

Cyclic Monitoring Protocol

Vermont Agency of Education Special Education Program Monitoring Activities

August 28, 2023

Issued by the Vermont Agency of Education



Contents

Attention: Contacting Monitoring for Technical Assistance	3
Introduction	3
Monitoring Authority.....	3
Executive Branch vs. Legislative Branch: Clarification	4
Equitable Educational Opportunities.....	4
Improvement, Correction, Incentives, and Sanctions	4
Program Monitoring – Cyclic, Selective, and Targeted Monitoring.....	5
Progression from Cyclic, to Selective, to Targeted Monitoring.....	6
Cyclic Monitoring	7
Submission Guidelines.....	7
Accurate, Complete, and Timely Submissions	9
Data Submission Details	9
Indicator 11	9
Annual Date Reviews	10
Triennial Evaluations.....	10
Indicator 13	10
Policies	11
Summaries of Performance (SOPs).....	11
Final Step: Monitoring Submission Attestation Form	11
Exiting Cyclic Monitoring.....	12
Contact.....	12

Attention: Contacting Monitoring for Technical Assistance

Any questions for technical assistance pertaining to monitoring activity should be addressed to AOE.SpecialEdMonitoringGroup@vermont.gov, so our team may provide accurate and timely support. Please use the reply-all function to include the Monitoring general mailbox in any communications with Monitoring. To request an appointment, please follow [this link](#).

Should you have any questions pertaining to the details contained within submissions (for example, components of a compliant transition plan, rules on the timing of initial evaluations, annual reviews or triennials), please contact the Technical Assistance and Professional Development team through [their website](#).

Introduction

This document shares details for Cyclic Monitoring status, a routine monitoring activity (i.e., independent of districts' performance) within the Vermont Agency of Education (AOE) [General Supervision and Monitoring System](#). Based on the reviewed submissions, Cyclic Monitoring may conclude with a closure of the process, if the district is fully compliant, or with the issuance of findings of non-compliance and placement in Selective Monitoring.

Monitoring Authority

The Agency of Education (AOE), as the State Education Agency (SEA), is responsible for the overall provision of a Free Appropriate Public Education (FAPE) to students with disabilities in the State of Vermont and does this through the implementation of the Individuals with Disabilities Education Act (IDEA). At the center of this law is the state's obligation to ensure the delivery of FAPE to all students residing within the state, ages 3 through 21, as prescribed by [34 CFR §300.101](#). In so doing, the AOE is responsible for general supervision and monitoring to ensure that the requirements of IDEA are carried out so that each educational program for children with disabilities meets the educational standards of the SEA, in accordance with [34 CFR §300.149\(a\)](#), [§§300.600](#) through [300.602](#), [§§300.606](#) through [300.608](#), and [20 USCS §1416](#). In Vermont, supervisory unions and supervisory districts are LEAs, and are required to provide appropriate special education and related services, while the SEA is required 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 [16 VSA [§§2941](#) and [2943](#)]. All parties responsible for special education and related services must abide by state and local policies or procedures, as well as federal regulations for the IDEA.

The Office of Special Education Programs (OSEP)'s accountability framework, Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities and evaluates those results against the compliance requirements of the IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of SEAs and Local Educational Agencies (LEAs) for Part B, and Lead Agencies and early intervention service programs for Part C [birth to age 3], but it is not sufficient if children are

not attaining the knowledge and skills necessary to accomplish the ideals of the IDEA: equality of opportunity, full participation, independent living, and economic self-sufficiency.¹

States also have a responsibility under federal law [[34 CFR §300.600](#)] to have a system for monitoring special education activities at the LEA level. States are accountable for enforcing requirements and ensuring continuous improvement designed for educational benefit and increased functional outcomes for students with disabilities. It is important for both States and LEAs to have policies and procedures in place to ensure that IDEA is implemented in accordance with the federal regulations. This is what Vermont's integrated monitoring activities are designed to ensure.

