

# **Special Education Program Monitoring System Guide**

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

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Issued by the Vermont Agency of Education



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## Attention: Contacting Monitoring for Technical Support

Please Note: Any questions for technical assistance 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.

## 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 ensuring FAPE, the Agency of Education (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 while balancing those results with the compliance requirements of the IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of State Educational Agencies (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>

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. Vermont's integrated monitoring activities are

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

designed to ensure the LEAs' compliance with federal and state regulations, in order to improve services and results for students with disabilities.

## **Equitable Educational Opportunities**

Vermont is a state with a demonstrated commitment to quality and equity in education and a legacy of public engagement. As such, Vermont 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).

## **Eight Components of a General Supervision System**

Each state must have a [General Supervision System](#) (GSS) to monitor the implementation of IDEA. The GSS documents the state's enforcement of IDEA and continuous improvement in its implementation. All components of Vermont's GSS have been developed according to the high standards set forth by OSEP to assess and ensure the effectiveness of efforts to educate children and students with disabilities [34 CFR §300.1(d)].

The General Supervision System is comprised of:

1. State Performance Plan
2. Policies, Procedures, and Effective Implementation
3. Integrated Monitoring Activities
4. Fiscal Management
5. Data on Processes and Results
6. Improvement Correction, Incentives, and Sanctions
7. Effective Dispute Resolution
8. Targeted Technical Assistance and Professional Development

This manual provides an outline for Vermont's approach to integrated monitoring activities within the GSS using a differentiated strategy for reviews, protocols, and support. Overall, the GSS includes planned and ongoing analyses and reviews of all monitoring data from a set of integrated monitoring activities.

## **Differentiated Monitoring Activities**

The State of Vermont Agency of Education holds that coordinated efforts across the education system are necessary to achieve a positive effect on the school and life trajectory of students with disabilities. Although the specific monitoring practices may differ in format based on age-appropriate criteria, the goal for Vermont's differentiated monitoring process for students with disabilities (age 3-21) is to determine areas of an LEA's special education program which

require strengthening, adjustment, and/or correction in fiscal and program management, and to ensure that students in each LEA receive FAPE in the least restrictive environment (LRE).

Based upon their LEA Special Education Determination (LSED) status, previous performance as reported via monitoring activities, and position within the regularly scheduled Cyclic Monitoring schedule, LEAs can expect a variety of technical assistance as well as escalating monitoring activities.

### **Early Childhood Special Education (ECSE) Monitoring and Technical Assistance**

The VT Agency of Education Early Education Team's Universal Prekindergarten Education (UPK) Accountability and Continuous Improvement System (ACIS) works in conjunction with the broader Part B (3-22) Special Education Monitoring System. ACIS is a tiered framework that includes a combination of desk monitoring, targeted, on-site and intensive monitoring. ACIS offers a balanced approach of monitoring, technical assistance, training, and opportunities for professional development. Early Childhood Special Education (ECSE) monitoring activities are part of the ACIS framework that includes SPP/APR indicators: Early Childhood Educational Environments (Indicator 6), Early Childhood Outcomes (Indicator 7), as well as Part C to B Transition (Indicator 12). The intent of ACIS is to support and increase SU/SD compliance with federal and state special education law, as well as the implementation of evidence-based practices to support positive outcomes for young children with disabilities. Please visit the [ECSE website](#) for more information.

### **LEA Special Education Determinations (LSED)**

LEAs are notified of their LSED status for a given school year no later than the end of June the following year (e.g., the LSED report for SY2020-2021 is sent to LEAs at the end of July 2022). This determination report includes findings of non-compliance across 15 compliance and performance indicators (#1-14 and #17 for SSIP), as well as other areas for improvement.

Findings of non-compliance in the current year are considered in the context of findings during prior years to determine the LEA's status. For example, if a LEA meets the criteria for a Needs Intervention status for multiple years, they would be designated Needs Intervention Year 2, Needs Intervention Year 3, and so forth.

