA efforts to correctly implement the requirements associated with Indicators 11 and 13 within one year after the initial monitoring year or “MY + 1” in this “Progress or Slippage” section. A narrative summary of the identification, correction and reporting of non-compliance for this indicator in the context of these rules, follows for FFY 2008, FFY 2007, FFY 2006 and FFY 2005 where each baseline monitoring year is denoted as “MY.”

Please note that the identification and correction of noncompliance articulated for the Monitoring Years below reflect the current Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

FFY 2008 (July 1, 2008 - June 30, 2009):

FFY 2008 (July 1, 2008 - June 30, 2009) (“MY”) data, were received throughout the fall of 2009 for this indicator from 15 LEAs. The analysis of these data, completed in December of 2009 (“MY +1”), revealed that 82.5%, or 462 of 560 children were evaluated within 60 days of receiving parental consent for initial evaluation. The Vermont Department of Education Student Support General Supervision Team will issue 15 findings, one for each monitored LEA related to this noncompliance in March of 2010. The total number of findings to be issued, defined as a written notification from the SEA to an LEA that there is noncompliance, is less than the 98 individual student-level instances of noncompliance reported in the Indicator for FFY 2008 because multiple cases of individual student-level noncompliance were present in each LEA. Note that these findings will fall within the FFY 2009 (July 1, 2009 - June 30, 2010) reporting period (“MY + 1”). Consequently, the *end* of the one year timeline for correction of these findings is within the FFY 2010 (July 1, 2010 - June 30, 2011)

reporting period (“MY +2”). Therefore, the status of the correction of findings made in FFY 2009 (July 1, 2009 - June 30, 2010) (“MY +1”) based on those data reported on for this indicator in the FFY 2008 (July 1, 2008 - June 30, 2009) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2010, will be reported on in Indicator 15 of the FFY 2010 (July 1, 2010 - June 30, 2011) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2012.

Please note that all individual instances of noncompliance associated with FFY 2008 (July 1, 2008 – June 30, 2009) (“MY”) data have been verified as corrected (initial evaluations completed unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010. Please also note that the LEAs identified with noncompliance based on these FFY 2008 data, and as a result of the findings being issued in March 2010, shall be required to verify – through submission of documentation of technical assistance activities provided to staff, a self-review and documentation of ongoing initial evaluations— that they are correctly implementing the requirements associated with this indicator within one year of receipt of the finding. To the extent that this verification information is available prior to February 1, 2011, it will be reported in this “Progress and Slippage” narrative for this indicator in the FFY 2009 (July 1, 2009 – June 30, 2010) APR submitted to OSEP on February 1, 2011.

FFY 2007 (July 1, 2007 - June 30, 2008):

FFY 2007 (July 1, 2007 - June 30, 2008) (“MY”) data, were received throughout the fall of 2008 for this indicator from 14 LEAs. The analysis of these data, completed in December of 2008 (“MY +1”), revealed that 90.84%, or 486 of 535 children were evaluated within 60 days of receiving parental consent for initial evaluation. The Vermont Department of Education Student Support General Supervision Team issued 14 findings, one for each monitored LEA, associated with this noncompliance in March of 2009. The total number of findings, defined as a written notification from the SEA to an LEA that there is noncompliance, is less than the 49 individual student-level instances of noncompliance reported in the Indicator for FFY 2007 because multiple cases of individual student-level noncompliance were present in each LEA. Note that these findings fall within the FFY 2008 (July 1, 2008 - June 30, 2009) reporting period (“MY + 1”). Consequently, the *end* of the one year timeline for correction of these findings is within the FFY 2009 (July 1, 2009 - June 30, 2010) reporting period (“MY +2”). Therefore, the status of the correction of findings made in FFY 2008 (July 1, 2008 - June 30, 2009) (“MY +1”) based on those data reported on for this indicator in the FFY 2007 (July 1, 2007 - June 30, 2008) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2009, will be reported on in Indicator 15 of the FFY 2009 (July 1, 2009 - June 30, 2010) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2011.

Please note that all individual instances of noncompliance associated with FFY 2007 (July 1, 2007 – June 30, 2008) (“MY”) data have been verified as corrected (initial evaluations completed unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010. Final verification of correction of system-wide noncompliance in each of the LEAs identified with noncompliance based on FFY 2007 data will be verified – through submission of documentation of technical assistance activities provided to staff and a self-review and documentation of ongoing initial evaluations— as of March 2010.

FFY 2006 (July 1, 2006 - June 30, 2007):

FFY 2006 (July 1, 2006 - June 30, 2007) (“MY”) data, were received throughout the fall of 2007 for this indicator from 17 LEAs. The analysis of these data, completed in January of 2008 (“MY +1”), revealed that 81.78%, or 642 of 785 children were evaluated within 60 days of receiving parental consent for initial evaluation. As a result of the review of these data, 14 (see correction note below) findings of noncompliance were made in the months of April and May of 2008, one for each monitored LEA. The total number of findings, defined as a written notification from the SEA to an LEA that there is noncompliance, is less than the 143 individual student-level instances of noncompliance reported in the Indicator for FFY 2006 because multiple cases of individual student-level noncompliance were present in each LEA. Note that these findings fall within the FFY 2007 (July 1, 2007 - June 30, 2008) reporting period (“MY + 1”). The end of the one year timeline for correction of these findings, including verification that all individual student-level instances of noncompliance have been corrected, is within the FFY 2008 (July 1, 2008 - June 30, 2009) reporting period (“MY +2”). Therefore, the status of the correction of findings made in FFY 2007 (July 1, 2007 -

June 30, 2008) (“MY +1”) based on those data reported on for this indicator in the FFY 2006 (July 1, 2006 - June 30, 2007) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2008, will be reported on in this Indicator and Indicator 15 of the FFY 2008 (July 1, 2008 - June 30, 2009) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2010.

CORRECTION: In the FFY 2007 Annual Performance Report submitted to OSEP on February 1, 2009, Vermont reported there were 17 findings associated with 143 instances of individual noncompliance across 17 LEAs. Those actual student-level data reported in the FFY 2006 APR were correct, i.e. 81.78% or 642 of 785 children were evaluated within 60 days of receiving parental consent for initial evaluation. However, the noncompliance only occurred across 14 of the 17 LEAs monitored; 3 LEAs were in 100% compliance with this indicator. Therefore, 14 findings of noncompliance were issued to 14 LEAs associated with 143 instances of individual noncompliance. This is the correct number that is also reflected in Indicator 15 of this FFY 2008 APR.

Please note that all individual instances of noncompliance associated with FFY 2006 (July 1, 2006 – June 30, 2007) (“MY”) data have been verified as corrected (initial evaluations completed unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010 and that 12 of the 14 LEAs identified with noncompliance based on FFY 2006 data have provided written assurances, based on self-reviews of their initial evaluation data, that they are correctly implementing the specific regulatory requirements associated with this indicator. 2 of the 14 have not been able to verify that they are correctly implementing the specific regulatory requirements associated with this indicator. These LEAs have verified that all individual level noncompliance has been corrected; however, when additional evaluations have been examined through LEA self-reviews, noncompliance has been identified. Any and all individual noncompliance has been corrected associated with these self-reviews; these LEAs are still on Corrective Action Plans to ensure systemic compliance with this indicator.

FFY 2005 (July 1, 2005 - June 30, 2006):

FFY 2005 (July 1, 2005 - June 30, 2006) monitoring year data, as noted above, were reviewed and findings of noncompliance made, as part of the on-site visits that occurred within that year. As reported in the FFY 2006 Annual Performance Report submitted to OSEP on February 1, 2008 for this indicator and in indicator 15, and as acknowledged in the Vermont Part B FFY 2006 SPP/APR Response Table, those findings associated with these FFY 2005 monitoring activities were appropriately corrected within one year.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement activities have been added, beginning on page 94, for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding “Critical Element 1: Identification of Noncompliance.” These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period.”
 2. “Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused

monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identified as findings of noncompliance with the requirements in Part B of the IDEA.”

3. “A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance.”
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding Critical Element 2: Correction of Noncompliance. These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02.”
 2. “Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State’s identification of the noncompliance and including data on the correction of these findings in its data for Indicator 15 of its APR.”
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State’s identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1

Staff from the Early Education Workgroup assisted in collecting data and developing content for this indicator.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in a but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Children served by Part C who are eligible for Part B will have IEPs developed and implemented by their third birthdays 100% of the time.

Actual Target Data for FFY 2008:

Note: Per U.S. Department of Education Office of Special Education Programs instructions, the measurement for this indicator has been changed to add an exception (see e. in measurement). This change is reflected in this Annual Performance Report and in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 97. Please also note that that 12e., the number of children who were referred to Part C less than 90 days before their third birthday is a new data element for FFY 2008 (July 1, 2008 – June 30, 2009) and not collected for this reporting period. This information will be collected beginning in FFY 2009 (July 1, 2009 – June 30, 2010) and reported in the FFY 2009 Annual Performance Report submitted to the U.S. DOE Office of Special Education Programs on February 1, 2011.

98.80% or 413 of 418 children statewide who were referred by Part C prior to age 3 who were found eligible for Part B had an IEP developed and implemented by their third birthdays. Note that 300.301(d) exceptions have been factored out from both the numerator and denominator in this calculation as suggested by the U.S. Department of Education Office of Special Education Programs

in the October 15, 2008 “Part B State Performance Plan and Annual Performance Report Indicator Support Grid”⁶. A complete explanation of the numerator and the denominator used in this calculation follows on the next page.

Measure Summary:

- a. 462 children who have been served in Part C and referred to Part B
- b. 30 children referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. 413 children of those found eligible who have an IEP developed and implemented by their third birthdays
- d. 14 children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- e. 0 children who were referred to Part C less than 90 days before their third birthdays (note that this measurement element was not captured in FFY 2008 (July 1, 2008 – June 30, 2009).

