

# **Selective Monitoring Protocol**

## **Vermont Agency of Education Special Education Program Monitoring Activities**

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## Attention: Contacting Monitoring for Technical Support

Any questions for technical assistance pertaining to monitoring activity should be addressed to [AOE.SpecialEdMonitoringGroup@vermont.gov](mailto: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 Selective Monitoring status, the first degree of escalated monitoring activity after Cyclic Monitoring, within the Vermont Agency of Education (AOE) [General Supervision and Monitoring System](#).

## 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.<sup>1</sup>

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<sup>1</sup> [2018 Determination Letters on State Implementation of IDEA](#)

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.

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 Selective Monitoring in greater detail. For additional information please see the [Special Education Program Monitoring System Guide](#), the [Cyclic Monitoring Protocol](#) and the [Targeted Monitoring Protocol](#).

<b>Monitoring Status</b>	<b>Description</b>
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 non-compliance is verified as corrected (please see [OSEP Memo 09-02](#) for details regarding Prong 1 and Prong 2).

## Selective Monitoring

When findings of non-compliance are identified during Cyclic Monitoring, a LEA is then assigned to Selective Monitoring for technical assistance and correction of non-compliance. This escalated level of monitoring provides support for LEAs to address individual cases of non-compliance as well as systemic issues associated with non-compliance. Per [OSEP Memo 09-02](#), any findings of non-compliance must be corrected on an individual basis (prong 1) and a systemic basis (prong 2).

## Timeline

Timeline	SY2022-2023	SY2023-2024	SY2024-2025 <sup>2</sup>
Period for LEAs to review any findings of non-compliance described in the Monitoring Report and develop strategies to ensure staff are implementing compliant practices at the start of the school year:	6/15/2023 – 9/1/2023	6/17/2024 – 9/1/2023	6/16/2025 – 9/1/2023
Period of interest for data collection, for all LEAs with non-compliance identified in their most recent Monitoring Report:	9/1/2023 – 11/15/2023	9/1/2024 – 11/15/2024	9/1/2025 – 11/15/2025
Selective Monitoring submissions are due:	11/30/2023	11/30/2024	11/30/2025
Feedback regarding Selective Monitoring submissions provided to LEAs no later than:	1/2/2024	1/6/2025	1/5/2026

## Submission Guidelines

- We strongly advise LEAs to begin the process of organizing and assembling data submissions as soon as results from a submission are provided 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 no later than four weeks prior to a submission deadline. This will allow sufficient time to address any technological obstacles, request a password reset if needed, and/or create or modify any LEA accounts.
- Submitting the required documentation alone does not constitute the correction of potential non-compliance. All submissions are subject to review to determine if findings of non-compliance are verified as corrected.
- 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

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<sup>2</sup> 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.

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 corrected and are 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. 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 described by the monitoring report, 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.

## Correcting Findings of Non-Compliance

The following subsections describe the most common submissions that may be required during Selective Monitoring, based on findings of non-compliance specified in the most recent Monitoring Report. The following four steps describe the typical process in which LEAs engage to correct findings of non-compliance:

1. Review the Monitoring Report. This report is sent on or near June 15, at the end of each Cyclic Monitoring period, and describes in detail any findings of non-compliance and requirements.
2. Identify which indicators or activities resulted in findings of non-compliance:
  - a. Indicator 11 – Initial Evaluations
  - b. Annual Data Reviews
  - c. Triennial Reevaluations
  - d. Indicator 13 – Post Secondary Transition Plans
  - e. Summaries of Performance
  - f. Special Education, Special Education Evaluation, and Discipline Policies
3. Address the root causes of these findings of non-compliance to ensure compliant practices are implemented and sustained.
4. Submit data as described in the Monitoring Report and this document by the deadline of November 30 to demonstrate correction of all findings of non-compliance.

### Indicator 11<sup>3</sup>

If non-compliant evaluations were identified, details are found within the correspondent review spreadsheet (please see shared platform).

Indicator 11 documentation for Selective Monitoring includes:

- In the Indicator 11 Data Collection Form, list all initial evaluations completed between September 1 and November 15 of the current school year.
  - List all students whose initial evaluation was completed during the period of interest, including those in Early Education, not a sample.
  - 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.
  - For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you.)
  - The target is 100% compliance.
- All Forms 4 completed during the period of interest.