Executive Branch vs. Legislative Branch: Clarification

The Vermont Agency of Education serves the public as part of the executive branch of the State of Vermont. The executive branch is responsible for enforcing the laws of the land, while the legislative branch makes all laws and regulations. This is notable should any disagreement or feedback arise regarding applicable laws, rules, and regulations.

Equitable Educational Opportunities

Vermont has a demonstrated commitment to quality and equity in education and a legacy of public engagement. As such, the state is committed to improving learning outcomes for all students. The AOE envisions that each learner completes their public education with the knowledge and skills necessary for success in college, continuing education, careers, and citizenship. The mission of the AOE, aligned with State Board of Education regulations, is to provide leadership, support, and oversight to ensure that the Vermont public education system enables all Vermont learners to be successful. To that end, Vermont's special education policies and procedures support federal, state, and local implementation of the Individuals with Disabilities Education Act. The AOE is required to ensure that students with disabilities receive FAPE in the least restrictive environment (LRE).

Improvement, Correction, Incentives, and Sanctions

According to [OSEP Memo 09-02](#), an SEA ensures that LEAs correct each case of non-compliance, unless the child is no longer within the jurisdiction of the LEA (in cases such as this, please contact the [AOE Special Education Monitoring Team](#) for guidance). If non-compliance is observed, regardless of the level, the SEA notifies the LEA, in writing, of both the non-compliance and of the requirement to correct it as soon as possible, in no case later than one year from the initial finding(s).

As needed, the AOE may impose additional corrective actions, sanctions, or enforcement actions on an LEA that did not correct non-compliance within one year from identification. Enforcement actions include but are not limited to mandatory technical assistance, increased reporting, and requiring the use of funds for specific actions.

¹ [2018 Determination Letters on State Implementation of IDEA](#)

In case of egregious and/or ongoing long-standing non-compliance (defined as non-compliance that remains uncorrected for greater than one year), the AOE is empowered by its statutory authority to

- Delay or withholding payments, in part or in full;
- Making payments on a reimbursement basis only;
- Placing additional reporting requirements on the award;
- Disallowing costs and/or offsetting or requesting repayment if funds had been advanced;
- Conducting or arranging for an independent audit;
- Cancelling the award;
- Classifying the grantee as “high-risk”;
- Withholding future awards.

Program Monitoring – Cyclic, Selective, and Targeted Monitoring

The table below describes the three monitoring statuses to which any LEA may be assigned, with a brief description illustrating their relationship to each other.

Following this overview, the remaining sections of this document will describe Cyclic Monitoring in detail. For additional information regarding Selective or Targeted Monitoring, please see the [Selective Monitoring Protocol](#) and [Targeted Monitoring Protocol](#).

Monitoring Status	Description
Cyclic Monitoring	Cyclic Monitoring includes reviewing LEA data for state and federal compliance requirements once during a three-year cycle. All Vermont LEAs encounter Cyclic Monitoring once every three years, regardless of performance, as part of the routine cycle through each of the three cohorts. Based on the reviewed submissions, Cyclic Monitoring may conclude with a closure of the process, if the district is fully compliant, or with the issuance of findings of non-compliance.
Selective Monitoring	Selective Monitoring is the first escalated monitoring status that occurs when submissions made during Cyclic Monitoring result in findings of non-compliance. For example, a district who, through the Cyclic Monitoring report, is notified of non-compliance for Indicator 11 will be in Selective Monitoring for the same indicator.
Targeted Monitoring	Targeted Monitoring is the escalated monitoring status that occurs when submissions made during Selective Monitoring do not correct findings of non-compliance, or other sources reveal non-compliance requiring increased monitoring activity (e.g., dispute resolution request(s), administrative complaint(s), communication disclosing non-compliance, and/or critical and/or special investigative audits and findings related to special education). LEAs may also be placed in Targeted Monitoring to address issues pertaining to data integrity, accuracy, and the ethical requirements associated with data submission to a State Educational Agency.