The numerator for the calculation, 413, is the same as 12c., children found eligible who have an IEP developed and implemented by their third birthdays

The denominator for the calculation, 418, was derived from subtracting 12b., 30 children referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays and 12d., 14 children for whom parent refusal or failure to provide consent or produce the child caused delays, from 12a., the 462 children referred from Part C for Part B eligibility determination ((462 - 30 - 14) = 418).

Note that 12e., the number of children who were referred to Part C less than 90 days before their third birthday is a new data element for FFY 2008 (July 1, 2008 – June 30, 2009). Per Office of Special Education instruction, states are not required to include 12e. in the calculation for FFY 2008. This information will be collected in FFY 2009 (July 1, 2009 – June 30, 2010) and reported in the FFY 2009 Annual Performance Report submitted to the U.S. DOE Office of Special Education Programs on February 1, 2011.

Of the 462 children reported in 12a. as children who were served in Part C and were referred for eligibility determination, there were a total of 5 children that were not accounted for in 12b., 12c. or 12d. These were 5 children eligible for an IEP for whom an IEP was *not* developed and implemented by age 3 when parent refusal or failure to provide consent or produce the child for evaluation was *not* a factor in the delay.

The time of the delays in not developing an IEP ranged from 4 to 360 days. Reasons for the delays included untimely record transfers and/or notification between local agencies regarding children eligible for services who needed an IEP in place by their third birthday and student moves between LEAs that did not meet the standard of the exception provide for in 300.301(d), but did lead to delays in developing or implementing an IEP.

In FFY 2008 (July 1, 2008 – June 30, 2009), Vermont did not meet the measurable and rigorous target of 100% of children served by Part C who are eligible for Part B having IEPs developed and implemented by their third birthdays. However, when compared to the 65% reported for FFY 2004 (2004 - 2005), 86.44% reported in FFY 2005 (2005 - 2006), 97.33% in FFY 2006 (2006 - 2007) and 99.27% in FFY 2007 (2007 – 2008) it is clear that there is an outstanding and continuous effort being made towards the 100% target.

⁶ The 300.301(d) exception is met when “the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or a child enrolls in a school of another public agency after the relevant timeframe...and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability under § 300.8.” From Federal Register 34 CFR Parts 300 and 301. The Part B State Performance Plan and Annual Performance Report Indicator Support Grid was available as of January 15, 2009 at: <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/417/?3#category3>

To obtain these data for FFY 2008 (July 1, 2008 - June 30, 2009), the Vermont Department of Education conducted a statewide information collection of every child served in Part C who was referred for a Part B eligibility determination during FFY 2008 (July 1, 2008 - June 30, 2009) in each of 60 LEAs. FFY 2008 (July 1, 2008 - June 30, 2009) data was reviewed for every LEA in the state as part of ongoing system-wide compliance monitoring efforts developed for this indicator during FFY 2005 (July 1, 2006 - June, 30, 2007). A complete description of this compliance monitoring system is included in the next section, "Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008," in the subsection titled: "Identification and Correction of Noncompliance."

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

A number of technical assistance and policy related activities were completed in FFY 2008 (July 1, 2008 - June 30, 2009) in an effort to continue to improve the percentage of children who were served in Part C, found eligible for Part B services, and who had an IEP developed and implemented by their third birthdays:

- The Vermont Department of Education and Vermont Agency of Human Services completed and submitted the Part C-B Interagency Agreement to OSEP on 06/29/06. This agreement was revised on 04/17/07. This document was disseminated to LEAs and local Early Intervention Programs (EIPs). The document clarifies both state and local agency roles and responsibilities to ensure a smooth and effective transition for children who exit Part C and enter Part B.
- The Part C to B transition data collection and verification form was revised to include additional information about the date when parental consent was received for child's placement into Part B/ EEE as well as when parental consent was received for the initial provision of services and implemented on 07/01/08. This form was completed by each LEA on all children who transitioned from Vermont's Part C program to their local Essential Early Education program in FFY 2008 (July 1, 2008 - June 30, 2009).
- The Vermont Department of Education collaborated with the Vermont Family Network (VFN) to develop and disseminate information and training to families and providers on Part C to Part B transition (e.g., use of "Stepping Stones" and "Moving On" materials). Regional workshops for families and providers were offered and facilitated by consultants from Vermont's Part C program and the Department of Education's Early Education Team.
- The requirement that children transitioning from Part C to Part B need to have an IEP developed and implemented by their third birthday was explained and reiterated at annual statewide Essential Early Education (EEE) conferences, EEE orientation training, and in the technical assistance provided to specific EEE programs. In addition, in collaboration with our state Part C program and the Northeast Regional Resource Center staff, a statewide C to B Transition 'Triage' and 'Wellness' technical assistance plan was developed July 2007. This joint effort between Part C and Part B-619 program staff ("the interagency transition team") and the technical assistance agreement with the Northeast Regional Resource Center (NERRC) continued in FFY08. This effort can be directly linked to statewide improvements in Part C to B transition compliance indicators for Part B and Part C as well as overall best practices being implemented in the field. Vermont Parts C and B-619 staff sought evidence-based resources, strategies and activities to improve understanding, documentation and practices associated with successful transitions of children from Part C to Part B-619. The interagency transition team tapped national, state and local technical assistance resources such as National Early Childhood Transition Center (NECTC); National Early Childhood Technical Assistance Center (NECTAC); Vermont Family Network (VFN); and national conference calls specific to this indicator (NECTAC). These resources supported the development and continuation of the jointly tailored statewide Part C to B Transition "Triage" and "Wellness" plan.

- **The ‘Triage’ Technical Assistance Plan:** The interagency transition team targeted four LEAs and their respective Early Intervention Programs (EIPs) to receive joint, on-site, intensified technical assistance. In addition, two LEAs and their respective EIPs requested on-site technical assistance from the interagency transition team. Prior to the six on-site visits, the interagency transition team requested an on-line survey be completed by LEAs and EIPs in order for the team to collect relevant information on current transition practices and regional partnerships between LEAs and EIPs. The results of the on-line survey assisted the team in identifying local contributing factors and provided the necessary framework to customize the on-site visits and supported the regional teams in the development of a common local C to B transition action plan and necessary improvement activities. Follow-up technical assistance to targeted LEA and Part C regional host agency action and improvement plan continue via face to face meetings, record reviews, conference calls, mail and email correspondence.
- **The ‘Wellness’ Technical Assistance Plan:** The purpose of the ‘Wellness’ Plan was to develop user-friendly evidence-based materials and resources in order to provide statewide access and support for on-going professional development training opportunities (in a variety of formats) for Part C personnel, school district Part B personnel, school district administrators, community-based partners and families. Given these evidence-based materials and resources, early childhood practitioners, administrators and families will increase their knowledge and practice to ensure that young children and families receive a smooth transition when exiting Part C and entering Part B. The following Part C to B transition wellness activities have been developed by the interagency transition team with assistance from NERRC:
 - To support this joint agency effort, in September of 2008, the DOE contracted with Learning Innovations at WestEd to assist in the development of a series of web-based (on-line) training modules on the topic of Transition from Part C to Part B. The training modules have been planned and developed specifically for practitioners in the field. A separate training module specifically geared toward parents has been developed as well. These modules will be piloted in 2010.
 - A regional interagency agreement template was created as a guidance document in November 2008. This document assists LEAs and EIPs during the decision making process in the delineation of each entity’s roles and responsibilities for ensuring that compliance requirements are fulfilled under APR indicators C8a,b,c and B12. This document was disseminated statewide in December 2008. The regional interagency agreement template resource is based on the Part C Interagency Agreement (2007). Local and regional agreements must include the following content: Child Find activities, **Part C to B transition activities**, financial responsibilities, and dispute resolution process.
 - **Transition at age 3: Late Referral Procedures** document was developed by the interagency transition team in October 2008. This document outlines the procedures necessary to fully inform families about their options prior to making a decision and providing their written consent for the purpose of initial evaluation and/or for the initial provision of services under Part C and/or Part B. This document was disseminated statewide to Part C and B personnel in December 2008.
 - **IDEA Part C Early Intervention Birth to 3 Child Find/Initial Evaluation Process** document was developed by the interagency transition team in November 2008. Based on the Part C Interagency Agreement (2007), this document outlines the Part C initial evaluation process from referral through development of the IFSP.
 - DOE and EIP developed joint communications to the field clarifying requirements and promoting best practices in order to ensure a smooth and effective transition for children and families who transition from Part C to Part B services.

- Vermont's Part C and B interagency transition team was honored to be invited and pleased to present Vermont's Part C to B transition 'Triage' and 'Wellness' improvement activities and resources during the 2008 National Accountability Conference as well as the 2008 OSEP Early Childhood Conference
- The interagency transition team continues to engage in efforts to maintain compliance and enhance transition planning for all LEAs and EIPs, including further policy guidance revisions on late referral from C to B (based on the December 2009 Part C to B Transition Q n A from OSEP) and clarification to all transition requirements.

Progress or Slippage

Vermont has shown that for FFY 2008 (2008 - 2009), 98.80% of all children who were served in Part C and referred for Part B services had an IEP developed and implemented by their third birthday. Although this percentage falls short of the required 100%, Vermont has shown continued and sustainable improvement on this indicator.

The Vermont Department of Education will continue to implement the existing improvement activities for this indicator articulated in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010. In addition, as detailed below in the section titled, "Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008," the Vermont Department of Education will implement new improvement activities, beginning on page 101 of the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, in response to the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure.

Identification and Correction of Noncompliance

To obtain these data for FFY 2008 (July 1, 2008 - June 30, 2009), the Vermont Department of Education conducted a statewide information collection in each LEA of every child who was served in Part C and who was referred for a Part B eligibility determination during FFY 2008 (July 1, 2008 - June 30, 2009).

These FFY 2008 (July 1, 2008 - June 30, 2009) data were then reviewed for compliance as part of ongoing system-wide compliance monitoring efforts. Table 12.1, on the next page, shows the compliance monitoring schedule for this indicator from FFY 2004 through FFY 2010.

Please note that the compliance monitoring schedule reflected below illustrates the Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the "Required Actions/Next Steps" in the "Critical Element 1: Identification of Noncompliance" and "Critical Element 2: Correction of Noncompliance" sections of the Letter Enclosure.

