

**Focused Monitoring Report for
Orange Southwest Supervisory Union**



On-site Review: February 2-6, 2009



Student Support Division

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The monitoring team wants to thank everyone in the supervisory union for being gracious and flexible hosts.

I. Description of Monitoring Authority and Focused Monitoring

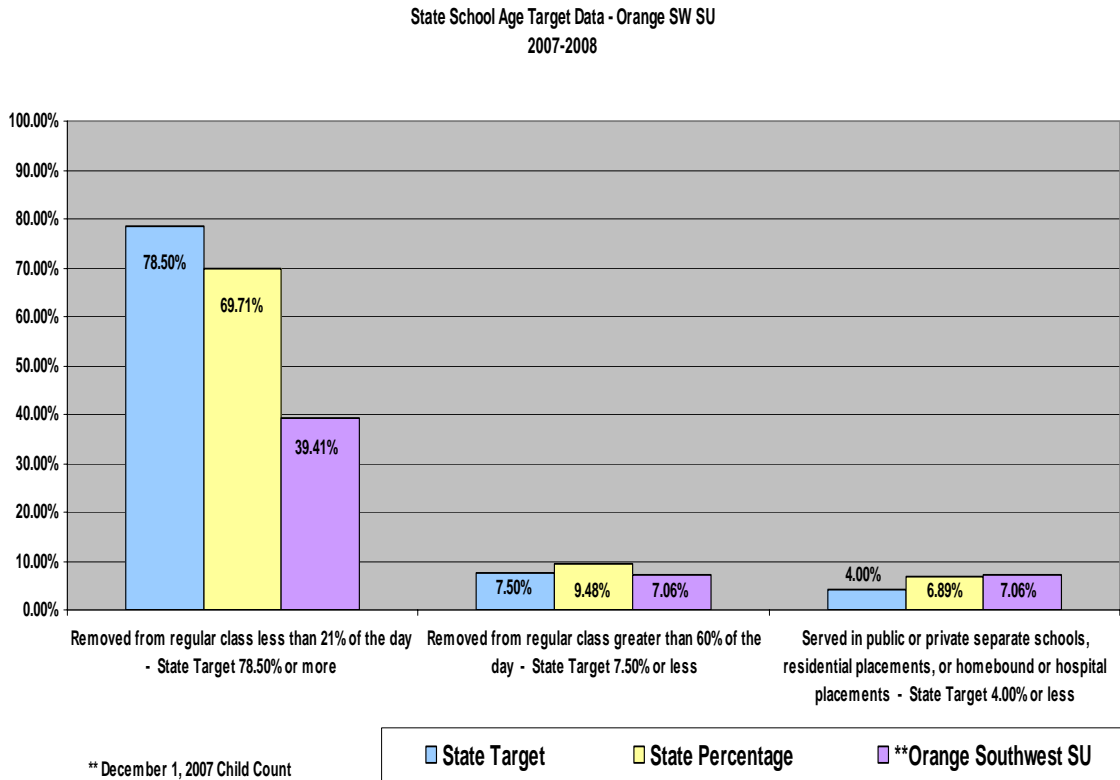
The Individuals with Disabilities Education Act (IDEA), (20 U.S.C. 1400 (c)(1)), provides federal funds to assist states in educating children with disabilities and requires each participating state to ensure that school districts and other publicly-funded educational agencies in the state comply with the requirements of IDEA and its implementing regulations. Further, Section 616 of IDEA states that the primary focus of Federal and State monitoring activities shall be on improving education results and functional outcomes for all children with disabilities and ensuring that States meet the program requirements with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities. Vermont state law requires local education agencies to provide appropriate special education and related services and requires the Vermont Department of Education (VTDOE) to establish, monitor, and enforce regulations governing special education programs in the Vermont public schools and all institutions wholly or partly supported by the state. The state has adopted regulations implementing those requirements which are administered by VTDOE. VTDOE supervises and conducts the general supervision process in furtherance of the state's obligations under IDEA and Vermont law.