Progression from Cyclic, to Selective, to Targeted Monitoring

When findings of non-compliance are identified during Cyclic Monitoring, a LEA is assigned to the escalated status of Selective Monitoring. When findings remain unverified as corrected after Selective Monitoring, a LEA is then assigned to Targeted Monitoring. A LEA remains in Targeted Monitoring until all findings of non-compliance are verified as corrected. Should findings of non-compliance remain unverified for a long enough period of time, the LEA may find itself returning to Cyclic Monitoring while simultaneously in Targeted Monitoring.

The following date ranges illustrate the progression of monitoring statuses, should non-compliance remain unverified as corrected:

Cyclic Monitoring	Selective Monitoring	Targeted Monitoring
SY2022-2023	September 1, 2023 through November 30, 2023	January 1, 2024 until all findings of non-compliance are verified as corrected
SY2023-2024	September 1, 2024 through November 30, 2024	January 1, 2025 until all findings of non-compliance are verified as corrected
SY2024-2025	September 1, 2025 through November 30, 2025	January 1, 2026 until all findings of non-compliance are verified as corrected

Findings of non-compliance identified during Cyclic Monitoring remain unresolved until both individual (Prong 1) and systemic (Prong 2) compliance have been verified (please see [OSEP Memo 09-02](#) for details regarding Prong 1 and Prong 2).

Cyclic Monitoring

Timeline	SY2023-2024	SY2024-2025	SY2025-2026 ²
Cyclic monitoring activities open for LEAs in the respective cohort (see website for cohort rosters):	9/15/2023	9/15/2024	9/15/2025
Cyclic Monitoring submissions are due:	2/15/2024	2/15/2025	2/15/2026

Submission Guidelines

- We strongly advise LEAs to begin the process of organizing and assembling data submissions at the beginning of the school year to ensure access to the secure online file sharing system and to allow sufficient time to answer any questions that may arise.
 - Please know that while the Monitoring Team strives to lend support as we approach a submission deadline, the nature of this work requires planning well ahead of time.
 - Technical assistance is available on a first-come, first-served basis and may be prohibitively limited in the days leading up to a submission deadline.
 - We encourage LEAs to verify that all staff members involved in the submission of monitoring documents have access to the secure electronic file sharing system at the beginning of the school year. This will allow sufficient time to address any technological obstacles, request a password reset if needed, and/or create or modify any LEA accounts.
- Corrections are not accepted in the absence of supporting documentation. Any changes to the previous contents of a data collection spreadsheet must also be noted as such and explained within that spreadsheet. Failure to do so will result in changes being considered (a) non-compliant and (b) the LEA may be subject to Targeted Monitoring due to concerns regarding data accuracy and integrity.
- All monitoring submissions and reviews are conducted within a secure electronic file sharing system provided by the State of Vermont and AOE.
 - Submissions are not accepted through any other method (e.g., email, links, google docs, etc.).
 - Personally identifiable information (PII) such as a student's name, date of birth, or perm number, should never be submitted via email due to the security limitations of this method.
 - Links to documents and information submitted in any other format will be considered non-compliant until a submission reflecting fidelity with the

² The dates described for SY2025-2026 may be projected into SY2026-2027 and onward. In the event of a weekend, the date would fall on the next business day.

submission guidelines specified is completed. Corrected submissions remain subject to the deadlines specified.

