



Brief

2024 IDEA B State Determination

Vermont

June 25, 2024

Prepared by Student Support Services and Data Management and Analysis Divisions

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2024 IDEA B State Determination

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Vermont Agency of Education Special Education Team Vision

The Agency of Education handles making sure that federal and Vermont state regulations are followed so that students with disabilities can have access to a free and appropriate public education (FAPE). To do this well, the special education team commits to supporting families and Vermont schools that educate students with disabilities.

Executive Summary

The State Performance Plan (SPP) and Annual Performance Report (APR) evaluates states efforts to implement the requirements and purposes of the IDEA. Part B SPP/APR includes indicators that measure child and family results, and other indicators that measure compliance with the requirements of the IDEA. Since 2015, the Part B SPP/APR have included a State Systemic Improvement Plan (SSIP) through which each State focuses its efforts on improving a State-selected child or family outcome. This report is due each year on the first day of February. The Office of Special Education Programs (OSEP) uses information from the SPP/APR, information obtained through monitoring visits, and any other public information to annually determine if the state:

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

Vermont's June 2024 (FFY2022) determination is Needs Assistance.

The Needs Assistance determination status reflects several factors that will be areas of focus for our state, including:

- Increasing the percentage of children with disabilities participating in statewide assessments in grade 8 math and increasing rates of proficiency in grade 4 reading and math on the National Assessment on Educational Progress (NAEP).
- Increasing graduation rates for children with disabilities while simultaneously decreasing drop out rates.
- Working with school districts and supervisory unions to ensure that each student with a disability transitioning out of secondary education has a transition plan with all elements including measurable, annually updated IEP goals and appropriate transition assessments, services, and courses.

Vermont met compliance in early childhood transition with all children that were found Part B eligible having IEPs implemented by their third birthday. Vermont continues to report timely and accurate state-reported data and timely due process hearings. Vermont also received all points for completing timely initial evaluations to determine eligibility for special education services.

FFY2022 17 Indicators

1. Graduation Rate
2. Drop Out Rate
3. Assessment
 - a. Participation rate in general and alternate assessments
 - b. Proficiency rate of general assessment
 - c. Proficiency of alternate assessment
 - d. Gap in proficiency rate in general assessments
4. Suspension Expulsion
 - a. Percent of SU/SDs with significant discrepancy
 - b. Percent of SU/SDs with significant discrepancy by race/ethnicity
5. Educational Environments
 - a. Served inside a regular classroom 80% or more
 - b. Served inside a regular classroom less than 40%
 - c. Served in separate schools, residential facilities, homebound/hospital placements
6. Preschool Environments
 - a. Receiving services in a regular early childhood program
 - b. Attending separate special education class, separate school, or residential facility
 - c. Receiving services in the home
7. Preschool Outcomes
 - a. Improved positive social-emotional skills
 - b. Improved acquisition and use of knowledge and skills
 - c. Improved use of appropriate behaviors to meet their needs
8. Parent Involvement
9. Disproportion Representation
10. Disproportionate Representation by Specific Disability Categories
11. Child Find
12. Early Childhood Transition
13. Secondary Transition
14. Post-School Outcomes
 - a. Enrolled in higher education
 - b. Enrolled in higher education or competitively employed
 - c. Enrolled in higher education or other postsecondary education, or training program, or competitively employed or some other employment
15. Resolution Sessions
16. Mediation
17. State Systemic Improvement Plan

Determination: Needs Assistance

Vermont's June 2024 (FFY2022/SY2023) determination is Needs Assistance with a score of 65% on the Results-Driven Accountability (RDA) Matrix. The determination needs assistance reflects an RDA percentage of at least 60% but less than 80%.