Focused Monitoring is a new approach to assess compliance with federal and state special education law and regulations while also addressing critical performance areas. It is a shift from a culture of compliance to a culture of accountability. It places the focus of a monitoring review on results versus process. The principles of Focused Monitoring are identified as follows:

- Focused Monitoring includes a limited number of priorities chosen by a diverse group of stakeholders.
- Available data are used to select priorities that will improve student educational performance, increase independence for children with disabilities, and lead to full participation in society.
- A limited number of indicators are identified within each priority area and are used as the basis for district ranking and selection for on-site reviews.
- A Focused Monitoring system is data and information-based. Data-based information is used to allocate limited resources in the direction of most need, which are determined by identifying what is most likely to lead to improvement in student performance.
- There is a relationship between monitoring and corrective actions—solutions are linked to identified problems. Corrective actions are designed to create systemic changes that result in improved student performance.
- Families have the opportunity to provide information on a continuous basis.

II. Focused Monitoring Methodology

The Orange Southwest Supervisory Union (OSWSU) was selected for an on-site visit based upon their performance on the State Performance Plan (SPP) Indicator 5 regarding Least Restrictive Environment (LRE). See the graph below which documents the 2007-2008 state target, our average performance as a state and Orange Southwest’s performance in regards to indicator 5:



The on-site Focused Monitoring review was conducted during the week of February 2-6, 2009. The team visited three elementary schools, one middle/high school and two collaborative programs located within the supervisory union. The Monitoring Team reviewed and analyzed the following data prior to and during the on-site review.

Data Reviewed

- LRE data by disability, educational environment/ placement code, grade, and school building
- Local Planning Team’s portfolio of evidence
- Vermont Agency of Human Services Community Profile 2006
- Local Report of State Performance Plan indicators
- Special education policies/procedures/forms/practices
- Family/school collaboration related to LRE via parent forum and interviews
- Student Educational Support Team (EST), Section 504 and special education files

Parent Forum

A forum based on families' experiences with placement decisions in Orange Southwest was held on February 2, 2009 for parents of students with disabilities. Orange Southwest provided documentation of adequate and appropriate public notice advertising the forum as well as developing a letter which was sent to parents in the district. The forum was attended by fifteen parents of students with disabilities. In addition to the forum, nine parents were interviewed in person or over the phone.

The majority of the parents at the Forum and interviewed had deep concerns in regards to timelines, understanding of their parental rights, documentation of district decisions, communication with supervisory union administration and the availability of services for their disabled children. Nearly all the parents interviewed praised the special education staff for their efforts and their concern for the children they served.

On-Site Interviews

Interviews were conducted with eight general and special education administrators, from the district schools and supervisory union levels, twenty-two general and special education teachers, seven paraeducators, and one related service provider.

Record Reviews

Focused file reviews were conducted for 46 students with Individualized Education Programs (IEPs), Section 504 Plans and Educational Support Team (EST) Plans.

Classroom Observations

Classroom observations were conducted in each of the following schools and/or programs:

- 1. Vocational Incentive Program (9-12)**
- 2. Essential Early Education Program (EEE)**

III. Supervisory Union Background

The following information is taken from the 2007 Agency of Human Services (AHS) Community Profile. The AHS profiles use supervisory union boundaries when presenting data for a particular community. Thus, the information below concerns the towns which are part of the Orange Southwest Supervisory Union; they are Braintree, Brookfield and Randolph.

Within these towns there are three elementary and one middle/high school.

<i>Orange Southwest Supervisory Union</i>		
School Name	Grades Served	2008 - 2009 Enrollment
Braintree Elementary	(K-6)	107
Brookfield Elementary	(K-6)	90
Randolph Elementary	(K-6)	306
Randolph Union High School	(7-12)	495

According to the Agency of Human Services, the total population for this community was 7,607 in 2006.