Depending on the determination status and number of consecutive years in the same status, a LEA may be required to engage in mandatory continuous improvement, professional development, and [technical assistance](#). Continuous improvement activities typically involve a Corrective Action Plan (CAP), which includes a Plan-Do-Study-Act cycle, Root Cause Analysis, Five Whys exercise, and others. These elements help inform the CAP and support the data-driven continuous improvement cycles. Additionally, determination status and the number of consecutive years receiving that status may result in designating the LEA as a high-risk grantee, directing the use of LEA funds to the area(s) where the LEA needs assistance, withholding further payments to the LEA, or referring the matter to the AOE's legal team for appropriate enforcement.

Details are subject to change on a year-to-year basis. The most accurate information pertaining to a LEA’s LSED status in relationship to differentiated technical assistance, monitoring activities, and required enforcement actions may be found within the LEA’s LSED report.

### **LSED compared with Cyclic, Selective, and Targeted Monitoring**

For details regarding the differences between LSED activity and monitoring activities associated with Cyclic, Selective, and Targeted Monitoring, please see [Appendix B](#) in this document for additional information.

### **Cyclic, Selective, and Targeted Monitoring – Overview**

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 and their escalating nature:

<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, regardless of performance. 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. Examples of other sources include, but are not limited to: 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 requirements associated with data submission to a State Educational Agency.

## Cyclic, Selective, and Targeted Monitoring – Timelines

### Cyclic Monitoring Timeline

Timeline	SY2021-2022	SY2022-2023	SY2023-2024 <sup>2</sup>
Cyclic monitoring activities open for LEAs in the respective cohort ( <a href="#">see website for cohort rosters</a> ): An email will be sent on or near this date describing the LEA’s requirements and other details pertaining to Cyclic Monitoring.		9/15/2022	9/15/2023
Cyclic Monitoring submissions are due:		2/15/2023	2/15/2024
LEAs with potential non-compliance in their submission for Indicator 13 will be contacted by this date, providing an opportunity to produce pre-finding correction(s) prior to formal notification in the Monitoring Report:		3/15/2023	3/15/2024
Submission of pre-finding correction(s) for Indicator 13 are due no later than:		3/31/2023	3/29/2024
Monitoring Report is sent to LEAs:		6/15/2023	6/17/2024

<sup>2</sup> The dates described for SY2022-2023 and SY2023-2024 may be projected into SY2024-2025 and onward. The dates will be approximately the same, with the exception of weekends, holidays, etc. Communications with more precise details will be provided to LEAs who are entering a given monitoring status.

### Selective Monitoring Timeline

Timeline	SY2021-2022	SY2022-2023	SY2023-2024 <sup>2</sup>
Period for LEAs to review any findings of non-compliance and develop strategies to ensure staff are implementing compliant practices at the start of the school year:		6/15/2023 – First day of school	6/17/2024 – First day of school
Selective Monitoring for LEAs with non-compliance identified in their most recent Monitoring Report:	9/1/2022 – 11/30/2022	First day of school – 11/30/2023	First day of school – 11/29/2024
Selective Monitoring submissions are due:	11/30/2022	11/30/2023	11/29/2024
Feedback regarding Selective Monitoring submissions provided to LEAs no later than:	1/3/2023	1/2/2024	1/2/2025

### Targeted Monitoring Timeline

Timeline	SY2021-2022	SY2022-2023	SY2023-2024 <sup>2</sup>
Targeted Monitoring for LEAs with continued non-compliance after Selective Monitoring:	1/3/2023 - until corrections are verified <sup>3</sup>	1/2/2024 - until corrections are verified <sup>3</sup>	1/2/2025 - until corrections are verified <sup>3</sup>

## Cyclic, Selective, and Targeted Monitoring – Details

### Cyclic Monitoring Details

Cyclic Monitoring includes reviewing LEA data for state and federal compliance requirements. All Vermont LEAs participate in Cyclic Monitoring once every three years.

