



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES**

June 20, 2019

Honorable Daniel French, EdD
Secretary
Vermont Agency of Education
219 North Main Street, Suite 402
Barre, VT 05641

Dear Secretary French:

I am writing to advise you of the U. S. Department of Education's (Department) 2019 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Vermont needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2017 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2019 determination is based on the data reflected in the State's "2019 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) the State's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2019: Part B" (HTDMD).

The Office of Special Education Programs (OSEP) is continuing to use both results data and compliance data in making determinations in 2019, as it did for Part B determinations in 2014, 2015, 2016, 2017, and 2018. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2019, OSEP continued to use results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- (2) the participation and performance of CWD on the most recently administered (school year 2016-2017) National Assessment of Educational Progress (NAEP);
- (3) the percentage of CWD who graduated with a regular high school diploma; and
- (4) the percentage of CWD who dropped out.

The Secretary is considering modifying the factors the Department will use in making its determinations in June 2020 as part of its continuing emphasis on results for children with disabilities. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring must be on improving educational results and functional outcomes for all children with disabilities, and ensuring that States meet the IDEA program requirements, with an emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

The proposed Part B determinations process will include the same compliance factors as in past years, with one addition. For the 2020 determinations, rather than weighting each compliance factor equally, OSEP is considering assigning greater weight to those compliance factors most directly related to improving results for children with disabilities. For the 2020 determinations process we are also considering, as two additional results factors, State-reported data on: preschool child outcomes and the State Systemic Improvement Plan (SSIP). Using preschool outcomes for Part B determinations is consistent with the use of the early childhood outcomes factor that has been used for Part C determinations since 2015. Use of this factor emphasizes the importance of preschool outcomes in promoting later school success for students with disabilities. The inclusion of the SSIP as a results factor in making determinations would continue OSEP’s emphasis on incorporating a results-driven approach as States identify evidence-based practices that lead to improved outcomes for children and youth with disabilities. In addition, we are considering several changes to the results factors related to the participation and performance of children with disabilities on assessments, including: (1) using Statewide assessment results, rather than the NAEP performance data; (2) looking at year-to-year improvements in Statewide assessment results and taking into account the full Statewide assessment system, including alternate assessments; and (3) no longer comparing each State’s assessment performance with that of other States. Finally, OSEP will be revisiting ways of measuring improvement in the graduation rate of students with disabilities. As we consider changes to how we use the data under these factors in making the Department’s 2020 determinations, OSEP will provide parents, States, entities, LEAs, and other stakeholders with an opportunity to comment and provide input through OSEP’s Leadership Conference in July 2019 and other meetings.

You may access the results of OSEP’s review of your State’s SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access your State’s SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that the State is required to take. The actions that the State is required to take are in two places:

- (1) actions related to the correction of findings of noncompliance are in the “OSEP Response” section of the indicator; and
- (2) any other actions that the State is required to take are in the “Required Actions” section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments to the Progress Page:

- (1) the State’s RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled “2019 Data Rubric Part B,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and
- (4) a document entitled “Dispute Resolution 2017-18,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix.

As noted above, the State’s 2019 determination is Needs Assistance. A State’s 2019 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above but the Department has imposed Special or Specific Conditions on the State’s last three IDEA Part B grant awards (for FFYs 2016, 2017, and 2018), and those Specific Conditions are in effect at the time of the 2019 determination.

States were required to submit Phase III Year Three of the SSIP by April 1, 2019. OSEP appreciates the State’s ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with your State as it implements the fourth year of Phase III of the SSIP, which is due on April 1, 2020.

As a reminder, your State 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 the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State’s submission of its FFY 2017 SPP/APR. In addition, your State must:

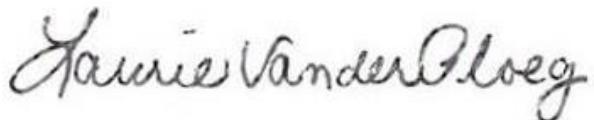
- (1) review LEA performance against targets in the State’s SPP/APR;
- (2) determine if each LEA “meets the requirements” of Part B, or “needs assistance,” “needs intervention,” or “needs substantial intervention” in implementing Part B of the IDEA;
- (3) take appropriate enforcement action; and
- (4) inform each LEA of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the SEA’s website. Within the next several days, OSEP will be finalizing a State Profile that:

- (1) will be accessible to the public;
- (2) includes the State’s determination letter and SPP/APR, and all related State and OSEP attachments; and
- (3) can be accessed via a URL unique to your State, which you can use to make your SPP/APR available to the public. We will provide you with the unique URL when it is live.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,

A handwritten signature in black ink that reads "Laurie VanderPloeg".