The following information comes directly from the AHS profile:

Percent of children (ages 0-4) in families receiving welfare (proxy for poverty) in 2006

Vermont	Orange Southwest Community	Difference
9.1%	10.4%	+1.3%

Percent of children (ages 5-17) in families receiving welfare in 2006

Vermont	Orange Southwest Community	Difference
4.3%	3.6%	-0.7%

Percent of kindergartners who met standards of readiness in 5 domains in 2007:

Vermont	Orange Southwest Community	Difference
44%	38%	-6.0%

Teen pregnancy rate per 1,000 females ages 15-17 in 2004

Vermont	Orange Southwest Community	Difference
15.8	10.5	-5.3

Percent of 8th grade students who have () in the past 30 days in 2007

	Vermont	Orange Southwest Community	Difference
Smoked Cigarettes	7%	8%	+1%
Smoked Marijuana	8%	15%	+7%
Used Alcohol	19%	21%	+2%

Reports of child abuse and neglect per 10,000 children ages 0-17 in 2006

Vermont	Orange Southwest Community	Difference
84.5	56.9	-27.6

2006 Custody rate for children(per 10,000 ages 10-17) deemed:

	Vermont	Orange Southwest Community	Difference
Unmanageable	28.5	8.8	-20.5
Delinquent	52.7	17.6	-35.1

Socioeconomic Data:

	Vermont	Orange Southwest Community	Difference
Average Annual Wage (2006)	\$34,974	\$29,694*	-\$5,280
Median Family Income (1999)	\$48,625	\$49,854	+1,229
Percent of People above poverty level (1999)	90.6%	92.7%	+2.1%

* as measured by county, not community

New England Common Assessment Program 2008 Data (from the Standards and Assessment Division of the Vermont Department of Education)

Braintree Elementary School

School Trend Data

	School	State			2005	2006	2007	2008
Reading	71%	71%		Reading	53%	57%	62%	71%
Math	52%	66%		Math	41%	51%	55%	52%
Writing	65%	55%		Writing	27%	38%	54%	65%
Science	44%	48%						

Brookfield Elementary School

School Trend Data

	School	State			2005	2006	2007	2008
Reading	69%	71%		Reading	72%	68%	67%	69%
Math	61%	66%		Math	67%	65%	55%	61%
Writing	53%	55%		Writing	41%	36%	N/A	53%
Science	53%	48%						

Randolph Elementary School

School Trend Data

	School	State			2005	2006	2007	2008
Reading	65%	71%		Reading	61%	62%	68%	65%
Math	58%	66%		Math	56%	61%	62%	58%
Writing	30%	55%		Writing	47%	21%	38%	30%
Science	61%	48%						

Randolph Union High School

School Trend Data

	School	State			2005	2006	2007	2008
Reading	55%	69%		Reading	61%	42%	59%	55%
Math	62%	62%		Math	64%	44%	52%	62%
Writing	37%	54%		Writing	59%	30%	42%	37%
Science	16%	26%						

IV. Commendations for the LEA Related to the Indicators

Relative to the State Performance Plan Indicators 5 & 6 (the pre-school Least Restrictive Environment Indicator), the following efforts and/or initiatives have been implemented by the Orange Southwest Supervisory Union. These activities have been recognized as effective components in Orange Southwest's system for improving student outcomes.

- There is a well-organized and data-driven Educational Support Team process, including documentation, within the Randolph and Braintree Elementary Schools.
- The supervisory union and the area parent support agencies are commended for their efforts put forth in the well-attended parent forum.
- The Supervisory Union professional development system is recognized for being intentional as well as its flexibility to include access by the teachers and paraprofessionals working within the supervisory union.
 - The Bridging Program training is being conducted this school year, for implementation next fall, has been well-supported within the supervisory union.
 - This year's in-service day included presentations from various local and other professionals offering the staff twenty-one different choices from which to individualize their in-service day.
 - The determination of the in-service day topics was based upon the results of a staff survey as well as input from the administration.
 - Randolph Elementary and Middle/High School special education teaching staff hold regular meetings to discuss common issues and provide internal technical assistance.
- The Supervisory Union currently hosts two collaborative programs (Vocational Incentive Program and RAVEN) for local and area at-risk students with behavioral and learning challenges.
- The Supervisory Union, recognizing a programming need, has financially supported the graduate school education of the current Speech Language Pathologist and currently has her under a three year as a stipulation for this support.