From this determination the Office of Special Education Programs (OSEP) is instructing Vermont to:

- work with appropriate OSEP-funded technical assistance centers
- consider accessing technical assistance from other department-funded centers such as the comprehensive centers
- determine which results and compliance indicators and improvement strategies to focus its use of available technical assistance
- access technical assistance related to results and compliance indicators which received a score of 0

In the next SPP/APR report (Due February 1st, 2025) Vermont must:

- Report on the technical assistance sources from which Vermont received assistance and the actions taken as a result of that technical assistance.

Furthermore, Vermont must notify the public that the U.S. Secretary of Education has taken the above enforcement actions, including, at a minimum, by posting a public notice on its website and distributing the notice to the media and through public agencies.

Results-Driven Accountability Percentage and Determination

Percentage	Determination
65.00%	Needs Assistance

Results and Compliance Overall Scoring

Section	Total Points Available	Points Earned	Score
Results	20	11	55.00%
Compliance	20	15	75.00%

NAEP and Statewide Assessments

Reading Assessment Elements	Grade	Performance	Score
% of Children with Disabilities Participating in Statewide Assessments	Grade 4	97%	1
% of Children with Disabilities Participating in Statewide Assessments	Grade 8	95%	1
% of Children with Disabilities Scoring at Basic or Above on the NAEP	Grade 4	14%	0
% of Children with Disabilities Included in Testing on the NAEP	Grade 4	94%	1
% of Children with Disabilities Scoring at Basic or Above on the NAEP	Grade 8	28%	1
% of Children with Disabilities Included in Testing on the NAEP	Grade 8	93%	1

Math Assessment Elements	Grade	Performance	Score
% of Children with Disabilities Participating in Statewide Assessments	Grade 4	97%	1
% of Children with Disabilities Participating in Statewide Assessments	Grade 8	94%	0
% of Children with Disabilities Scoring at Basic or Above on the NAEP	Grade 4	28%	0
% of Children with Disabilities Included in Testing on the NAEP	Grade 4	93%	1
% of Children with Disabilities Scoring at Basic or Above on the NAEP	Grade 8	24%	2
% of Children with Disabilities Included in Testing on the NAEP	Grade 8	92%	1

OSEP continues to use results data related to the participation and performance of students with disabilities on the most recently administered (school year 2021-2022) National Assessment of Educational Progress (NAEP); this is the second year that 2022 NAEP scores are used in Vermont's determination. OSEP also considered participation of students with disabilities on Statewide assessments (including the regular assessment and the alternate assessment).

National Assessment of Educational Progress (NAEP)

NAEP Participation and Proficiency: states and entities ranked and put into tertiles. Top 3rd received 2 points, Middle 3rd received 1 point and bottom 3rd received 0 points.

- NAEP Grade 4 Reading and Math: 0 of possible 4 points. Vermont is in the bottom third of all states and entities for grade 4 reading and math in NAEP.
- NAEP Grade 8 Reading: 1 of 2 possible points. Grade 8 reading middle third.
- NAEP Grade 8 Math: 2 of 2 possible points. Top third.

Percentage of Children with Disabilities (CWD) Included in Testing on the NAEP can receive 0 or 1 points. 85% is the target. We received a 1 point for Reading and Math in both grades 4 and 8.

Indicator 3: Statewide Assessments

OSEP also considered participation of students with disabilities on Statewide assessments (which include the general assessment and the alternate assessment).

- 3 of 4 possible points. ELA grades 4 and 8 and Math grade 4 received 1 point each and Math Grade 8 received 0 points.
- Participation is 1 or 0. 1 if 95% 0 if less than 95%.

While the participation rates of CWD on Statewide assessments were a factor in each State or Entity’s 2024 Part B Results Matrix, no State or Entity received a Needs Intervention determination in 2024 due solely to this criterion. However, this criterion will be fully incorporated beginning with the 2025 determinations.

Graduation and Drop Out

Exiting Data Elements	Performance	Score
Percentage of Children with Disabilities who Dropped Out	27%	0
Percentage of Children with Disabilities who Graduated with a Regular High School Diploma	71%	1

Indicator 2: Drop Out

Of Vermont’s students on IEPs who exited the education system during school year 2021-2022 (FFY2022), 27.19% exited by dropping out.