To address these "Required Actions/Next Steps," Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008."

Table 12.1: Compliance Monitoring Schedule APR Indicator 12

Monitoring Year (“MY”)/Source Data Year	# of LEAs Monitored	Data Review/Finding Year	Correction within One Year	APR Correction Year Reporting Date
FFY 2004 (July 1, 2005 - June 30, 2006)	ALL	FFY 2005 (data review)	FFY 2006	February 1, 2008
FFY 2005 (July 1, 2005 - June 30, 2006)	ALL	FFY 2006 (data review)	FFY 2007	February 1, 2009
FFY 2006 (July 1, 2006 - June 30, 2007)	ALL	FFY 2007 (data review)	FFY 2008	February 1, 2010
FFY 2007 (July 1, 2007 - June 30, 2008)	ALL	FFY 2008 (data review)	FFY 2009	February 1, 2011
FFY 2008 (July 1, 2008 - June 30, 2009)	ALL	FFY 2009 (data review)	FFY 2010	February 1, 2012
FFY 2009 (July 1, 2009 - June 30, 2010)	ALL	FFY 2010 (data review)	FFY 2011	February 1, 2013
FFY 2010 (July 1, 2010 - June 30, 2011)	ALL	FFY 2011 (data review)	FFY 2012	February 1, 2014

Table 12.1 shows that for FFY 2004 through FFY 2010, all LEAs are monitored annually for compliance with this indicator. One characteristic of this statewide compliance monitoring process, as detailed in table 12.1, was and is that the General Supervision Team does not and will not receive any of these data for the initial monitoring year (“MY”) being analyzed for these indicators until the next monitoring year (“MY +1”) has started. As a result, the following two rules will govern the identification, correction and reporting of noncompliance for this indicator. First, the review of those data and the subsequent findings of noncompliance based on those data reviews do not occur until “MY +1” has begun. Second, the reporting of corrections of findings within one year of the LEAs receipt of a finding will not occur until two years after the initial monitoring year or “MY +2”. A narrative summary of the identification, correction and reporting of non-compliance for this indicator in the context of these rules, follows for FFY 2008, FFY 2007 and FFY 2006, where each baseline monitoring year is denoted as “MY.” The narrative concludes with a brief review of previously reported information for FFY 2005 (July 1, 2005 - June 30, 2006) and FFY 2004 (July 1, 2004 - June 30, 2005) in the context of these rules and this compliance monitoring schedule.

Please note that the identification and correction of noncompliance articulated for the Monitoring Years below reflect the current Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on

February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

FFY 2008 (July 1, 2008 - June 30, 2009):

FFY 2008 (July 1, 2008 - June 30, 2009) (“MY”) data, were received throughout the summer of 2009 for this indicator from *all* LEAs. The analysis of these data, completed in December of 2009 (“MY +1”), revealed that 98.80% or 413 of 418 children statewide who were referred by Part C prior to age 3 who were found eligible for Part B had an IEP developed and implemented by their third birthdays. The Vermont Department of Education Student Support General Supervision Team will issue the findings, not yet complete as of February 1, 2010, related to this noncompliance in March of 2010. Note that these findings will fall within the FFY 2009 (July 1, 2009 - June 30, 2010) reporting period (“MY + 1”). Consequently, the *end* of the one year timeline for correction of these findings is within the FFY 2010 (July 1, 2010 - June 30, 2011) reporting period (“MY +2”) Therefore, the status of the correction of findings made in FFY 2009 (July 1, 2009 - June 30, 2010) (“MY +1”) based on those data reported on for this indicator in the FFY 2008 (July 1, 2008 - June 30, 2009) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2010, will be reported on in Indicator 15 of the FFY 2010 (July 1, 2010 - June 30, 2011) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2012.

Please note that all individual instances of noncompliance associated with FFY 2008 (July 1, 2008 – June 30, 2009) (“MY”) data have been verified as corrected (an IEP has been developed and implemented unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010.

Please also note that the LEAs identified with noncompliance based on these FFY 2008 data, and as a result of the findings being issued in March 2010, shall be required to verify – through submission of documentation of technical assistance activities provided to staff and self-review and documentation of ongoing Part C to B transition— that they are correctly implementing the requirements associated with this indicator within one year of receipt of the finding. To the extent that this verification information is available prior to February 1, 2011, it will be reported in this “Progress and Slippage” narrative for this indicator in the FFY 2009 (July 1, 2009 – June 30, 2010) APR submitted to OSEP on February 1, 2011.

FFY 2007 (July 1, 2007 - June 30, 2008):

FFY 2007 (July 1, 2007 - June 30, 2008) (“MY”) data, were received throughout the summer of 2008 for this indicator from *all* LEAs. The analysis of these data, completed in December of 2008 (“MY +1”), revealed that 99.27% or 410 of 413 children statewide who were referred by Part C prior to age 3 who were found eligible for Part B had an IEP developed and implemented by their third birthdays. The Vermont Department of Education Student Support General Supervision Team issued 2 findings associated with this noncompliance in March of 2009. The total number of findings, defined as a written notification from the SEA to an LEA that there is noncompliance, is less than the 3 individual student-level instances of noncompliance reported in the Indicator for FFY 2007 because two cases of individual student-level noncompliance were present in one LEA. Note that these findings fall within the FFY 2008 (July 1, 2008 - June 30, 2009) reporting period (“MY + 1”). Consequently, the *end* of the one year timeline for correction of these findings is within the FFY 2009 (July 1, 2009 - June 30, 2010) reporting period (“MY +2”). Therefore, the status of the correction of findings made in FFY 2008 (July 1, 2008 - June 30, 2009) (“MY +1”) based on those data reported on for this indicator in the FFY 2007 (July 1, 2007 - June 30, 2008) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2009, will be reported on in Indicator 15 of the FFY 2009 (July 1, 2009 - June 30, 2010) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2011.

Please note that all individual instances of noncompliance associated with FFY 2007 (July 1, 2007 – June 30, 2008) (“MY”) data have been verified as corrected (an IEP has been developed and implemented unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010 and that each of the two LEAs identified with noncompliance based on FFY 2007 data have provided written assurances, based on self-reviews of children who were referred by Part C and found eligible for Part B had an IEP developed and implemented by their third birthdays and that they are correctly implementing the specific regulatory requirements associated with this indicator.

FFY 2006 (July 1, 2006 - June 30, 2007):

FFY 2006 (July 1, 2006 - June 30, 2007) (“MY”) data, were received in the fall of 2007 for this indicator from all LEAs. The analysis of these data, completed in January of 2008 (“MY +1”), revealed that 97.33%, or 365 of 375 children with parental consent to evaluate, were evaluated and eligibility determined within 60 days or the state established extension for exceptional circumstances. As a result of the review of these data, 10 individual instances of noncompliance across 9 LEAs were identified. Based on this noncompliance, 4 findings of noncompliance were issued to 4 LEAs in the months of April and May of 2008. Note that these findings fall within the FFY 2007 (July 1, 2007 - June 30, 2008) reporting period (“MY + 1”). The end of the one year timeline for correction of these findings, including verification that all individual student-level instances of noncompliance have been corrected, is within the FFY 2008 (July 1, 2008 - June 30, 2009) reporting period (“MY +2”) [Note: the Vermont Department of Education has already verified in each of the ten cases of student level noncompliance that the individual student-level noncompliance was corrected or that the child is no longer in a Part B early education program]. Therefore, the status of the correction of those findings made in FFY 2007 (July 1, 2007 - June 30, 2008) (“MY +1”) based on those data reported on for this indicator in the FFY 2006 (July 1, 2006 - June 30, 2007) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2008, will be reported on in this Indicator and Indicator 15 of the FFY 2008 (July 1, 2008 - June 30, 2009) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2010.

Please note that all individual instances of noncompliance associated with FFY 2006 (July 1, 2006 – June 30, 2007) (“MY”) data have been verified as corrected (an IEP has been developed and implemented unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010 and each of the LEAs identified with noncompliance and who received a finding based on FFY 2006 data have provided written assurances, based on self-reviews of their initial evaluation data, that they are correctly implementing the specific regulatory requirements associated with this indicator.

In reporting on the identification, correction and reporting of noncompliance from FFY 2006 as described in the previous paragraph, the Vermont Department of Education is now aware that, based on OSEP guidance not received until the summer and early fall of 2008 (NAC/Leadership/Part B Data Manager meetings) and in the Vermont Part B FFY 2006 SPP/APR Response Table delivered in June of 2008, 9 findings should have been made for this indicator, one for each LEA where there was individual student-level noncompliance during the 2006 - 2007 year. However, only 4 were made. The remaining 5 LEAs where noncompliance was identified received targeted technical assistance to ensure that any individual level noncompliance was corrected and that systematic noncompliance ceased. It is important to note that there are no individual student-level instances of noncompliance remaining from FFY 2006 in any LEA as a result of these efforts. The effectiveness of these activities is also evident in the continued improvement demonstrated on this indicator (over 99% system-wide compliance). To rectify this issue, beginning with the analysis, identification and correction process described above for FFY 2007 (July 1, 2007 - June 30, 2008), and continuing through the duration of the State Performance Plan, any LEA with any student level noncompliance will result in a finding of noncompliance (multiple student-level findings of noncompliance in one LEA will result in one LEA finding) associated with this indicator. The reporting of the correction of that noncompliance for this indicator and in Indicator 15 will occur in the appropriate time period as shown in table 12.1.