V. LEA Findings Related to the Indicators

The Monitoring Team must validate a concern through three separate sources of data to issue a finding. These triangulations of data make certain that the information is truly valid and reliable. Orange Southwest must respond to these findings in the improvement plan. Other issues or areas of concern (see Section VI of this report) that cannot be triangulated are identified, but they do not rise to the level of a finding. The Orange Southwest Supervisory Union is encouraged to consider these issues and concerns within their Improvement Plan.

Finding I: Services and mainstreaming opportunities are not individualized but are based upon personnel availability, teachers' highly qualified status, program parameters, and master scheduling. (VT Regulation 2363.7 (a))

Supporting Evidence

1. Parents interviewed as part of this review shared that some related services were purposefully limited to the amount of time a contracted person was available within the district and not based upon the need of the student.
2. Based on a review of Randolph Union High School student files, students could be removed for special class services for language arts, math and social studies but not science. Through further investigation it was found that no high school special educators had highly qualified teacher status for science.
3. Interviewed staff in the Randolph Union High School indicated the special education and related service offerings often reflected the times available given the current Monday eight period schedule and the Tuesday through Friday block schedule.

Corrective Action

A collaborative team including general and special educators, administrators and parents shall review the special education services and related services provided within the district to ensure the procedures for the recommendation and implementation are consistent and meet the needs of the students they serve.

The team needs to identify and develop professional development regarding differentiated instruction, curriculum modifications, accommodations, supplementary aids and services, and positive behavior supports to all general and special education teachers.

The team shall operationalize a data-based decision-making comprehensive system of supports for all students.

Required Evidence of Correction

- Documentation of recommendations.
- Documentation of identified professional development needs and plans for providing it.
- Documentation of policies and/or procedures for operationalizing the system of supports.

Finding II: The Educational Support System (ESS) in Orange Southwest is incomplete and inconsistent. (VT Regulation 2194)

Supporting Evidence

1. Interviews with staff indicated that the Educational Support Team structure and effectiveness of the Educational Support System varies greatly between the schools within the supervisory union.
2. Interviews with staff and parents expressed that the discipline procedures in the high school and Brookfield Elementary (which has no planning room) need more clarity/consistency.
3. The capacity to deliver services, according to interviews and the review of files, varies between the three supervisory union elementary schools.
4. Programming for intensive needs students seems available at the high school level yet a similar continuum of services available at the elementary grades is not evident.

Corrective Action

Educational Support Team procedures currently used in the Randolph and Braintree Elementary Schools should be shared with the other supervisory union schools to strengthen the effectiveness and documentation of their efforts on behalf of students.

A collaborative team must review the existing continuum of services available within the supervisory union to determine areas of unmet supervisory union needs and strengths of existing programming within the supervisory union.

The team shall develop clear procedures and methods for collecting data regarding the entrance into and exit from alternative programs to ensure that students are placed based on individual circumstances.

The team shall develop clear guidelines to ensure that placement decisions are data driven, reviewed annually and made by the child's IEP team which includes the parents. The guidelines shall also ensure that placement decisions are made based on the individual needs of the child rather than the master schedule or individual teachers and/or related service providers' schedules.

Required Evidence of Correction

- Documentation of Educational Support Team procedures developed for Brookfield Elementary and Randolph Union High School.
- Documentation of the collaborative team discussion regarding the continuum of services offered within the supervisory union.
- Documentation of procedures and methods developed regarding entrance and exit criteria for alternative programs.
- Documentation of guidelines developed to ensure that placement decisions are made based on a child's needs and reviewed at least annually

Finding III: Current procedures regarding the consideration of Section 504 protections are non-compliant. (VT Regulation 2362.2.6)

Supporting Evidence

1. The procedures for determining whether or not a student was considered for Section 504 protections were not documented so that:
 - procedural safeguards that include notices, an opportunity for parents to examine records, a procedure for requesting impartial hearings with parent participation (and counsel representation, if desired), and a review procedure, are not evident in district files
 - students placed on Individual Health Care Plans are rarely considered for Section 504 protections.
2. Parents interviewed reported that high school staff were unaware of a student currently in their class as being on a Section 504 Plan.