Laurie VanderPloeg
Director
Office of Special Education Programs

cc: State Director of Special Education

Vermont

2019 Part B Results-Driven Accountability Matrix

Results-Driven Accountability Percentage and Determination¹

Percentage (%)	Determination
63.13	Needs Assistance

Results and Compliance Overall Scoring

	Total Points Available	Points Earned	Score (%)
Results	22	7	31.82
Compliance	18	17	94.44

2019 Part B Results Matrix

Reading Assessment Elements

Reading Assessment Elements	Performance (%)	Score
Percentage of 4th Grade Children with Disabilities Participating in Regular Statewide Assessments	Data Not Reported	0
Percentage of 8th Grade Children with Disabilities Participating in Regular Statewide Assessments	Data Not Reported	0
Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	17	0
Percentage of 4th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	92	1
Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	38	2
Percentage of 8th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	91	1

Math Assessment Elements

Math Assessment Elements	Performance (%)	Score
Percentage of 4th Grade Children with Disabilities Participating in Regular Statewide Assessments	Data Not Reported	0
Percentage of 8th Grade Children with Disabilities Participating in Regular Statewide Assessments	Data Not Reported	0
Percentage of 4th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	37	0
Percentage of 4th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	94	1
Percentage of 8th Grade Children with Disabilities Scoring at Basic or Above on the National Assessment of Educational Progress	27	1
Percentage of 8th Grade Children with Disabilities Included in Testing on the National Assessment of Educational Progress	94	1

¹ For a detailed explanation of how the Compliance Score, Results Score, and the Results-Driven Accountability Percentage and Determination were calculated, review "How the Department Made Determinations under Section 616(d) of the *Individuals with Disabilities Education Act* in 2019: Part B."

Exiting Data Elements

Exiting Data Elements	Performance (%)	Score
Percentage of Children with Disabilities who Dropped Out	24	0
Percentage of Children with Disabilities who Graduated with a Regular High School Diploma ¹	N/A	N/A

2019 Part B Compliance Matrix

Part B Compliance Indicator ²	Performance (%)	Full Correction of Findings of Noncompliance Identified in FFY 2016	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	N/A	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.	0	N/A	2
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.	0	N/A	2
Indicator 11: Timely initial evaluation	97.58	Yes	2
Indicator 12: IEP developed and implemented by third birthday	100	N/A	2
Indicator 13: Secondary transition	100	No	2
Timely and Accurate State-Reported Data	80.15		1
Timely State Complaint Decisions	100		2
Timely Due Process Hearing Decisions	N/A		N/A
Longstanding Noncompliance			2
Special Conditions	None		
Uncorrected identified noncompliance	None		

¹ Graduated with a regular high school diploma as defined under the IDEA Section 618 State-reported data: These students exited an educational program through receipt of a high school diploma identical to that for which students without disabilities are eligible. These students met the same standards for graduation as those for students without disabilities. As defined in 34 CFR §300.102(a)(3)(iv), in effect prior to June 30, 2017, “the term regular high school diploma does not include an alternative degree that is not fully aligned with the State’s academic standards, such as a certificate or general educational development credential (GED).”

² The complete language for each indicator is located in the Part B SPP/APR Indicator Measurement Table at:
<https://osep.grads360.org/#communities/pdc/documents/17415>

Differentiated Monitoring and Support Engagement Decisions:
Vermont
2018-2019

OSEP's Differentiated Monitoring and Support (DMS) system is a component of Results Driven Accountability. DMS is designed to identify potential grantee risk to the Department and to assist OSEP in effectively using its resources to monitor grantees. DMS addresses State-specific needs in the areas of results, compliance, State Systemic Improvement Plan (SSIP), and fiscal by differentiating levels and types of monitoring and support based on each State's unique strengths, progress, and challenges in each area.

DMS is a multi-tiered model for monitoring and providing support based on the principle that supports are first provided at a core or universal level to effectively address the needs of all States. Targeted monitoring and support is generally based on OSEP's identification of common needs among multiple States. Intensive monitoring and support is reserved for those States with the most intense or complex challenges to implementation.

OSEP has assessed States' and Entities' progress in meeting performance standards and compliance with the legal requirements of the Individuals with Disabilities Education Act, the Education Department General Administrative Regulations and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. This information was used to help OSEP make decisions about a State's or Entity's levels of engagement for monitoring and support.

The charts below specify your State's level of engagement in each area – results, compliance, fiscal and SSIP.

Results | Level of Engagement: Universal

Factors	Existing/Current Engagement
<ul style="list-style-type: none">Factors are only listed when the level of engagement is targeted or intensive.	OSEP continues to make information and technical assistance (TA) resources available, and provide universal support to all States.

New Engagement

OSEP will provide universal support to improve outcomes for students with disabilities related to math, reading, and language arts.

Fiscal | Level of Engagement: Universal

Factors	Existing/Current Engagement
<ul style="list-style-type: none">Factors are only listed when the level of engagement is targeted or intensive.	OSEP continues to make information and TA resources available, and provide universal support to all States.

New Engagement

OSEP will provide universal support related to Part B fiscal requirements.