- States were ranked in tertiles. Top 3rd received 2 points, middle 3rd received 1 point and bottom 3rd received 0 points.
- The year-to-year change in students dropping out reflected increases in 62.75% of LEAs in the state. Increases were observed at ages 16-19; n-sizes for one or both SYs were below the state-set data suppression limit of 11 for ages 15, 20, and 21. 100% of the increase occurred among white students; n-sizes for non-white races and ethnicities were below the state-set data suppression limit of 11 and totaled to 0. Drop outs increased especially in students receiving services for

other health impairment and specific learning disability, 2 of the 3 largest disability categories for the 14-21 age group. Additionally, VT noted that more students without disabilities also dropped out in FFY2022, although the percentage change was less drastic.

- Increases in drop outs were widespread, very racially homogenous (in a largely racially homogenous state) and were larger in students receiving services for other health impairments and specific learning disability. VT has spoken with several other states observing an increase in drop outs and decrease in graduates from FFY2021 to FFY2022; the trend may be a result of stress among individuals, families, and school systems from spending multiple years in a public health emergency. Much of the two school years preceding FFY2022 were characterized in Vermont, like many other states, by distance or hybrid learning models and social distancing protocols, which afforded students less in-person interaction and less direct access to educators.
- VT AOE has been investigating potential causes by conducting LEA-specific reviews and interviews to examine any correlation among disability categories, particularly other health impairment and specific learning disability, and drop out trends. While the VT AOE has found explanations in some individual cases, these investigations are ongoing and will continue to determine more significant trends.

Indicator 1: Graduation

Of Vermont’s students on IEPs who exited the education system during school year 2021-2022 (FFY2022), 71.16% exited by graduating with a regular high school diploma.

- States were ranked in tertiles. Top 3rd received 2 points, middle 3rd received 1 point and bottom 3rd received 0 points.
- Vermont received 1 of 2 points.

Compliance Indicators

Part B Compliance Indicators	Performance (%)	Full Correction of Findings of Noncompliance Identified in FFY 2021	Score
Indicator 4B: Significant discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	0.00%	N/A	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.	0.00%	N/A	2

Part B Compliance Indicators	Performance (%)	Full Correction of Findings of Noncompliance Identified in FFY 2021	Score
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.	0.00%	N/A	2
Indicator 11: Timely initial evaluation	95.50%	NO	2
Indicator 12: IEP developed and implemented by third birthday	100.00%	N/A	2
Indicator 13: Secondary transition	52.82%	NO	0
Timely and Accurate State-Reported Data	100.00%		2
Timely State Complaint Decisions	68.42%		0
Timely Due Process Hearing Decisions	100.00%		2
Longstanding Noncompliance			1
Programmatic Specific Conditions	None		
Uncorrected identified noncompliance	Yes, 2 to 4 years		

Indicator 4: Suspension and Expulsion

Received full points on indicator 4B; however, methodology is under review. Vermont may be identifying noncompliance on this in the future dependent on future methodology.

Indicator 9: Disproportionate Representation

Indicator 9 measures the percentage of districts with disproportionate representation of racial/ethnic groups due to inappropriate identification. Vermont has 0% of districts identified. Vermont received full points.

Indicator 10: Disproportionate Representation by Specific Disability Categories

Indicator 10 measures the percentage of districts with disproportionate representation of racial/ethnic groups in specific disability categories due to inappropriate identification. Vermont has 0% of districts identified. Vermont received full points.

Indicator 11: Child Find

Indicator 11 measures the percentage of children evaluated, and evaluation report given to parents within 60 days of parent consent for initial evaluation. This is measured through Special Education cyclic monitoring with each SU/SD being monitored every three years. Vermont received full points at 95.50% compliance.