Corrective Action

A collaborative team must develop supervisory union procedures to ensure parents are provided their Section 504 rights and students are considered for Section 504 protections when a student is suspected or found to have a disability.

The team should develop a procedure to ensure that Section 504 Plans are reviewed at least annually and that Section 504 Plans are shared consistently with appropriate staff.

Required Evidence of Correction

- The team shall submit the documentation of the procedure to be used within the supervisory union to ensure parents are afforded their Section 504 rights when a student is found to have a disability.
- The team shall submit documentation of the procedure to distribute Section 504 plans with appropriate staff in a timely manner.

Finding IV: Personally identifiable and confidential information regarding students is shared in forums or through procedures which violate the Family Educational Rights and Privacy Act (FERPA) (34 CFR 99.3 and 99.5)

Supporting Evidence

1. Interviews with Randolph Elementary School staff revealed that “Kid Talk” sessions use specific child names or share information about children and families with staff that do not directly work with the children violating FERPA regulations for the disclosure of information.
2. A review of district files indicated high school transcripts include course or program listings (i.e. Res Rm English) that could identify the student as being a student with a disability.

3. Personally identifiable information in print or displayed within the school disclosed a student with disability by their placement information without written consent.
4. Lists that identify individual students by disciplinary action, medical or personal excusal and athletic eligibility that are posted publicly or easily accessed by the monitoring team violate FERPA regulations.

Corrective Actions

Immediate steps must be taken by school administration to inform staff and develop procedures to ensure that personally identifiable information regarding students is safeguarded and not subject to public displays or distribution. Staff involved in “Kid Talk” sessions must be informed that although they are encouraged to have discussions with colleagues, the use of specific names or information regarding specific student and families should be revealed with staff only on a need to know basis.

Required Evidence of Correction

- The district shall submit the documentation of the procedure(s) to be used within the supervisory union to ensure that the confidentiality of student/family personal information is protected.
- The district shall submit documentation of the procedure to distribute confidentiality procedures with all appropriate staff.

VI. Areas of Concern Related to the Indicators

- Interviews with parents and staff indicated that the emphasis on the accumulation of credits drove programming and was more important than the remediation of basic skill deficits for disabled students.
- The entrance and exit criteria from the RAVEN collaborative program are often subjective and not well documented in the program handbook or student files.

VII. Non-compliance in Related Requirements

Areas of Noncompliance in Related Requirements

Non-compliance issues are violations of state, federal, or state school board regulations or guidelines. The following instances of non-compliance must be corrected within one year from the date of this report. The Orange Southwest Supervisory Union must include a response to each these areas in their Improvement Plan.

- Notices of meetings to parents have not been provided with enough advanced notice, or have been sent home via the student and should be given with sufficient advanced notice if the supervisory union intends to invite legal counsel to the meeting **(VT Rule 2363.5)**
- Attendance of required IEP members was not always documented. **(VT Rule 2363.4 (a))**
- Form 5b was used but without a parent or authorized school personnel signature.
 - **(VT Rule 2363.4 (c))**
- Length of school day (9:00 to 2:20) in RAVEN and VIP does not meet State requirements. **(VT Rule 2312.1 (d))**
- Regular and special education records lacked access logs. **(34 CFR 300.572)**
- The current IEP did not include any specially designed instruction. **(VT Rule 2360.3.1)**
- Parental rights are not always given or explained. **(VT Rule 2365.1.2 (a) (c))**
- In at least one instance, Form 6 was not correctly used to document consent to move a child from the Family Infant Toddler Program to the Essential Early Education program. **(VT Rule 2360.5.7 (f))**
- Form 7 or 7a is not consistently used to inform parents of supervisory union refusals...**(VT Rule 2365.1.1)**
 - to evaluate
 - requests for services
 - to consider independent evaluations **(VT Rule 2362.2.7 (i))**
- Special education teaching staff do not all have the appropriate licensure and/or highly qualified status for the programs or subject areas they currently teach. **(VT Rule 2360.3.6)**
- Multi-year plans developed within the supervisory union were found within the student's file, but did not have the signature of the superintendent or his assigned designee. Some students that have aged out of the supervisory union did not have multi-year plans that would lead to credit accrual and graduation with a high school diploma.**(VT Rule 2120.8.2.1(c))**