FFY 2004 (July 1, 2004 - June 30, 2005) and FFY 2005 (July 1, 2005 – June 30, 2006):

Regarding FFY 2004 and 2005, please note that as described in the FFY 2006 (July 1, 2006 - June 30, 2007) Annual Performance Report submitted to OSEP on February 1, 2008 and as acknowledged in the Vermont Part B FFY 2006 SPP/APR Response Table, Vermont implemented a statewide technical assistance program to address noncompliance identified in FFY 2004 (July 1, 2004 - June 30, 2005) and FFY 2005 (July 1, 2005 - June 30, 2006). Vermont further noted that in the context of the success of this statewide approach, no findings of noncompliance were made to particular LEAs for this indicator for these time periods. Vermont further reported that since no LEA level findings of noncompliance were made for FFY 2004 (July 1, 2004 - June 30, 2005) and FFY 2005 (July 1, 2005 - June 30, 2006), there was no reporting on the correction of LEA-level non-compliance for those years, but that no individual instance of noncompliance remained, either because the noncompliance

was corrected or the child was no longer in a Part B early education program. Therefore, there is no FFY 2005 (July 1, 2005 - June 30, 2006) correction of noncompliance to report in Indicator 15 of this Annual Performance Report per the compliance monitoring schedule illustrated in table 12.1.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement activities have been added, beginning on page 101, for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding “Critical Element 1: Identification of Noncompliance.” These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period.”
 2. “Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identifies as findings of noncompliance with the requirements in Part B of the IDEA.”
 3. “A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance.”
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding Critical Element 2: Correction of Noncompliance. These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02.”
 2. “Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State’s identification of the noncompliance and including data on the correction of these findings in its date for Indicator 15 of its APR.”
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State’s identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator # 1.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(# of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
2008 (2007-2008)	Not available for FFY 2008 (July 1, 2008 – June 30, 2009); see note below in “Actual Target Data for FFY 2008” section.

Actual Target Data for FFY 2008:

Note: The measurement for this indicator has been substantively revised by the U.S. Department of Education Office of Special Education Programs (OSEP) for reporting to begin in FFY 2009 (July 1, 2009 – June 30, 2010). Per OSEP instructions, Vermont is not reporting data for this indicator for FFY 2008 (July 1, 2008 – June 30, 2009).

The revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2011 will contain new baseline data, targets and improvement activities based on the revised measurement.

The section immediately below titled “Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008” in the subsection titled: “Identification and Correction of Noncompliance” contains information requested by the U.S. Department of Education Office of Special Education Programs (OSEP) in the Vermont Part B FFY 2007 SPP/APR Response Table in regards to verifying correction of noncompliance. Please note that new improvement activities (detailed below) have been added to the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 in the appropriate “Improvement Activities/Timelines/Resources” section, beginning on page 109. No other revisions have been completed at this time in the State Performance Plan; all additional revisions to this indicator in the State Performance Plan will be submitted to OSEP on February 1, 2011.

Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

Vermont continued working to improve post-secondary transition planning for children with disabilities through the following activities completed during the 2008 - 2009 school year:

- Online courses in secondary transition developed in collaboration with the Transition Coalition at the University of Kansas continued to be offered during 2008 - 2009.
- The electronic Community of Practice developed in collaboration with the Training and Resources for Interdisciplinary Professionals Serving Children and Youth (TRIPSCY) at the University of Vermont continued to be utilized during 2008 - 2009. This CoP focuses on professional development content for educators, families, students and community employment personnel. The TRIPSCY website is at: <http://www.uvm.edu/~cdci/tripscy/?Page=about.html>
- On-line professional development resources developed in collaboration with TRIPSCY continue to be available 24/7 to interested transition interagency stakeholders at <http://tlcworkshops.pbworks.com/>
- Representatives of the Vermont Department of Education Student Support Team General Supervision Team in conjunction with Vermont Department of Education Transition Resource Consultants continued targeted professional development and technical assistance to LEA's based on local determinations for Indicator 13 (post-secondary transition planning contained within IEPs for youth aged 16 and above).
- A training module addressing the necessity of and regulatory requirements associated with improving post-secondary transition planning was included at "SPED 101" annual trainings for new Special Education Administrators.
- The state transition advisory group (Career Start) meets on a quarterly basis. The purpose of the group is to convene statewide, interagency partners to consider and advise policy and practice for secondary transition in Vermont.

The Vermont Department of Education will continue to implement the existing improvement activities for this indicator articulated in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010. In addition, as detailed below in the section titled, "Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008," the Vermont Department of Education will implement new improvement activities, beginning on page 109 of the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, in response to the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure.

Identification and Correction of Noncompliance

No FFY 2008 (July 1, 2008 – June 30, 2009) data was gathered due to changes in this indicator described above. Previous year's data were gathered through a desk review as part of the Vermont Department of Education General Supervision Team's implementation of a four-year compliance monitoring cycle specific to indicators 11 and 13⁷. Note that prior to the implementation of this new compliance monitoring cycle for these indicators, that is the FFY 2005 (July 1, 2005 - June 30, 2007) baseline data year, these data were collected on-site from 10 LEAs as part of the previous compliance monitoring cycle. This new compliance monitoring cycle for Indicators 11 and 13 was developed to capture those required data for indicators 11 and 13 from every LEA in the state over a four-year time period and is being implemented based on Vermont's best efforts to comply with OSEP's ongoing guidance surrounding the identification of noncompliance, the correction of noncompliance, and reporting of non-compliance in the Annual Performance Report. Resources consulted in the decision-making process leading to the implementation of this system included but were not limited to: SEA staff attendance at Part B Data Manager's Meetings, National Accountability Conferences and OSEP Leadership Conferences, technical assistance from regional OSEP T/A representatives, technical assistance from the Northeast Regional Resource Center, and technical assistance from the National Center for Special Education Accountability Monitoring (NCSEAM).

⁷ Note that compliance monitoring activities for Indicators 4a, 9, 10 and 12 are completed for every LEA in Vermont each year based on the review of the appropriate data sources and as described for each of these indicators in this FFY 2008 Annual Performance Report submitted to OSEP on February 1, 2010 in the "Progress and Slippage" section for each of the individual indicators and in Indicator 15

Table 13.1, below, shows the compliance monitoring schedule, as implemented across the two monitoring cycles, for indicators 11 and 13 from FFY 2005 through FFY 2009.

Please note that the compliance monitoring schedule reflected below illustrates the Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

Table 13.1: Compliance Monitoring Schedule APR Indicators 11 and 13

Monitoring Year (“MY”)/Source Data Year	# of LEAs Monitored	Data Review/Finding Year	Correction within One Year	APR Correction Year Reporting Date
FFY 2005 (BASELINE) (July 1, 2005 - June 30, 2006)	10	FFY 2005 (on-site)	FFY 2006	February 1, 2008
Transition from on-site to desk review monitoring process for these Indicators occurred during FFY 2005 and FFY 2006				
FFY 2006 (July 1, 2006 - June 30, 2007)	17	FFY 2007 (desk review)	FFY 2008	February 1, 2010
FFY 2007 (July 1, 2007 - June 30, 2008)	14	FFY 2008 (desk review)	FFY 2009	February 1, 2011
FFY 2008 (July 1, 2008 - June 30, 2009)	15	FFY 2009 (desk review)	FFY 2010	February 1, 2012
FFY 2009 (July 1, 2009 - June 30, 2010)	14	FFY 2010 (desk review)	FFY 2011	February 1, 2013

Table 13.1 shows that for the FFY 2005 (July 1, 2005 - June 30, 2006) monitoring year, data were reviewed and findings of noncompliance made, as part of the on-site visits that occurred within that year. As reported in the FFY 2006 Annual Performance Report submitted to OSEP on February 1, 2008 for this indicator and in indicator 15, and as acknowledged in the Vermont Part B FFY 2006 SPP/APR Response Table, those findings associated with these FFY 2005 monitoring activities were appropriately corrected within one year.

For FFY 2006 through FFY 2009, table 13.1 shows the number of LEAs that have been or will be monitored through desk reviews, for indicators 11 and 13. LEAs in the Table 13.1 monitoring schedule have been selected to adequately represent the four primary geographic regions of the state within each of the four years; all 60 LEAs in Vermont will have been monitored for compliance on indicators 11 and 13 using this schedule through FFY 2009 (July 1, 2009 - June 30, 2010). *Note that due to OSEP changes to this indicator, no data was gathered from FFY 2008.*

One characteristic of this desk review compliance monitoring process, as detailed in table 13.1, was and is that the General Supervision Team does not and will not receive any of these data for the initial

monitoring year (“MY”) being analyzed for these indicators until the next monitoring year (“MY +1”) has started. As a result, the following two rules will govern the identification, correction and reporting of noncompliance for Indicators 11 and 13. First, the review of those data and the subsequent findings of noncompliance based on those data reviews do not occur until “MY +1” has begun. Second, the reporting of corrections of findings within one year of the LEAs receipt of a finding will not occur until two years after the initial monitoring year or “MY +2”. A narrative summary of the identification, correction and reporting of non-noncompliance for this indicator in the context of these rules, follows for FFY 2007 and FFY 2006, where each baseline monitoring year is denoted as “MY.”

Please note that the identification and correction of noncompliance articulated for the Monitoring Years below reflect the current Vermont Department of Education IDEA Part B compliance monitoring system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP), that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.”

FFY 2008 (July 1, 2008 - June 30, 2009):

As described above, FFY 2008 (July 1, 2008 - June 30, 2009) (“MY”) data were not gathered due to OSEP changes to this indicator.

FFY 2007 (July 1, 2007 - June 30, 2008):

FFY 2007 (July 1, 2007 - June 30, 2008) (“MY”) data, were received throughout the fall of 2008 for this indicator from 14 LEAs. The analysis of these data, completed in December of 2008 (“MY +1”), revealed that 54.08% or 371 of 686 youth had an IEP that included coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. The Vermont Department of Education Student Support General Supervision Team issued 14 findings, one for each monitored LEA associated with this noncompliance, in March of 2009. The total number of findings, defined as a written notification from the SEA to an LEA that there is noncompliance, is less than the 315 individual student-level instances of noncompliance reported in the Indicator for FFY 2007 because multiple cases of individual student-level noncompliance were present in each LEA. Note that these findings fall within the FFY 2008 (July 1, 2008 - June 30, 2009) reporting period (“MY + 1”). Consequently, the *end* of the one year timeline for correction of these findings is within the FFY 2009 (July 1, 2009 - June 30, 2010) reporting period (“MY +2”). Therefore, the status of the correction of findings made in FFY 2008 (July 1, 2008 - June 30, 2009) (“MY +1”) based on those data reported on for this indicator in the FFY 2007 (July 1, 2007 - June 30, 2008) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2009, will be reported on in this Indicator and Indicator 15 of the FFY 2009 (July 1, 2009 - June 30, 2010) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2011.