LEA submissions and AOE reviews are conducted within a secure online file transfer system. Instructions are provided during routine communication from the AOE at the opening of

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<sup>3</sup> See section titled Improvement, Correction, Incentives, and Sanctions for details regarding possible consequences of continued non-compliance beyond one year from notification (i.e., date of issuance of the Monitoring Report).



monitoring activities, while approaching submission deadlines, and upon notification of Monitoring Reports.

Important details to note:

- The list of LEAs in each Cyclic Monitoring cohort is publicly posted on the AOE [website](#).
- LEAs have the opportunity to produce pre-finding corrections of potential non-compliance in indicator 13 (transition plans) prior to formal findings being issued, between March 15 and March 31.
  - These pre-finding corrections do not alter or otherwise prevent findings of non-compliance resulting from the initial submissions for indicator 13 from being reported in the subsequent Monitoring Report. However, completing these pre-finding corrections allows the LEA to proactively correct non-compliance and effectively close-out findings of non-compliance for indicator 13 prior to entering Selective Monitoring.
- Please note: Submitting documentation alone does not constitute the correction of potential non-compliance. All submissions are subject to review to determine if non-compliance is present.
- Monitoring Reports include a summary of monitoring activities, findings of non-compliance, and any required corrective actions resulting from Cyclic Monitoring activities.

### **Selective Monitoring Details**

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).

Submitting documentation alone does not constitute the correction of potential non-compliance. All submissions are subject to review to determine if non-compliance is present.

During Selective Monitoring, no corrections are 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.

### **Targeted Monitoring Details**

When findings of non-compliance are identified during Cyclic Monitoring and are not corrected by the end of Selective Monitoring, the LEA is then assigned to Targeted Monitoring, the highest degree of escalated monitoring activity within the Vermont Agency of Education (AOE) [General Supervision and Monitoring System](#). Although unresolved findings are the most common cause of Targeted Monitoring, the following could result in the same status:

- Dispute resolution requests

- Parent and family call logs
- Administrative complaint by an individual and/or a group
- Email correspondence disclosing non-compliance
- Critical and/or special investigative audits and findings related to special education

Targeted Monitoring continues until all individual and systemic findings of non-compliance are corrected and it always requires an escalated degree of mandatory technical assistance. It may also include, but is not limited to:

- Site visit(s)
- Desk audit(s)
- Redirection of funds
- Surveys of district staff
- Surveys of parents/guardians within the district, and interviews

Please refer to the [Targeted Monitoring Protocol](#) for extensive details regarding Targeted Monitoring status, submissions, and related requirements.

## General Submission Guidelines

- 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).
    - 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 non-compliance.
    - 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.
  - 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 two 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.

- 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).
  
- Depending on the activity under monitoring, LEAs must download, complete, and resubmit data in the files provided by the AOE for each item (e.g., Indicator 11 collection sheet), 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.” The portion in bold must remain as provided by the AOE.
  - 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.
  
- LEAs submitting documentation will perform the following prior to the submission deadline:
  - Ensure the requirements described in this manual (for Cyclic Monitoring), in the most recent Monitoring Report (for Selective Monitoring), or in the most recent

instructions (for Targeted Monitoring) are met in full by the documents to be uploaded.

- Review submissions for data accuracy and completeness prior to submission / upload.
- Ensure that the files are available in the correct folder in the secure file transfer system.
  - The AOE cannot verify on behalf of an LEA if all required files are submitted or if the content of submitted files fulfil 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 Targeted Monitoring escalation, if non-compliance were identified.

### **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.

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

### **Cyclic, Selective, and Targeted Monitoring Submissions**

The following sections describe all the submissions required for Cyclic Monitoring. Selective and Targeted Monitoring might require some or all these activities, in addition to other remedial actions, as specified in the most recent Monitoring Report and other communication from the AOE:

#### **Indicator 11**

**All students whose initial evaluation was requested during the period of interest, including those in Early Education, not a sample.**

**The target to be met, by federal and state statute, is 100% compliance.<sup>4</sup>**

**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.**

- Cyclic Monitoring:

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<sup>4</sup> 23662.2.1 Initial Evaluation (34 CFR §300.301).