- All data must be visible, with no redaction, including but not limited to student names and PERM numbers.
 - Submissions containing redacted information will be considered incomplete, which may lead to a finding of noncompliance.
 - Incomplete submissions will be considered in calculating the timely and accurate score in the corresponding LSED.
- All content must be legible. Typing all parts of the documents is strongly recommended. This is essential not only to facilitate the review, but to ensure that students, their families, and anyone else with a need to access the information can easily read it.
- Exceptions to submission deadlines are not available under any circumstances.
 - Submissions made after the deadline will be considered past-due.
 - Past-due submissions may result in a finding of non-compliance for the associated indicator(s) or element(s).
 - Past-due submissions will be considered in calculating the timely and accurate score in the corresponding LEA special education determination (LSED).
 - Technical difficulties associated with an individual LEA account (i.e., not a global outage of the file-sharing service) do not qualify a submission otherwise disqualified due to tardiness.
- Depending on the activity under monitoring, LEAs must download, complete, and reupload data in the collection sheets provided by the AOE for each item, or upload unique files (for example, in the case of post-secondary transition plans).
 - The secure electronic file sharing system provided by the State of Vermont and AOE is the only method for secure submission of confidential Personally Identifiable Information (PII).
 - The entire content of the submitted documents must be visible and readable.
 - Submissions containing redacted information, including, but not limited to student names and PERM numbers, will be considered incomplete, and may lead to a finding of non-compliance.
 - Submissions containing unreadable content (e.g., faint scans, illegible handwriting) will be considered incomplete, and may lead to a finding of non-compliance.
 - Incomplete submissions will be considered in calculating the timely and accurate score in the corresponding LSED.
 - We advise LEAs to upload collection sheet(s) only once the files have been determined to be complete, accurate, and ready for submission.
 - The sharing system does not automatically save changes to the files. We recommend downloading the collection sheet/s to a drive of your choice, completing the sheet, and uploading it in the sharing system only once done.
 - Filenames as originally shared by the AOE must be preserved. Additional text may be added to each existing filename. For example, a file named "Indicator 11

Data Collection Sheet.xlsx” may be renamed “Indicator 11 Data Collection Sheet 11.22.22.xlsx.”

- LEA users are not able to delete files; any uploads made in error will remain in their respective folder(s), which may cause confusion and additional complication during the review process. If any files were uploaded in error, please add to their title “DELETE”.
 - Revising, editing, or otherwise modifying a finalized submission and/or after the submission deadline will be considered as a possible violation of data integrity and may result in coaching and/or sanctions by the AOE.
- The AOE does not endorse, prefer, or lend support, including technical assistance, for any private software company’s product. We cannot answer any questions pertaining to IEP and/or Special Education software.

Accurate, Complete, and Timely Submissions

All submissions to Monitoring are to be made accurately, completely, and in a timely manner. Accuracy is defined as absence of typos or errors. Completeness necessitates that all required documentation be provided, with no gaps or missing information. A timely submission is one made no later than the due date.

The Director of Special Education and Superintendent verify the completeness, accuracy, and timeliness of all submissions by signing the attestation form. The attestation form may also serve the role of a checklist for the LEA, to confirm that all required submissions have been made. Please note: failure to complete an attestation form does not exempt a LEA from accountability and predictable outcomes of submitting incomplete, inaccurate, or past-due data.

Inaccurate, incomplete, or late submissions will be reflected in the correspondent LEA Special Education Determination.

The AOE cannot verify on behalf of an LEA if all required files are submitted or if the content of submitted files fulfills the requirements for cyclic monitoring, as this would constitute a review of the LEA submission and be subject to an issuance of results of review, with consequent escalation, if non-compliance were identified.

Data Submission Details

The following subsections describe the submissions required during Cyclic Monitoring:

Indicator 11

Indicator 11³ documentation includes:

- In the Indicator 11 Data Collection Form, list all initial evaluations completed between February 1 of the previous school year and January 31 of the current school year (i.e., 15 days prior to the submission deadline).

³ 34 CFR §300.301 / VTSBE 23662.2.1

- Include all students whose initial evaluation was requested during the period of interest, including those in Early Education, not a sample.
- The target is 100% compliance.
- Compliance is calculated as the ratio of compliant (i.e., by days or by Form 4 with an allowable reason for delay) initial evaluations to total evaluations required.
- All Forms 4 completed during the period of interest.

Annual Date Reviews

Annual Date Reviews⁴ documentation includes:

- Based on the most recent Child Count, the AOE provides districts with non-compliant annual review dates of IEPs completed between December 1 of the previous school year and January 31 of the current school year (i.e., 15 days prior to the submission deadline).
- Districts are asked to verify our records against theirs and make corrections to the dates or offer a rationale. The AOE will determine compliance based on this information.
 - IEPs reviewed annually, defined as 365 days, with no exception for leap years.
 - The target is 95% compliance.
 - Compliance is calculated as a ratio of compliant (by days or explanation in the notes) to completed annual reviews.