Compliance | Level of Engagement: Targeted

Factors	Existing/Current Engagement
<ul style="list-style-type: none">Indicator 13: Secondary Transition 88.03%Timely and Accurate State-Reported Data 90.77%Longstanding Noncompliance: Uncorrected identified noncompliance (2 to 4 years)	OSEP continues to make information and TA resources available, and provide universal support to all States.

New Engagement

OSEP will gather additional information to determine the scope of engagement necessary to assist the State in improving IDEA compliance. This may include discussions with the State to determine the factors impacting the State's specific area of low compliance and collaboratively working with the State to develop a plan to bring the State into IDEA compliance as soon as possible.

SSIP | Level of Engagement: Targeted

Factors	Existing/Current Engagement
<ul style="list-style-type: none">Infrastructure changes to support SSIP initiativesStakeholder EngagementEvidence-based practicesProgress toward the SiMR	OSEP continues to make information and TA resources available, and provide universal support to all States.

New Engagement

OSEP will offer to establish a schedule of regular contact to provide the State targeted technical assistance and support in its work to improve the State's SSIP based on the State's needs. OSEP technical assistance may focus on

evidence-based practices, evaluation planning, stakeholder engagement or other State-specific needs. As appropriate, OSEP will also work collaboratively with the State and OSEP- funded technical assistance providers to identify relevant technical assistance.

FFY 2017 APR-- Vermont

Part B Timely and Accurate Data -- SPP/APR Data

APR Indicator	Valid and Reliable	Total
1	1	1
2	1	1
3B	0	0
3C	0	0
4A	1	1
4B	1	1
5	1	1
6	1	1
7	1	1
8	1	1
9	1	1
10	1	1
11	1	1
12	1	1
13	1	1
14	1	1
15	1	1
16	1	1
17	1	1
	Subtotal	17
APR Score Calculation	Timely Submission Points - If the FFY 2016 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) =	22.00

618 Data				
Table	Timely	Complete Data	Passed Edit Check	Total
Child Count/LRE Due Date: 4/4/2018	1	0	1	2
Personnel Due Date: 11/7/18	0	N/A	N/A	0
Exiting Due Date: 11/7/18	0	N/A	N/A	0
Discipline Due Date: 11/7/18	0	N/A	N/A	0
State Assessment Due Date: 12/12/18	0	N/A	N/A	0
Dispute Resolution Due Date: 11/7/18	1	1	1	3
MOE/CEIS Due Date: 5/2/18	1	1	1	3
			Subtotal	8
618 Score Calculation			Grand Total (Subtotal X 1.14285714) =	9.14

Indicator Calculation	
A. APR Grand Total	22.00
B. 618 Grand Total	9.14
C. APR Grand Total (A) + 618 Grand Total (B) =	31.14
Total N/A in APR	0
Total N/A in 618	9.14285712
D. Subtotal (C divided by Base*) =	38.86
E. Indicator Score (Subtotal D x 100) =	0.801
	80.15

* Note any cell marked as N/A will decrease the denominator by 1 for APR and
1.14285714 for 618



Vermont

IDEA Part B - Dispute Resolution

School Year: 2017-18

Section A: Written, Signed Complaints

(1) Total number of written signed complaints filed.	13
(1.1) Complaints with reports issued.	9
(1.1) (a) Reports with findings of noncompliance.	4
(1.1) (b) Reports within timelines.	7
(1.1) (c) Reports within extended timelines.	2
(1.2) Complaints pending.	0
(1.2) (a) Complaints pending a due process hearing.	0
(1.3) Complaints withdrawn or dismissed.	4

Section B: Mediation Requests

(2) Total number of mediation requests received through all dispute resolution processes.	40
(2.1) Mediations held.	24
(2.1) (a) Mediations held related to due process complaints.	7
(2.1) (a) (i) Mediation agreements related to due process complaints.	4
(2.1) (b) Mediations held not related to due process complaints.	17
(2.1) (b) (i) Mediation agreements not related to due process complaints.	13
(2.2) Mediations pending.	0
(2.3) Mediations withdrawn or not held.	16

Section C: Due Process Complaints

(3) Total number of due process complaints filed.	14
(3.1) Resolution meetings.	9
(3.1) (a) Written settlement agreements reached through resolution meetings.	1
(3.2) Hearings fully adjudicated.	0
(3.2) (a) Decisions within timeline (include expedited).	0

(3.2) (b) Decisions within extended timeline.	0
(3.3) Due process complaints pending.	3
(3.4) Due process complaints withdrawn or dismissed (including resolved without a hearing).	11

Section D: Expedited Due Process Complaints (Related to Disciplinary Decision)

(4) Total number of expedited due process complaints filed.	0
(4.1) Expedited resolution meetings.	0
(4.1) (a) Expedited written settlement agreements.	0
(4.2) Expedited hearings fully adjudicated.	0
(4.2) (a) Change of placement ordered.	0
(4.3) Expedited due process complaints pending.	0
(4.4) Expedited due process complaints withdrawn or dismissed.	0

Comment:

Additional Comment:

This report shows the most recent data that was entered by Vermont. These data were generated on 11/5/2018 4:40 PM EST.