Indicator 12: Early Childhood Transition

Indicator 12 measures the percentage of children found Part B eligible with IEP implemented by their third birthday. This is measured through Early Education Cyclic monitoring with each SU/SD being monitored every three years. Vermont received full points at 100% compliance.

Indicator 13: Secondary Transition

Indicator 13 measures the percentage of youth ages 16 and above with measurable, annually updated IEP goals and appropriate transition assessment services and courses. This is measured through Special Education cyclic monitoring. Vermont received 0 points at 52.82% compliance.

Timely and Accurate State Reported Data

Received full points at 100%. This includes all data for all 17 SPP/APR indicators, all 618 data which includes IDEA related EdFacts Files (Child Count, Personnel, Exiting, Discipline, State Assessment) as well as Dispute Resolution Survey and MOE/CEIS. These were all timely, complete, and passed edit checks.

Timely State Complaint Decisions

Timely State Complaint Decisions	Results
Complaints with reports issued.	19
Reports within timelines	10
Reports within extended timelines	3
Timely State Complaint Decisions	68.42%

After reviewing with the Legal team, VT AOE noticed an error in the reporting of this information. It should read as follows:

Timely State Complaint Decisions	Results
Complaints with reports issued.	19
Reports within timelines	16
Reports within extended timelines	3
Timely State Complaint Decisions	100.00%

VT AOE reached out to the EdFacts Partner Support Center to make a correction to the IDEA Dispute Resolution Survey. OSEP is aware of this, however any changes to the survey will not influence our determination results since determinations are already posted and cannot be retracted.

Timely Due Process Hearing Decisions

Received full points at 100%.

Longstanding Noncompliance

VT received 1 point of 2 possible points due to 2-4 years in uncorrected identified longstanding noncompliance.

- Noncompliance related to Ind 13: Secondary Transition and 11: Child Find.
- Ind 13 has longstanding noncompliance since FFY2019, two LEAs have findings on noncompliance that have not been corrected.
- FFY2020 has longstanding noncompliant LEAs since FFY2020 in both Ind 11 and 13.

OSEP Response and Required Actions

Introduction

OSEP Response: OSEP Response: The State's determinations for both 2022 and 2023 were Needs Assistance. Pursuant to Section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(a), OSEP's June 23, 2023 determination letter informed the State that it must report with its FFY 2022 SPP/APR submission, due February 1, 2024, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State provided the required information.

Required Action: The State's IDEA Part B determination for both 2023 and 2024 is Needs Assistance. In the State's 2024 determination letter, the Department advised the State of available sources of technical assistance, including OSEP-funded technical assistance centers, and required the State to work with appropriate entities. The Department directed the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. The State must report, with its FFY 2023 SPP/APR submission, due February 1, 2025, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance.

- The Special Education team is currently working with a number of technical assistance centers.

4A: Suspension Expulsion Significant Discrepancy

OSEP Response: OSEP's Required Actions in response to the State's FFY 2021 SPP/APR required the State to explain, in its FFY 2022 SPP/APR, how its methodology is reasonably designed to determine if significant discrepancies are occurring in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs. OSEP appreciates the State reported it reviewed its methodology to determine if it is reasonably designed. However, OSEP notes that the State's methodology results in a threshold for measuring significant discrepancy in the rate of long-term suspension and expulsion rates of children with IEPs that falls above the median of thresholds used by all States.