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<sup>3</sup> 34 CFR §300.301 / VTSBE 23662.2.1

- Indicator 11 Certification, after completion of the training for LEA staff stated on the form.

### **Annual Date Reviews<sup>4</sup>**

If non-compliant reviews were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform).

Annual Date Reviews documentation for Selective Monitoring includes:

- All annual reviews (not a sample) of IEPs completed between September 1 and November 15 of the current school year.
  - Compliance is calculated as a ratio of compliant (365 days between reviews, with no exception for leap years, or explanation in the notes) to completed annual reviews.
  - For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you.)
  - The target is 95% compliance.
- Annual Reviews Certification, after completion of the training for LEA staff stated on the form.

### **Triennial Evaluations<sup>5</sup>**

If non-compliant triennial evaluations were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform).

Triennial Reviews documentation for Selective Monitoring includes:

- All triennial reviews, not a sample, of triennials completed between September 1 and November 15 of the current school-year.
  - Compliance is calculated as a ratio of compliant (1095 days between reviews, with no exception for leap years, or explanation in the notes) to completed triennial reviews.
  - For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you.)
  - The target is 95% compliance.
- Triennial Reviews Certification, after completion of the training for LEA staff stated on the form.

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<sup>4</sup> 34 CFR §300.324 / VTSBE 2363.6(c)(1)

<sup>5</sup> 34 CFR §300.303 / VTSBE 2362.2.3

### Indicator 13<sup>6</sup>

If non-compliant transition plans were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform).

Indicator 13 documentation for Selective Monitoring includes:

- The most recent version of each previously submitted plan identified as non-compliant must be corrected and resubmitted.
  - The title of the plan, when uploaded in the shared platform, should carry the same identifier as in the review sheet. For example, if the review sheet listed the plans only by perm number, the title(s) of the plan(s) will be perm numbers, not names, and vice versa.
  - If the student has exited the district's special education system, then another student's plan, not previously reviewed by the AOE, must be chosen as a replacement.
    - In cases such as this, LEAs must upload a MS Word document to the same folder as the submitted transition plans, briefly describing the condition(s) that resulted in a correction being unavailable and why a replacement is submitted in its place.

For example:  
John Smith - graduated - plan replaced by Jane Brown's
    - Please title the replacement plan accordingly. For example: "Jane Brown – replaces John Smith."
- 10 additional post-secondary transition plans of currently enrolled students.
  - Plans must be the most recent version associated with each student chosen.
  - 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.
  - For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you.)
  - The target is 100% compliance.
- Indicator 13 Certification, after completion of the training for LEA staff stated on the form.

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<sup>6</sup> 34 CFR §300.320/VTSBE2363.7(i)

## Policies<sup>7</sup>

Policies documentation includes:

- 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.
- 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.

## Summaries of Performance (SOPs)<sup>8</sup>

If non-compliant SOPs were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform).

SOP documentation for Selective Monitoring includes:

- Each previously submitted SOP identified as non-compliant must be corrected and resubmitted. The AOE is aware that this will mean locating a student who is no longer enrolled. This is an important effort, given the purpose of the SOP, i.e., facilitating the student's transition to employment or further education.
  - If, after reasonable effort, the student cannot be reached or refuses to participate in the correction of the document, another student's SOP, not previously reviewed by the AOE, must be chosen as a replacement.  
In cases such as the one described above, LEAs must upload a MS Word document to the same folder as the submitted SOPs, briefly describing the condition(s) that resulted in a replacement being unavoidable. For example:  
Peter Jones - SOP - student refused to participate in correction (e-mail of 9/7/22) - replaced by Frank Smith's SOP.
  - The SOP should be titled accordingly. For example: Frank Smith SOP Replaces Peter Jones.
  - Compliance is calculated as a ratio of fully compliant SOPs to required SOPs.

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<sup>7</sup> 34 CFR §300.211, 300.207

<sup>8</sup> 34 CFR §300.320 / VTSBE 2363.7 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).

- For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you.)
- The target is 100% compliance.
- Summaries of Performance Certification, after completion of the training for LEA staff stated on the form.

### **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 Selective 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 either

- the findings have been verified as corrected or
- non-compliance persists. In the latter case, the LEA will be informed of Targeted Monitoring status and of the relative procedures and actions.

### **Contact**

Please contact the Special Education Program Monitoring Team at [AOE.SpecialEdMonitoringGroup@vermont.gov](mailto: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](#).