- 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).
- Selective Monitoring:
  - In the Indicator 11 Data Collection Form list:
    - All initial evaluations completed between August 1 and November 15 (i.e., 15 days prior to the submission deadline).
    - Evaluations previously identified as having been entered with missing or inaccurate data.
- Targeted Monitoring:
  - In the Indicator 11 Data Collection Form list:
    - All initial evaluations completed between March 1 and May 17.
    - Evaluations previously identified as having been entered with missing or inaccurate data.
    - Indicator 11 Certification, after completion of the training for LEA staff stated on the form.
    - Please refer to the [Targeted Monitoring Protocol](#) for extensive details regarding Targeted Monitoring status, submissions, and related requirements.
- LEAs who are in Cyclic and Targeted Monitoring simultaneously may encounter unique circumstances regarding the date range for their indicator 11 submissions; please see communications from Monitoring regarding this, or contact Monitoring should you have questions.

### **Annual Date Reviews**

**IEPs must be reviewed annually, defined as 365 days, with no exception for leap years.**

**The target to be met, by federal and state statute,<sup>5</sup> is 95% compliance.**

**Compliance is calculated as a ratio of compliant (by days or explanation in the notes) to completed annual reviews.**

- Cyclic Monitoring:
  - 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.

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<sup>5</sup> 2363.6(c)(1) Development, Review, and Revision of IEP (34 CFR §300.324)

- Selective Monitoring:
  - **All** annual reviews (**not a sample**) of IEPs completed between August 1 and November 15 (i.e., 15 days prior to the submission deadline).
- Targeted Monitoring:
  - **All** annual reviews (**not a sample**) of IEPs completed between March 1 and May 17.
  - Annual Reviews Certification, after completion of the training for LEA staff stated on the form.
  - Please refer to the [Targeted Monitoring Protocol](#) for extensive details regarding Targeted Monitoring status, submissions, and related requirements.

### **Triennial Evaluations**

**Evaluations must be reviewed every three years, defined as 1095 days, with no exception for leap years.**

**The target to be met, by federal and state statute, is 95% compliance.<sup>6</sup>**

**Compliance is calculated as a ratio of compliant (by days or explanation in the notes) to completed triennial reviews.**

- Cyclic Monitoring:
  - 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.
- Selective Monitoring:
  - **All** triennials (**not a sample**) completed between August 1 and November 15 (i.e., 15 days prior to the submission deadline).
- Targeted Monitoring:
  - **All** triennial reviews (**not a sample**) completed between March 1 and May 17.
  - Triennial Reviews Certification, after completion of the training for LEA staff stated on the form.
  - Please refer to the [Targeted Monitoring Protocol](#) for extensive details regarding Targeted Monitoring status, submissions, and related requirements.

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<sup>6</sup> 2362.2.3(b)(2) Re-Evaluation Requirements (34 CFR §300.303).

## **Indicator 13**

**Transition plans must be compliant in all the eight elements prescribed by federal and state law.**

**The target to be met, by federal and state statute, is 100% compliance.<sup>7</sup>**

**Compliance is calculated as a ratio of fully compliant plans to required plans.**

- Cyclic Monitoring:
  - 10 post-secondary transition plans of currently enrolled students, developed between August 1 and January 31 of the current school year (i.e., 15 days prior to the submission deadline).
- Selective Monitoring:
  - Each previously submitted plan identified as non-compliant must be corrected and resubmitted.
    - If the student has exited the district’s special education system, 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, developed between August 1 and November 15 (i.e., 15 days prior to the submission deadline).
- Targeted Monitoring:
  - Each previously submitted plan identified as non-compliant must be corrected and resubmitted.
    - 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

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<sup>7</sup> 2363.7(i) Content of IEP (34 CFR §300.320). 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.