Please note that LEAs verified, through self-reviews that, individual instances of noncompliance associated with FFY 2007 (July 1, 2007 – June 30, 2008) (“MY”) data have been corrected (an IEP has been developed that includes the required transition content for youth, unless the youth is no longer within the jurisdiction of the LEA) as of February 1, 2010. Final verification of correction of system-wide noncompliance in each of the LEAs identified with noncompliance based on FFY 2007 data will be verified – through submission of documentation of technical assistance activities provided

to staff and self-review and documentation that IEPs have been developed that include the required transition content for youth — as of March 2010.

FFY 2006 (July 1, 2006 - June 30, 2007):

FFY 2006 (July 1, 2006 - June 30, 2007) (“MY”) data, were received throughout the fall of 2007 for this indicator from 17 LEAs. The analysis of these data completed in January of 2008 (“MY +1”), revealed that 34.54%, or 324 of 938 youth age 16 and above had an IEP that included coordinated, measurable, annual IEP goals and transition services that reasonably enabled the student to meet their post-secondary goals. As a result of the review of these data, 17 findings of noncompliance were made, one for each monitored LEA, in the months of April and May of 2008. Note that these findings fall within the FFY 2007 (July 1, 2007 - June 30, 2008) reporting period (“MY + 1”). The total number of findings, defined as a written notification from the SEA to an LEA that there is noncompliance, is less than the 614 individual student-level instances of noncompliance reported in the Indicator for FFY 2006 because multiple cases of individual student-level noncompliance were present in each LEA. The end of the one year timeline for correction of these findings, including verification that all individual student-level instances of noncompliance have been corrected, is within the FFY 2008 (July 1, 2008 - June 30, 2009) reporting period (“MY +2”). Therefore, the status of the correction of findings made in FFY 2007 (July 1, 2007 - June 30, 2008) (“MY +1”) based on those data reported on for this indicator in the FFY 2006 (July 1, 2006 - June 30, 2007) (“MY”) Annual Performance Report delivered to OSEP on February 1, 2008, will be reported on in this Indicator and Indicator 15 of the FFY 2008 (July 1, 2008 - June 30, 2009) (“MY +2”) Annual Performance Report deliverable to OSEP on February 1, 2010.

Please note that LEAs verified, through self-reviews that, individual instances of noncompliance associated with FFY 2006 (July 1, 2006 – June 30, 2007) (“MY”) data have been corrected (an IEP has been developed that includes the required transition content for youth, unless the youth is no longer within the jurisdiction of the LEA) as of February 1, 2010 and that 10 of 17 of the LEAs identified with noncompliance based on FFY 2006 data have provided written assurances, based on self-reviews of those youths eligible to have an IEP that included coordinated, measurable, annual IEP goals, that they are correctly implementing the specific regulatory requirements associated with this indicator. 7 of the 17 LEAs have not been able to verify that they are correctly implementing the specific regulatory requirements associated with this indicator. These LEAs have verified through self-reviews, that all individual level noncompliance has been corrected; however, when additional IEPs have been reviewed, noncompliance has been identified. Any and all individual noncompliance has been corrected associated with these self-reviews; these LEAs are still on a Corrective Action Plan to ensure systemic compliance.

FFY 2005 (July 1, 2005 - June 30, 2006):

FFY 2005 (July 1, 2005 - June 30, 2006) monitoring year data, as noted above, were reviewed and findings of noncompliance made, as part of the on-site visits that occurred within that year. As reported in the FFY 2006 Annual Performance Report submitted to OSEP on February 1, 2008 for this indicator and in indicator 15, and as acknowledged in the Vermont Part B FFY 2006 SPP/APR Response Table, those findings associated with these FFY 2005 monitoring activities were appropriately corrected within one year.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement activities have been added, beginning on page 109, for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding “Critical Element 1: Identification of

Noncompliance.” These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:

1. “Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period.”
 2. “Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identifies as findings of noncompliance with the requirements in Part B of the IDEA.”
 3. “A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance.”
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding Critical Element 2: Correction of Noncompliance. These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02.”
 2. “Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State’s identification of the noncompliance and including data on the correction of these findings in its date for Indicator 15 of its APR.”
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State’s identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator # 1

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(# of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school) divided by the (# of youth assessed who had IEPs and are no longer in secondary school)] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Not available for FFY 2008 (July 1, 2008 – June 30, 2009); see note below in “Actual Target Data for FFY 2008” section.

Actual Target Data for FFY 2008:

Note: The measurement for this indicator has been substantively revised by the U.S. Department of Education Office of Special Education Programs (OSEP) for reporting to begin in FFY 2009 (July 1, 2009 – June 30, 2010). Per OSEP instructions, Vermont is not reporting data for this indicator for FFY 2008 (July 1, 2008 – June 30, 2009).

The revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2011 will contain new baseline data, targets and improvement activities based on the revised measurement.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

No information reported for FFY 2008 (July 1, 2008 – June 30, 2009)

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No information reported for FFY 2008 (July 1, 2008 – June 30, 2009)

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Indicator #1

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and enforcement actions that the State has taken.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of all identified noncompliance is corrected within one year.

Actual Target Data for FFY 2008:

Note: For reporting on FFY 2008 (July 1, 2008 – June 30, 2009), Vermont is reporting the number of findings of noncompliance identified during FFY 2007 (July 1, 2007 – June 30, 2008) and the number and percentage of those findings of noncompliance that were corrected within one year of identification.

Note: Attachment 1 to this document, "Indicator B-15 Worksheet," beginning on page 82 contains a tabular summary of those data presented for this indicator.

84.34% or 70 of 83 findings of noncompliance identified during the 2007-2008 school year were corrected within one year. 35 of the findings were made by SPP/APR indicator; 26 of these findings were corrected within one year. 33 of the findings were made by other areas of noncompliance; 29 of these findings were corrected within one year. 15 of the findings were made through the dispute resolution process; 15 of these finding were corrected within one year.

A complete breakout of these findings by monitoring area is contained in Attachment 1, beginning on page 82, titled "Indicator B-15 Worksheet." Additional descriptions of these findings follow by SPP/APR indicator, other areas of noncompliance, and dispute resolution finding areas in the section below titled: "Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008" in the subsection titled "Identification and Correction of Noncompliance."

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:**Activities:**

The Focused Monitoring/SPP stakeholder group met on May 29, 2008 to guide Focused Monitoring activities for FFY 2008 (July 1, 2008-June 30, 2009). This meeting was facilitated by Vermont Department of Education staff. During this meeting, the General Supervision Team provided the group with outcome data and progress in implementing Focused Monitoring.

The Vermont Special Education Advisory Council had a ½ day meeting in November 2009 to review the 2008-2009 SPP/APR data and made recommendations for the February 1, 2010 submission. In addition, they received regular updates from the Student Support Team (and General Supervision Team) liaison throughout 2008-2009.

Public reports of LEA results, including results for this indicator were released in June 2009. A presentation of this information has been shared at meetings with Special Education Administrators in all areas of the state, with the executive board of the Vermont Council of Special Education Administrators (VCSEA) and with the Special Education Advisory Council prior to June.

During the fall of 2008, new special education administrators and new building based special educators participated in a 7-day training co-sponsored by VTDOE and VCSEA. The majority of one day is spent explaining the SPP, reviewing the most recent results of the APR and identifying specific areas of strength and weakness in the local APR reports.

The Vermont Department of Education General Supervision Team worked with consultants from NERRC to develop a system for state to local determinations. The 2006-2007 determinations were issued in August 2008 and the 2007-2008 determinations were issued in March 2009.

During the summer of 2009, the Monitoring Team consultants in collaboration with the Post Secondary Transition Coordinator reviewed and revised the Post Secondary Transition page of the required IEP forms. The revision included all necessary components and language that mirrored the NSTTAC checklist that was recently updated.

In November 2009, the Monitoring Team Consultants from the General Supervision Team and the Post Secondary Transition Coordinator from VTDOE provided a joint training for any participant from the 14 supervisory unions who will participate in the next compliance monitoring “cycle”. The purpose of this training was to explain how to fill out the Post Secondary Transition page of the IEP and how it links with the NSTTAC checklist.

Progress or Slippage:

84.4% or 70 of 83 findings of noncompliance identified during FFY 2007 (July 1, 2007-June 30, 2008) were corrected within one year. This is a decrease from 100% reported in the FFY 2007 APR where 35 of 35 findings of noncompliance identified during FFY 2006 were corrected in one year.

The Vermont Department of Education will continue to implement the existing improvement activities for this indicator articulated in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010. In addition, as detailed below in the section titled, “Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008,” the Vermont Department of Education will implement new improvement activities, beginning on page 126 of the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, in response to the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure.

Identification and Correction of Noncompliance

Please note that the description of the identification and correction of noncompliance articulated below— by SPP/APR indicator, other areas of noncompliance, and dispute resolution finding areas— reflect the current Vermont Department of Education IDEA Part B compliance monitoring and dispute resolution system as of February 1, 2010. However, the Vermont Department of Education was notified on January 13, 2010, in the Vermont Part B 2009 Verification Visit Letter Enclosure from the Office of Special Education Programs (OSEP),

that the Vermont compliance monitoring system must be modified per the “Required Actions/Next Steps” in the “Critical Element 1: Identification of Noncompliance” and “Critical Element 2: Correction of Noncompliance” sections of the Letter Enclosure.