Triennial Evaluations

Triennial Reviews⁵ documentation includes:

- Based on the most recent Child Count, the AOE provides districts with non-compliant review dates of triennial evaluations completed between December 1 of the previous school year and January 31 of the current school year (i.e., 15 days prior to the submission deadline).
- Districts are asked to verify our records against theirs and make corrections to the dates or offer a rationale. The AOE will determine compliance based on this information.
 - Triennial Evaluations completed every 3 years, defined as 1095 days, with no exception for leap years.
 - The target is 95% compliance.
 - Compliance is calculated as a ratio of compliant (by days or explanation in the notes) to completed triennial reviews.

Indicator 13

Indicator 13⁶ documentation includes:

- 10 post-secondary transition plans of currently enrolled students.

⁴ 34 CFR § 300.324 / VTSBE 2363.6

⁵ 34 CFR §300.303 / VTSBE 2362.2.3(b)(2)

⁶ 34 CFR §300.320 / VTSBE 2363.7(i)

- Transition plans must be compliant in all the eight elements prescribed by federal and state law.
- The target is 100% compliance.
- Compliance is calculated as a ratio of fully compliant plans to required plans.
- The Indicator 13 Checklist, adapted for Vermont from the document originally created by the National Technical Assistance Center for Transition (NTACT), details the essential elements of every transition plans and their proper format. This document is for your reference and does not need to be submitted.

Policies

Submitted policies must, at a minimum, contain content equivalent to the [Vermont Special Education Procedures and Practices Manual](#).

- LEAs who have adopted the [Vermont Special Education Procedures and Practices Manual](#), published by the AOE as policy, must submit two documents:
 - A signed attestation form (Appendix A in the [Vermont Special Education Procedures and Practices Manual](#))
 - [VTSBA's Policy D7](#) (or a document with equivalent content)
 - If the LEA previously adopted the Vermont Special Education Procedures and Practices Manual published by the AOE as policy, a current copy of the above documents must be submitted during Cyclic Monitoring.
- LEAs who have not adopted the [Vermont Special Education Procedures and Practices Manual](#), or have chosen to integrate the content provided by the AOE into their own LEA-specific policies and related documents, must submit a MS Word file containing links to the content correspondent to each heading and subheading found within the [Vermont Special Education Procedures and Practices Manual](#); this ensures that the review by the Monitoring Team accurately assesses the LEA's policies.
- Reference: The request for policies, necessary to provide assurances to the federal government, is supported by 34 CFR §300.211, 300.207.

Summaries of Performance (SOPs)

- 5 completed SOPs of students who graduated during the previous school year.
- Summaries of Performance must be compliant in all the elements reviewed in the "[Vermont Summary of Performance Educator Self-Assessment](#)".
- The target to be met, by federal and state statute, is 100% compliance.
- Compliance is calculated as a ratio of fully compliant SOPs to required SOPs.
- Reference: 2363.7 (34 CFR §300.320) and 2362.2.4(g)(i). Please note: 2363.7 references 2362.2.3(g)(i). The correct reference is 2362.2.4(g)(i).

Final Step: Monitoring Submission Attestation Form

- The attestation form is not to be completed until all required submissions are finalized, and the terms of the attestation have been fulfilled in their entirety.

Exiting Cyclic Monitoring

The Monitoring Team will review all submissions for timeliness, accuracy, and compliance with federal and state rules. Following the review, the Monitoring Team will notify the LEA that the findings are compliant or that non-compliance has been identified. In the latter case, the LEA will be informed of Selective Monitoring status and required next steps.

Contact

Please contact the Special Education Program Monitoring Team at AOE.SpecialEdMonitoringGroup@vermont.gov.

If you wish to schedule an appointment, please follow [this link](#).

Should you have any questions pertaining to the details contained within submissions (for example, components of a compliant transition plan, rules on the timing of initial evaluations, annual reviews or triennials), please contact the Technical Assistance and Professional Development team through [their website](#).