- The Special Education team has explained the reasonableness of its Indicator 4A methodology to OSEP in the following excerpts from our SPP/APR:
 - Vermont uses addition to the state-level rate rather than multiplication due to the very low state-level rate of long-term suspensions and expulsions of students with disabilities. The baseline for indicator B4A was established in FFY2005; Vermont set the threshold in that year. During the baseline year when the 3.00 percent bar was set, Vermont's state-level rate of out-of-school suspensions and expulsions greater than ten days was 0.51 percent; therefore, the bar was the state-level rate plus 2 percentage points, rounded to the nearest whole percentage point (2.51 percent rounded up to 3.00 percent).
 - Vermont's methodology is reasonably designed to identify significant discrepancies in the rate of long-term suspensions and expulsions among the state's LEAs, some of which are quite small (<40 total students with disabilities). Due to the small number of students with disabilities in many Vermont districts, discipline rate percentages are prone to considerable fluctuation. Additionally, Vermont's methodology is reasonably designed with respect to the state's very low rate of long-term suspensions and expulsions by using addition rather than multiplication. According to the 44th Annual Report to Congress on the implementation of IDEA, 2022, which is the latest available at the time of writing (<https://sites.ed.gov/idea/files/44th-arc-for-idea.pdf>), Vermont was tied for the second-lowest rate of students suspended out-of-school or expelled for more than 10 days at 5 students per 10,000 served. In fact, 39 of Vermont's 51 LEAs in school year 2021-2022 had zero long-term suspensions and expulsions. Vermont set its threshold in the baseline year (FFY2005) and has kept the threshold consistent so LEAs always know in simple terms what the threshold is. While the threshold has remained consistent, Vermont's state-level rate of out-of-school suspension/expulsions greater than ten days has improved over time to 0.14 percent in FFY2022.
 - Vermont acknowledges that OSEP examines state methodologies for reasonableness by creating and comparing rate ratios using states' thresholds and state-level rates of long-term suspension and expulsion. Vermont does not use a rate ratio to set its threshold. VT AOE believes that a rate ratio is not appropriate for Vermont due to our small size as a state, small LEAs, and very low state-level rate of long-term suspension and expulsion. As discussed above, Vermont is an outlier among states with respect to both the size of LEAs and the rate of long-term suspension and expulsion. Rates as low as those in Vermont cause rate ratio calculations to be unstable and potentially misrepresentative. Furthermore, in Vermont, a rate ratio equal to the median for all states would equate to fewer than one long-term suspension or expulsion for one-third of Vermont districts, meaning that one case would be enough to identify an LEA as having a significant discrepancy.
- Additionally, The Special Education team has engaged with IDC technical assistance to review our methodology for suspension expulsion data and will continue to engage with IDC technical assistance and stakeholders with a goal of achieving a new, rigorous and reasonable, methodology for identifying significant discrepancy.

4B: Suspension Expulsion Significant Discrepancy by Race/Ethnicity

OSEP Response: OSEP's Required Actions in response to the State's FFY 2021 SPP/APR required the State to explain, in its FFY 2022 SPP/APR, how its methodology is reasonably designed to determine if significant discrepancies, by race or ethnicity, are occurring in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs. OSEP appreciates the State reported it reviewed its methodology to determine if it is reasonably designed. However, OSEP notes that the State's methodology included a very low percentage of the State's LEAs in its analysis of rates of suspension and expulsion of greater than 10 days in a school year for children with IEPs.

- The Special Education team has explained the process for reviewing all SU/SDs data as part of Indicator 4B methodology to OSEP in the following excerpt from our SPP/APR:
 - AOE calculates rates of long-term suspension and expulsion of students with disabilities disaggregated by race for all LEAs with a non-zero count of long-term suspensions and expulsions by dividing each LEA's total number of IEP students who were suspended or expelled out of school for greater than 10 days in each race and ethnicity category, by the total number of IEP students in the LEA for that race and ethnicity category. For each LEA, all rates of long-term out-of-school suspensions and expulsions by race and ethnicity are compared to the same threshold of 3.00 percent. An LEA is found to have a significant discrepancy by race or ethnicity if the number of students in a race or ethnicity group experiencing out-of-school suspensions and expulsions greater than 10 days meets a cell size of 4 and is more than 3.00 percent of that LEA's special education population in the race or ethnicity group.
 - Vermont's use of a cell size is reasonably designed to reduce volatility of risk calculations for small populations, and is at the low end when compared across states; according to the most recent [2022 PART B FFY 2020 SPP/APR Indicator Analysis Booklet](#), 77% of states used cell and/or n-sizes ranging from 2 to 75.
- Additionally, the Special Education team has engaged with IDC technical assistance to review our methodology for suspension expulsion data and will continue to engage with IDC technical assistance and stakeholders with a goal of achieving a new, rigorous and reasonable, methodology for identifying significant discrepancy.