To address these “Required Actions/Next Steps,” Vermont will be seeking intensive technical assistance from the U.S. Department of Education Office of Special Education Programs (OSEP) and the Northeast Regional Resource Center (NERRC). A complete description of the required changes contained in the Vermont Part B 2009 Verification Letter, revised improvement activities, and page number references reflecting these improvement activities as they appear in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 are contained below in the section titled: **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008.**”

A complete breakout of FFY 2007 findings by monitoring area is contained in Attachment 1, beginning on page 82, titled “Indicator B-15 Worksheet.” Additional descriptions of the identification and correction of findings follow by SPP/APR indicator, other areas of noncompliance, and dispute resolution finding areas:

Monitoring Findings by SPP/APR Indicator

35 of the 83 monitoring findings were made by SPP/APR indicator as the result of desk reviews (described in Indicator 11 and 13) and statewide compliance monitoring efforts (described in Indicators 4, 9, 10 and 12). Of these 35 findings, 26 were corrected within one year. The identification and correction of the monitoring findings by SPP/APR Indicator is summarized below, by indicator:

Indicator 4: No findings of noncompliance during FFY 2007.

Indicator 9: No findings of noncompliance during FFY 2007.

Indicator 10: No findings of noncompliance during FFY 2007.

Indicator 11: There were 14 LEA-level findings associated with 143 instances of individual student-level noncompliance across 17 LEAs monitored through a desk review process for this indicator. This monitoring process and the process for identification and correction of noncompliance is described in detail in this APR for this indicator in the section titled: “*Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008*” in the subsection titled: “*Identification and Correction of Noncompliance.*” All individual instances of noncompliance associated with FFY 2007 findings have been verified as corrected (initial evaluations completed unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010. 12 of the 14 LEAs identified with noncompliance based on FFY 2007 findings have provided written assurances, based on self-reviews of their initial evaluation data, that they are correctly implementing the specific regulatory requirements associated with this indicator. 2 of the 14 have not been able to verify that they are correctly implementing the specific regulatory requirements associated with this indicator. These LEAs have verified that all individual level noncompliance has been corrected; however, when additional evaluations have been examined through LEA self-reviews, noncompliance has been identified. Any and all individual noncompliance has been corrected associated with these self-reviews; these LEAs are still on Corrective Action Plans to ensure systemic compliance with this indicator.

Indicator 12: There were 4 LEA-level findings associated with 10 instances of individual student-level noncompliance resulting from a statewide monitoring process for this indicator. This monitoring process and the process for identification and correction of noncompliance is described in detail in this APR for this indicator in the section titled: “*Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008*” in the subsection titled: “*Identification and Correction of Noncompliance.*” Please note that all individual instances of noncompliance associated with FFY 2007 findings have been verified as corrected (an IEP has been developed and implemented unless the child is no longer within the jurisdiction of the LEA) as of February 1, 2010 and each of the LEAs

identified with noncompliance and who received a finding in FFY 2007 have provided written assurances, based on self-reviews of their initial evaluation data, that they are correctly implementing the specific regulatory requirements associated with this indicator.

Indicator 13: There were 17 LEA-level findings associated with 614 instances of individual student-level noncompliance across 17 LEAs monitored through a desk review process for this indicator. This monitoring process and the process for identification and correction of noncompliance is described in detail in this APR for this indicator in the section titled: *“Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008”* in the subsection titled: *“Identification and Correction of Noncompliance.”* Please note that LEAs verified, through self-reviews, that individual instances of noncompliance associated with FFY 2007 have been corrected (an IEP has been developed that includes the required transition content for youth, unless the youth is no longer within the jurisdiction of the LEA) as of February 1, 2010 and that 10 of 17 of the LEAs identified with noncompliance during FFY 2007 provided written assurances, based on self-reviews of those youths eligible to have an IEP that included coordinated, measurable, annual IEP goals, that they are correctly implementing the specific regulatory requirements associated with this indicator. 7 of the 17 LEAs have not been able to verify that they are correctly implementing the specific regulatory requirements associated with this indicator. These LEAs have verified through self-reviews, that all individual level noncompliance has been corrected; however, when additional IEPs have been reviewed, noncompliance has been identified. Any and all individual noncompliance has been corrected associated with these self-reviews; these LEAs are still on a Corrective Action Plan to ensure systemic compliance.

Monitoring Finding by other Areas of Noncompliance:

3 on-site visits were completed by the General Supervision Team as part of Focused Monitoring visits with the purpose of reviewing specific issues surrounding Least Restrictive Environment (LRE) data. 33 findings were made in FFY 2007 (July 1, 2007 - June 30, 2008) as a result of these visits in other areas of noncompliance; none of them were related to SPP/APR indicators. Of these 33 findings, 29 were corrected within one year. The identification and correction of the monitoring findings by other areas of noncompliance is summarized below, by noncompliance area:

Insufficient Documentation: There were 14 findings of noncompliance across 3 LEAs surrounding insufficient documentation (see State Board of Education Manual of Rules and Practices [SBEM] § 2369). Please note that all 3 LEAs verified, through self-reviews, that individual instances of noncompliance associated with FFY 2007 have been corrected (all individual instances of insufficient documentation) as of February 1, 2010 and that 2 of 3 of the LEAs identified with noncompliance during FFY 2007 provided written assurances, based on self-reviews that they are correctly implementing the specific regulatory requirements associated with this other area of noncompliance. 1 of the 3 LEAs has not been able to verify that it is correctly implementing the specific regulatory requirements associated with this area of noncompliance. This LEA has verified through self-reviews, that all individual instances of noncompliance have been corrected; however, when additional documentation has been reviewed, noncompliance has been identified. Any and all individual noncompliance has been corrected associated with these self-reviews; this LEA is implementing an Improvement Plan to ensure systemic compliance.

Special Education and/or Related Services not Implemented or Delayed: There were 14 findings of noncompliance across 3 LEAs surrounding special education and/or related services not implemented or delayed (see SBEM § 2360). Please note that all 3 LEAs verified, through self-reviews, that individual instances of noncompliance associated with FFY 2007 have been corrected (all individual instances of special education and/or related services not implemented or delayed) as of February 1, 2010 and that 2 of 3 of the LEAs identified with noncompliance during FFY 2007 provided written assurances, based on self-reviews that they are correctly implementing the specific regulatory requirements associated

with this other area of noncompliance. 1 of the 3 LEAs has not been able to verify that it is correctly implementing the specific regulatory requirements associated with this indicator. This LEA has verified through self-reviews, that all individual instances of noncompliance have been corrected; however, when additional documentation has been reviewed, noncompliance has been identified. Any and all individual noncompliance has been corrected associated with these self-reviews; this LEA is implementing an Improvement Plan to ensure systemic compliance.

Confidentiality Issues: There were 2 findings of noncompliance across 2 LEAs surrounding confidentiality issues (see SBEM § 2365). Please note that all 2 LEAs verified, through self-reviews, that individual instances of noncompliance associated with FFY 2007 have been corrected (all individual instances of special education and/or related services not implemented or delayed) as of February 1, 2010 and that 2 of 2 of the LEAs identified with noncompliance during FFY 2007 provided written assurances, based on self-reviews that they are correctly implementing the specific regulatory requirements associated with this other area of noncompliance.

Timelines not Met: There were 3 findings of noncompliance across 2 LEAs surrounding timelines (see SBEM § 2362). Please note that all 2 LEAs verified, through self-reviews, that individual instances of noncompliance associated with FFY 2007 have been corrected (all individual instances of timelines not met) as of February 1, 2010 and that 2 of 2 of the LEAs identified with noncompliance during FFY 2007 provided written assurances, based on self-reviews that they are correctly implementing the specific regulatory requirements associated with this other area of noncompliance.

Dispute Resolution Findings:

15 findings of noncompliance were identified through the Vermont Department of Education dispute resolution process during FFY 2007 in other areas of noncompliance; none of these findings were related to SPP/APR indicators. Of these 15 findings, 15 were corrected within one year. The identification and correction of the dispute resolution findings by other areas of noncompliance is summarized below, by noncompliance area:

Insufficient Documentation: There were 3 findings of noncompliance across 3 LEAs surrounding this area of noncompliance (see SBEM § 2369). All 3 LEAs received required corrective actions as a result of the noncompliance; all corrective actions have been verified as complete.

Special Education and/or Related Services not Implemented or Delayed: There were 2 findings of noncompliance across 2 LEAs surrounding this area of noncompliance (see SBEM § 2360). All 2 LEAs received required corrective actions as a result of the noncompliance; all corrective actions have been verified as complete.

Timelines not Met: There were 2 findings of noncompliance across 2 LEAs surrounding this area of noncompliance (see SBEM § 2362). All 2 LEAs received required corrective actions as a result of the noncompliance; all corrective actions have been verified as complete.

IEP Participation (Required Staff not Present at IEP Meetings): There were 2 findings of noncompliance across 2 LEAs surrounding this area of noncompliance (see SBEM § 2363). 2 LEAs received required corrective actions as a result of the noncompliance; all corrective actions have been verified as complete.

Parental Consent not Obtained Prior to an Evaluation: There was 1 finding of noncompliance across 1 LEAs surrounding this area of noncompliance (see SBEM § 2362). The LEA received a required corrective action as a result of the noncompliance; the corrective action has been verified as complete.