VIII. Improvement Plan Process

Upon receiving the final report following a Focused Monitoring visit, the LEA is required to initiate the development of an Improvement Plan (which includes improvement activities related to the priority indicator and correction of non-compliance) with your VTDOE Monitoring Facilitator within a period of 30 calendar days from the date of the final report. The Improvement Plan should be a comprehensive, interdisciplinary plan that targets LEA-wide improvement. In developing the plan, the LEA should consider the “findings related to the indicators”, “areas of concern related to the indicators,” “non-compliance in related requirements,” and the “supporting evidence,” “corrective actions,” and “required evidence of correction” contained within the findings. The VTDOE Monitoring Facilitator will provide technical assistance and consultation during the development of the Improvement Plan. It is important to note that improvement activities may extend beyond one year, but the correction of non-compliance must happen within one year from the date of written notification via the final report.

In order to assure that the Improvement Plan is comprehensive, interdisciplinary, and LEA-wide, the plan must be developed by a collaborative team which includes general and special education stakeholders. This plan must not be a uniquely special education response developed in isolation from other LEA initiatives. The VTDOE Monitoring Facilitator provides technical assistance to the team in the vein of a facilitator. The Monitoring Facilitator may not provide the technical assistance that the LEA identifies it needs, but rather functions as a liaison for needed services.

Development of the Improvement Plan will include:

- Use of the VTDOE template to develop the Improvement Plan
- Review the areas of noncompliance and the expected evidence of change in the final report
- Coordination of the Improvement Plan with other LEA initiatives
- Addressing the following components per activity:
 - What specific tasks/activities are planned to address the targeted area?
 - Why these particular tasks/activities were deemed most appropriate?
 - When the tasks/activities will be completed?
 - Who will complete the tasks/activities?
 - Why this activity will work to bring the LEA into compliance?
 - Who will monitor the progress and completion of activities?
 - What are the needed resources (fiscal, human) within/outside the LEA that will be used to implement change?
 - What are the deliverables, products, materials, documentation, or action plans that will be developed?
 - How will progress be monitored to ensure that the expected changes take place (self-assessment) and
 - What are the intended outcomes/impact related to the targeted area?

The VTDOE Monitoring Team reviews the LEA’s proposed Improvement Plan, requesting clarifications and revisions, as necessary. Upon approval of the Improvement Plan, the LEA is issued an approval letter that outlines the schedule of reporting the LEA’s progress monitoring to VTDOE. The purpose of this Monitoring Progress Report is to provide the LEA with a format in which to demonstrate evidence of their efforts to correct the deficiencies identified through the

Focused Monitoring process. In addition, the process allows the LEA to monitor and evaluate the success of their Improvement Plan activities. The scheduling of the progress reports depends on the complexity of the Improvement Plan and the individual needs of the LEA.

Prior to the one year anniversary of notification via the final monitoring report, an Evidence of Change review meeting is scheduled between LEA representatives and the VTDOE Monitoring Facilitator to assess whether the LEA has met or is making adequate progress towards meeting the required evidence of change at the expected standard as set by the collaborative team and approved by the VTDOE. Based on the results of the meeting, the VTDOE determines whether (1) the LEA has met the standards required and the Improvement Plan is officially closed, (2) the LEA has not met the standards required and additional time will be allowed with Improvement Plan amendments, or (3) sanctions will be imposed. The correction of non-compliance must occur within the one year timeline, the above refers to improvement activities related to the priority indicator.