8: Parent Involvement

Required Actions: In the FFY 2023 SPP/APR, the State must report whether the FFY 2023 data are from a response group that is representative of the demographics of children receiving special education services, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of children receiving special education services.

- Each year, this required action is standard for nearly all states using a survey for data collection.
- The Special Education team is continuing to improve how we distribute and analyze the parent involvement survey and continues to implement improvement strategies to have a higher response rate from parents that are representative of the students receiving special education services in Vermont.

11: Child Find

Required Actions: *Because the State reported less than 100% compliance for FFY 2022, the State must report on the status of correction of noncompliance identified in FFY 2022 for this indicator. In addition, the State must demonstrate, in the FFY 2023 SPP/APR, that the remaining one uncorrected finding of noncompliance identified in FFY 2021 and the remaining one uncorrected finding of noncompliance identified in FFY 2020 were corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2023 SPP/APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2022 and each LEA with remaining noncompliance identified in FFY 2021 and FFY 2020: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP QA 23-01. In the FFY 2023 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2022, although its FFY 2022 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2022.*

- One SU/SD is still noncompliant based on their June monitoring collection. They will be required to resubmit Child Find data in November to check for correction of non-compliance.
- One SU/SD cleared their long-standing noncompliance in June.
- The Special Education team continues to provide SU/SDs with professional development and technical assistance on policy and procedures related to Child Find and other timelines. The Child Find steward also provides one on one assistance with SU/SDs that struggle in this area. Additionally, the special education team is exploring other options for collecting and reporting Child Find data.

13: Secondary Transition

Required Actions: *Because the State reported less than 100% compliance for FFY 2022, the State must report on the status of correction of noncompliance identified in FFY 2022 for this indicator. In addition, the State must demonstrate, in the FFY 2023 SPP/APR, that the remaining four uncorrected findings of noncompliance identified in FFY 2021, five uncorrected findings of noncompliance identified in FFY 2020, and two uncorrected findings of noncompliance identified in FFY 2019 were corrected. When reporting on the correction of noncompliance, the State must report, in the FFY 2023 SPP/APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2022 and each LEA with remaining noncompliance identified in FFY 2021, FFY 2020, and FFY 2019: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP QA 23-01. In the FFY 2023 SPP/APR, the State must describe the specific actions that were taken to verify the correction. If the State did not identify any findings of noncompliance in FFY 2022, although its FFY 2022 data reflect less than 100% compliance, provide an explanation of why the State did not identify any findings of noncompliance in FFY 2022.*

- 3 SU/SDs resolved all long-standing noncompliance and remain complaint.
- 1 SU/SD resolved longstanding noncompliance but were found noncompliant in their cyclic submission. They will submit transition plans for review in November.
- 7 SU/SDs remain noncompliant and will submit transition plans for review in November.

- The Special Education team continues to provide LEAs with professional development and technical assistance on policy and procedures related to Secondary transition. The Secondary Transition steward also provides one on one assistance with LEAs that struggle in this area. Additionally, the special education team is exploring other options for collecting and reporting Secondary Transition data.

14: Post-School Outcomes

Required Actions: *In the FFY 2023 SPP/APR, the State must report whether the FFY 2023 data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school, and, if not, the actions the State is taking to address this issue. The State must also include its analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school.*

- Each year, this required action is standard for nearly all states using a survey for data collection.
- The Special Education team is continuing to improve how we distribute and analyze the post-school outcomes survey and continues to implement improvement strategies to have a higher response rate from parents that are representative of the students receiving special education services in Vermont.