Prior Written Notice not Given to Parents: There were 5 findings of noncompliance across 4 LEAs surrounding this area of noncompliance (see SBEM § 2365). All 4 LEAs received required corrective actions as a result of the noncompliance; all corrective actions have been verified as complete.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Improvement activities for this indicator have been expanded to address the “Required Actions/Next Steps” surrounding the identification and correction of noncompliance in the January 13, 2010 Vermont Part B 2009 Verification Visit Letter Enclosure. Specifically, the following improvement activities have been added, beginning on page 126, for this indicator in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010:

- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding “Critical Element 1: Identification of Noncompliance.” These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation demonstrating that it has reduced the delay between the end of the reporting period and the issuance of findings of noncompliance related to the compliance indicators, including sample findings from reports issued in FFY 2009 and an assurance that future compliance monitoring will result in findings made within a reasonable time form the end of the reporting period.”
 2. “Documentation demonstrating that the State makes finding of noncompliance when it identifies noncompliance with the requirements of Part B of IDEA through focused monitoring, regardless of the level of the noncompliance, and that findings that constitute noncompliance with State requirements that also reflect noncompliance with Federal requirements are identifies as findings of noncompliance with the requirements in Part B of the IDEA.”
 3. “A plan describing how it uses all of its components, including data the State receives through its monitoring system, statewide database, State complaints and due process hearings, to timely identify and notify LEAs of noncompliance.”
- Seek intensive technical assistance from the Northeast Regional Resource Center (NERRC) and the U.S. Department of Education Office of Special Education Programs (OSEP) to enable a submission, in Vermont’s FFY 2010 Grant Application, due May 10, 2010, that addresses the “Required Actions/Next Steps” surrounding Critical Element 2: Correction of Noncompliance. These “Required Actions/Next Steps” dictate that the Vermont Department of Education must provide:
 1. “Documentation with regard to correction of child-specific noncompliance, demonstrating that the State has established procedures to ensure that the LEA has corrected each individual case of noncompliance or, in the case of timeline requirements, completed the child-specific required action although late, unless the child is no longer in the jurisdiction of the LEA, consistent with OSEP Memo 09-02.”
 2. “Documentation that the State is ensuring the correction of all findings of noncompliance with the IDEA identified in due process hearing decisions within one year of the State’s identification of the noncompliance and including data on the correction of these findings in its date for Indicator 15 of its APR.”
 3. Documentation that the State is tracking correction of noncompliance with the IDEA identified in its focused monitoring reports within one year of the State’s identification of the noncompliance and including this data in Indicator 15 of its APR.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the state.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
<p>2008 (2008-2009)</p>	<p>Written reports resolving administrative complaints are issued within 60 days 100% of the time unless timelines are extended for exceptional circumstances or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the state.</p>

Actual Target Data for FFY 2008:

Note: Per U.S. Department of Education Office of Special Education Programs instructions, the measurement for this indicator has been aligned with regulations. This change is reflected in this Annual Performance Report and in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 129.

In FFY 2008 (July 1, 2008 - June 30, 2009), 11 of 11 or 100% of signed written complaints with reports issued were resolved within either a 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the state. Vermont has met the requirements of the measurable and rigorous target for this indicator.

Table 16.1, on the next page, from Section A of Table 7, information collection 1820-0677-- "Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act 2008 - 2009" contains a summary of those data collected for this indicator.

Table 16.1: Written, Signed Complaints, FFY 2008

SECTION A: Written, signed complaints	
(1) Total number of written, signed complaints filed	17
(1.1) Complaints with reports issued	11
(a) Reports with findings of noncompliance	5
(b) Reports within timeline	10
(c) Reports within extended timelines	1
(1.2) Complaints pending	1
(a) Complaints pending a due process hearing	1
(1.3) Complaints withdrawn or dismissed	5

As shown in Table 16.1, Section (1), there were a total of 17 written, signed complaints for FFY 2008 (July 1, 2008 – June 30, 2009). 5 of these complaints were withdrawn or dismissed (shown in section 1.3) and there was 1 report pending at the end of the reporting period (shown in section 1.2). There were 11 complaints with reports issued (section 1.1). Of the 11 reports issued with and without findings, 10 were issued within 60 day timelines (1.1b.) and 1 was issued within an appropriately extended timeline (1.1c.). The sum of the reports within timelines (1.1b.) and the reports within extended timelines (1.1c.), divided into the total number of complaints with reports issued (1.1) multiplied by 100 provides the figure of 100 percent reported as “actual target data” for this indicator.

The number of complaints with reports issued was down 3 to 11 in comparison to 14 reported in FFY 2007 (July 1, 2007 – June 30, 2008). It is desirable to see a decrease in the number of complaints and the complaint system is working effectively to resolve the disputes that result in complaints.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities:

The trend in Vermont over the past four years has been an increase in mediation and decrease in administrative complaints. Vermont DOE will continue to analyze this data and engage in strategies that encourage this trend.

Technical assistance was provided throughout the year by DOE staff from the Student Support and Legal teams regarding dispute resolution options.

Vermont hearing officers and DOE staff attended a training during the summer of 2009 focused on identifying and drafting concise and accurate findings, as well as strategies for working with pro se parents. Two DOE staff members participated in the Legal Resources Group meetings sponsored by the North East Regional Resource Center. Staff from the DOE Student Support Team and the Legal Team attended special education legal updates.

Staff from the legal department reviewed and revised forms and processes related to administrative complaints, mediation and due process hearings in order to assure that the processes conformed to legal requirements and are as efficient as possible. Revised forms are posted on the DOE website.

Vermont Family Network continued to disseminate parent friendly information circulars regarding dispute resolution processes.

Several meetings with legal staff were missed during the reporting period due to staff changes and vacancies. These will be started again.

Progress or Slippage:

The FFY 2008 target for this indicator was met. The activities that were completed contributed to meeting the target.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Note that per Office of Special Education (OSEP) Instruction, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 contains a change to the indicator language for this indicator. Specifically, on page 129, the language in the section titled: "Indicator 16" was changed from:

"Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint."

To:

"Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the state."

This Annual Performance Report contains the same change to the Indicator language. In addition, the "Measurable and Rigorous Target" sections of both the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 (page 131) and this Annual Performance Report have also been updated to reflect the change to the Indicator language.

Part B State Annual Performance Report (APR) for FFY 2007

Overview of the Annual Performance Report Development:

See Indicator # 1

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	Within 45 days or with proper extensions or in the case of an expedited hearing, within the required timelines, 100% of due process hearing requests will be fully adjudicated.

Actual Target Data for FFY 2008:

Note: Per U.S. Department of Education Office of Special Education Programs instructions, the measurement for this indicator has been aligned with regulations. This change is reflected in this Annual Performance Report and in the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010, beginning on page 136.

In FFY 2008 (July 1, 2008 - June 30, 2009), there were *no* (zero) adjudicated due process hearing requests to be adjudicated within the 45-day timeline or a timeline that was properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines. For context, note that there was only 1 adjudicated due process hearing as reported in the FFY 2007 (July 1, 2007 – June 30, 2008) Annual Performance Report submitted to OSEP on February 1, 2009 and 4 adjudicated due process hearings reported in the FFY 2006 (July 1, 2006 – June 30, 2007) Annual Performance Report submitted to OSEP on February 1, 2008.

Table 17.1, on the next page, and taken from Section C of Table 7, information collection 1820-0677--“Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act 2008 - 2009” contains a summary of those data collected for this indicator.

Table 17.1: Hearing Requests, FFY 2008

SECTION C: Due Process Complaints	
(3) Due process complaints total	30
(3.1) Resolution meetings	6
(a) Written Settlement agreements	5
(3.2) Hearings fully adjudicated	0
(a) Decisions within timeline (including expedited)	0
(b) Decisions within extended timeline	0
(3.3) Resolved without a hearing	26

As shown in Table 17.1, there were a total of 30 due process complaints in FFY 2008 (Section 3). Of the 30 due process complaints, 6 resulted in resolution meetings (Section 3.1) and 5 of these meetings resulted in written settlement agreements (Section 3.1a.). Resolution meetings and settlement agreements are discussed in more detail in Indicator 18. Section 3.2 shows that there were no fully adjudicated hearings held during FFY 2008. Therefore, there are no decisions to report in 3.2a. (0) or 3.2b.(0).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

The trend in Vermont over the past four years has been an increase in mediation and decrease in administrative complaints. Vermont DOE will continue to analyze this data and engage in strategies that encourage this trend.

Technical assistance was provided throughout the year by DOE staff from the Student Support and Legal teams regarding dispute resolution options.

Vermont hearing officers and DOE staff attended a training during the summer of 2009 focused on identifying and drafting concise and accurate findings, as well as strategies for working with pro se parents. Two DOE staff members participated in the Legal Resources Group meetings sponsored by the North East Regional Resource Center. Staff from the DOE Student Support Team and the Legal Team attended special education legal updates.

Staff from the legal department reviewed and revised forms and processes related to administrative complaints, mediation and due process hearings in order to assure that the processes conformed to legal requirements and are as efficient as possible. Revised forms are posted on the DOE website.

Vermont Family Network continued to disseminate parent friendly information circulars regarding dispute resolution processes.

Several meetings with legal staff were missed during the reporting period due to staff changes and vacancies. These will be started again.

Progress or Slippage

Although there were no fully adjudicated hearings in FFY 2008 (July 1, 2008 – June 30, 2009), Vermont has consistently met the target for this indicator when there are fully adjudicated hearings. The SPP activities carried out in FFY 2008 will contribute to ongoing meeting of 100% target for this indicator when applicable.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

Note that per Office of Special Education (OSEP) Instruction, the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 contains a change to the indicator language for this indicator. Specifically, on page 136, the language in the section titled: "Indicator 17" was changed from:

"Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party"

To:

"Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines."

This Annual Performance Report contains the same change to the Indicator language. In addition, the "Measurable and Rigorous Target" sections of both the revised FFY 2005 State Performance Plan submitted to OSEP on February 1, 2010 (page 138) and this Annual Performance Report have also been updated to reflect the change to the Indicator language.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	58% of hearing requests going to resolution sessions will be resolved through resolution session settlement agreements.

Actual Target Data for FFY 2008:

In FFY 2008 (July 1, 2008 - June 30, 2009), 5 of 6 or 83.33% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements. Vermont did not meet the measurable and rigorous target for this indicator, however, per the Vermont Part B FFY 2007 SPP/APR response table, note that Vermont is “not required to provide targets or improvement activities until any FFY in which ten or more resolution sessions [are] held.”

Table 18.1, taken from Section C of Table 7, information collection 1820-0677-- “Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act 2008 - 2009” contains a summary of those data collected for this indicator.

Table 18.1: Resolution Sessions, FFY 2008

SECTION C: Due Process Complaints	
(3) Due process complaints total	30
(3.1) Resolution meetings	6
(a) Written Settlement agreements	5
(3.2) Hearings (fully adjudicated)	0
(a) Decisions within timeline (including expedited)	0
(b) Decisions within extended timeline	0
(3.3) Resolved without a hearing	26

As shown in Table 18.1, there were a total of 30 due process complaints in FFY 2008 (Section 3). Of the 30 due process complaints, 6 resulted in resolution meetings (Section 3.1) and 5 of these meetings resulted in written settlement agreements (Section 3.1a.). 3.1a. (5) divided by 3.1 (6) and

multiplied by 100 is equal to 83.33%. That is, 83.33% of hearing requests going to resolution sessions were resolved through resolution session settlement agreements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

The trend in Vermont over the past four years has been an increase in mediation and decrease in administrative complaints. Vermont DOE will continue to analyze this data and engage in strategies that encourage this trend.

Technical assistance was provided throughout the year by DOE staff from the Student Support and Legal teams regarding dispute resolution options.

Vermont hearing officers and DOE staff attended a training during the summer of 2009 focused on identifying and drafting concise and accurate findings, as well as strategies for working with pro se parents. Two DOE staff members participated in the Legal Resources Group meetings sponsored by the North East Regional Resource Center. Staff from the DOE Student Support Team and the Legal Team attended special education legal updates.

Staff from the legal department reviewed and revised forms and processes related to administrative complaints, mediation and due process hearings in order to assure that the processes conformed to legal requirements and are as efficient as possible. Revised forms are posted on the DOE website.

Vermont Family Network continued to disseminate parent friendly information circulars regarding dispute resolution processes.

Several meetings with legal staff were missed during the reporting period due to staff changes and vacancies. These will be started again.

Progress or Slippage

Note that per the Vermont Part B FFY 2007 SPP/APR response table, Vermont is “not required to provide targets or improvement activities until any FFY in which ten or more resolution sessions [are] held.” As a result, no narrative has been included here regarding progress and slippage.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions are planned at this time.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator #1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	The percentage of disputes resolved through mediation increases by 3% to 76%.

Actual Target Data for FFY 2008:

In FFY 2008 (July 1, 2008 - June 30, 2009), 20 of 25 or 80% of all mediations held resulted in mediation agreements. Vermont exceeded the measurable and rigorous target for mediations held that resulted in mediation agreements.

Table 19.1, taken from Section C of Table 7, information collection 1820-0677-- "Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act 2008 - 2009" contains a summary of those data collected for this indicator.

Table 19.1: Mediation Requests, FFY 2008

SECTION B: Mediation requests	
(2) Total number of mediation requests received	33
(2.1) Mediations held	25
(a) Mediations held related to due process complaints	18
(i) Mediation agreements related to due process complaints	14
(b) Mediations held not related to due process complaints	7
(i) Mediation agreements not related to due process complaints	6
(2.2) Mediations not held (including pending)	8

As shown in Table 19.1, there were a total of 33 mediation requests (Section 2) and 25 mediations held (Section 2.1) during FFY 2008. 8 mediations were not held or pending at the end of the reporting period (Section 2.2). Of the total number of mediations held, 18 were related to due process complaints (2.1a.); 14 of these mediations resulted in mediation agreements (2.1a.(i)). Of the 7 mediations held that were not related to due process complaints (2.1b.), 6 resulted in mediation agreements (2.1b.(i)).

The sum of the mediation agreements that were and were not related to due process is 20 (2.1a.(i) + 2.1b.i)). This sum was divided by 25, the total number of mediations held (2.1) and then multiplied by 100, to show that 80% of mediations held resulted in mediation agreements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

The trend in Vermont over the past four years has been an increase in mediation and decrease in administrative complaints. Vermont DOE will continue to analyze this data and engage in strategies that encourage this trend.

Technical assistance was provided throughout the year by DOE staff from the Student Support and Legal teams regarding dispute resolution options.

Vermont hearing officers and DOE staff attended a training during the summer of 2009 focused on identifying and drafting concise and accurate findings, as well as strategies for working with pro se parents. Two DOE staff members participated in the Legal Resources Group meetings sponsored by the North East Regional Resource Center. Staff from the DOE Student Support Team and the Legal Team attended special education legal updates.

Staff from the legal department reviewed and revised forms and processes related to administrative complaints, mediation and due process hearings in order to assure that the processes conformed to legal requirements and are as efficient as possible. Revised forms are posted on the DOE website.

Vermont Family Network continued to disseminate parent friendly information circulars regarding dispute resolution processes.

Several meetings with legal staff were missed during the reporting period due to staff changes and vacancies. These will be started again.

Progress or Slippage

These data represent slippage from 88.89% reported in FFY 2007; however, the FFY 2008 target for this indicator was exceeded. Vermont will continue with the improvement activities in the SPP.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions are planned at this time.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

See Indicator # 1.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate, including covering the correct year and following the correct measurement.

FFY	Measurable and Rigorous Target
2008 (2008-2009)	100% of reports are submitted on time, accuracy in reporting and data management is ensured.

Actual Target Data for FFY 2008:

20a. The Vermont Department of Education state reported data, including 618 data and Annual Performance Reports, were submitted on or before due dates (February 1 for Child Count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports) 100% of the time during FFY 2008.

20b. The Vermont Department of Education continued to make best efforts during FFY 2008 to ensure that 100% of those state reported data, including 618 data and Annual Performance Reports, are accurate.

Note: Attachment 2 titled: "Part B Indicator 20 Data Rubric (revised 10-20-09)" contains a summary of the timeliness and accuracy of Vermont Department of Education data submissions for FFY 2008. This attachment, on page 88, was provided by the U.S. Department of Education Office of Special Education Programs to assist states in compiling data for this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Activities

Two statewide trainings were implemented during FFY 2008 (July 1, 2008 - June 30, 2009) to continue to increase the validity, reliability and accuracy of the Child Count data collection. The target audiences for the trainings were LEA Special Education Administrators and the LEA support staff responsible for submitting Child Count data to the State of Vermont Department of Education. These trainings were provided in addition to the one-on-one technical assistance currently provided by the

Student Support Team for Child Count activities. In addition to these trainings and technical assistance, Child Count data verification reports were created to allow LEAs to quickly identify potential inaccuracies in data submitted to the Vermont Department of Education. All of these activities were designed to continue to improve the validity, reliability and accuracy of those Child Count data submitted to the Vermont Department of Education by LEAs and consequently, those data submitted to OSEP by the Vermont Department of Education.

To continue to improve the data collection and reporting process for Part C to Part B transition (Indicator 12), Part C to Part B transition was emphasized at statewide Early Essential Education (EEE) trainings. Targeted technical assistance was also provided to those LEAs that appeared to have the least success with collecting and reporting on Part C to Part B transition. These trainings and targeted technical assistance were designed to ensure that accurate and reliable data is provided to the Vermont Department of Education for all children transitioning from Part C to Part B services. As a result of all of these efforts, the high level of compliance with Indicator 12 has been maintained after the dramatic improvements noted in the APR submitted to OSEP on February 1, 2008 for FFY 2006 (July 1, 2006 - June 30, 2007).

The Education Data Warehouse (EDW), a statewide data analysis and reporting system continues to be implemented. This tool allows trained staff access to school and, when appropriate, student data collected by the Vermont Department of Education. The majority of Vermont DOE Student Support Team (SST) consultants have been trained to use the EDW and three consultants have advanced training as EDW coaches. As a result, consultants continue to use relevant data such as graduation rates when providing technical assistance to schools. Program teams are also continuing to utilize the EDW to inform their activities. The Student Support General Supervision Team continues to use the EDW extensively in FFY 2008 in support of focused monitoring activities.

The accuracy of Child Count data system uploads into the EDW has been examined back to FFY 2001. Inconsistencies between EDW created reports and the verified Child Count source data continue to be corrected and updated as they are identified (in the EDW). As the historical cleaning and verification process continues, the EDW continues its evolution into a powerful tool to perform longitudinal data analysis at the SEA and LEA level for Child Count and other 618 data. This data verification work continues to ensure that valid, reliable and accurate data are available to facilitate data-driven decision making for SEA and LEA staff.

Progress or Slippage

Vermont continues efforts to provide all state reported data, including 618 data and Annual Performance Reports that are submitted on or before due dates. Efforts will also continue to ensure that those data submitted are accurate.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008:

No revisions are planned at this time.

Attachment 1:

Indicator 15 General Supervision Worksheet

The Indicator 15 General Supervision Worksheet as utilized for Indicator 15 begins on the next page.

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Dispute Resolution: Complaints, Hearings			
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
childhood placement.	Dispute Resolution: Complaints, Hearings			
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings		
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.		Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	17	14
	Dispute Resolution: Complaints, Hearings			

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	4	4
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	17	17	10
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Insufficient Documentation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	14	13
	Dispute Resolution: Complaints, Hearings	3	3	3
Other areas of noncompliance: Special Education and/or Related Services not implemented or delayed	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	14	11
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance: Confidentiality issues	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance: Timelines not met	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	3	3
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance: IEP participation (required staff not present at IEP meetings)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance: Parental consent not obtained prior to an evaluation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: Prior Written Notice not given to parents	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	4	5	5

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Sum the numbers down Column a and Column b			83	70
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	84.4%

**Attachment 2:
Indicator 20 Self-Scoring Rubric**

The Indicator 20 Self-Scoring Rubric utilized for Indicator 20 begins on the next page.

SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	* N/A	* N/A	0
14	* N/A	* N/A	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	34
APR Score Calculation	Timely Submission Points - If the FFY 2007 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total - (Sum of subtotal and Timely Submission Points) =		39.00

FFY 2008 (Vermont)

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/09	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/09	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/1/09	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/09	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/1/09	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 2/1/10	1	N/A	N/A	N/A	1
Table 7 - Dispute Resolution Due Date: 11/1/09	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 1.857) =		39.00

Indicator #20 Calculation	
A. APR Grand Total	39.00
B. 618 Grand Total	39.00
C. APR Grand Total (A) + 618 Grand Total (B) =	78.00
Total N/A in APR	0
Total N/A in 618	0
Base	78.00
D. Subtotal (C divided by Base*) =	1.000
E. Indicator Score (Subtotal D x 100) =	100.00

Note any cell marked as N/A will decrease the denominator by 1 for APR and 1.857 for 618

* Call your State Contact if you choose to provide data for Indicators 13 or 14