15: Resolution Sessions

OSEP Response: *The State reported fewer than ten resolution sessions held in FFY 2022. The State is not required to provide targets until any fiscal year in which ten or more resolution sessions were held.*

- No actions are necessary for Vermont.

IDEA Part B Data

For the FFY 2023 SPP/APR submission, The 2023-24 IDEA Section 618 Part B data submitted as of the due date will not be able to resubmit their IDEA Section 618 data after the due date. The 2023-24 IDEA Section 618 Part B data will automatically be prepopulated in the SPP/APR reporting platform for Part B SPP/APR Indicators 3, 5, and 6 (as they have in the past). Under EDFacts Modernization, States and Entities are expected to submit high-quality IDEA Section 618 Part B data that can be published and used by the Department as of the due date. States and Entities are expected to conduct data quality reviews prior to the applicable due date. OSEP expects States and Entities to take one of the following actions for all business rules that are triggered in the EDPass or EMAPS system prior to the applicable due date: 1) revise the uploaded data to address the edit; or 2) provide a data note addressing why the data submission triggered the business rule. States and Entities will be unable to submit the IDEA Section 618 Part B data without taking one of these two actions. There will not be a resubmission period for the IDEA Section 618 Part B data.

This is a continuation of the existing EDFacts Modernization Policy. VT AOE has successfully submitted all EDFacts data for SY 2022-23 by respective due dates and is on track with SY 2023-24 thus far.

Stakeholders

OSEP encourages stakeholders to review State SPP/APR data and other available data as part of the focus on improving equitable outcomes for infants, toddlers, children, and youth with disabilities. Key areas to review are access to high-quality intervention and instruction; effective implementation of individualized family service plans (IFSPs) and individualized education programs (IEPs), using data to drive decision-making, supporting strong relationship building with families, and actively addressing educator and other personnel shortages.

- VT AOE staff regularly attend, participate in and inform [Special Education Advisory Panel \(SEAP\)](#) members of SPP/APR data, determinations and improvement activities. SEAP provides advisement to the special education team for priority setting and improvement activities related to outcomes for students with disabilities.

Public Posting

Vermont must report annually to the public, by posting on the State educational agency's (SEA's) website, the performance of each local educational agency (LEA) located in Vermont on the targets in the SPP/APR as soon as practicable, but no later than 120 days after Vermont's submission of its FFY 2022 SPP/APR.

- LEA's local annual performance reports were [posted online](#) on May 30, 2024 before the deadline.

In addition, Vermont must review LEA performance against targets in the State's SPP/APR; determine if each LEA "meets the requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; take appropriate enforcement action; and inform each LEA of its determination.

- The FFY2022 Local Special Education Determinations will be [posted online](#).

Vermont must make its SPP/APR available to the public by posting it on the SEA's website.

- The FFY2022 determination and SPP/APR is [posted online](#) along previous years determinations and SPP/APRs.

FFY2023 and Beyond

- First, the Department is considering as a factor OSEP-identified longstanding noncompliance (i.e., unresolved findings issued by OSEP at least three or more years ago). This factor would be reflected in the determination through the "longstanding noncompliance" section of the Compliance Matrix beginning with the 2025 determinations. In implementing this factor, the Department is also considering beginning in 2025 whether a State or Entity that would otherwise receive a score of Meets Requirements would not be able to receive a

determination of Meets Requirements if the State or Entity had OSEP-identified longstanding noncompliance (i.e., unresolved findings issued by OSEP at least three or more years ago).

- OSEP is considering as potential additional factors the improvement in proficiency rates of students with disabilities on Statewide assessments.
- OSEP is considering whether and how to continue including in its determinations criteria the participation and proficiency of students with disabilities on the NAEP.
- FFY2023 will now include Indicator 18 (General Supervision), which measures the percent of findings of noncompliance corrected within one year of identification.