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.
- Indicator 13 Certification, after completion of the training for LEA staff stated on the form.
- Please refer to the [Targeted Monitoring Protocol](#) for extensive details regarding Targeted Monitoring status, submissions, and related requirements.

## **Policies**

Submitted policies must, at a minimum, contain content equivalent to the Vermont Special Education Procedures and Practices Manual.<sup>8</sup>

- 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 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):**

**Summaries of Performance must be compliant in all the elements reviewed in the [“Vermont Summary of Performance Educator Self-Assessment”](#).**

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<sup>8</sup> The request for policies, necessary to provide assurances to the federal government, is supported by 34 CFR §300.211, 300.207.



**The target to be met, by federal and state statute, is 100% compliance.<sup>9</sup>**

**Compliance is calculated as a ratio of fully compliant SOPs to required SOPs.**

- Cyclic Monitoring:
  - 5 completed SOPs of students who graduated during the previous school year.
- Selective Monitoring:
  - 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.
- Targeted Monitoring:
  - 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 these, 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:

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<sup>9</sup> 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).

- 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.
- Summaries of Performance Certification, after completion of the training for LEA staff stated on the form.
- Please refer to the [Targeted Monitoring Protocol](#) for extensive details regarding Targeted Monitoring status, submissions, and related requirements.

### **Final Step: Monitoring Submission Attestation Form**

- In this form, the Director of Special Education and Superintendent attest that the monitoring submission is accurate and complete.
- Submission of the attestation form completes a monitoring submission and informs the Monitoring Team that the LEA's submission is ready for review.
- The attestation form is not to be completed until all required submissions are finalized, and the terms of the attestation are fulfilled in their entirety by the LEA.

### **Targeted Monitoring: On-Site Visits**

As a result of LEA Special Education Determination (LSED) status, monitoring activities, and/or data obtained through any of the components of Vermont's [General Supervision System](#), the Special Education Monitoring Team may determine that a Targeted Monitoring status and an on-site visit are necessary. Visits will be facilitated by monitoring teams comprised of employees from multiple divisions within the Agency of Education, as well as special education administrators from other LEAs, to increase SEA capacity and minimize disruption in school operations. Visits are conducted to obtain data not acquired through other monitoring activities and may include:

- Prep work to analyze data from file reviews and other data sources
- The on-site visit to obtain additional data through surveys, classroom observations, and family/staff/administration interviews or focus groups
- Analysis of data from the visit
- Development of the final report
- Post-visit meeting with LEA administration to present data and findings
- Observations, interviews, surveys, and file reviews.

All data collection activities adhere to the AOE's data privacy policies for protecting personally identifiable information (PII) and are considered confidential whenever possible. Respondents to surveys and interviews during the site visit will not be individually identified in any public reporting. The AOE provides the criteria for interviews and classroom observations, and the LEA coordinates scheduling with involved staff. Staff, parents, and community members are offered an option to request an interview with the monitoring team. When appropriate, focus groups or personal interviews may also occur.

Interviews and observations are not intended to be evaluative of the employee. Rather, their purpose is to gather data regarding implementation of education activities necessary for students with disabilities to receive FAPE.

Interview teams, composed of two members (one to record responses and one to ask questions), conduct 30-45-minute interviews with administrators, general education teachers, special educators, paraprofessionals, guidance counselors, and discipline staff. Each interview consists of predetermined questions, some role-specific, others common to all. Responses are recorded and the interviewee is asked to verify the accuracy of the recorded response prior to exiting the interview.

Classroom observations last approximately 30 minutes and are completed for general education classrooms at all grade levels in each school building, to evaluate inclusive practices for students with disabilities. The LEA will be asked to schedule observations in randomly selected classes in each grade level in each school building. These observations are meant to assess general and special education practices, educational climate and setting, and the quality of individualized instruction for students with an IEP.

Input regarding educational opportunities and supports for students with disabilities is obtained from families, staff, and administrators through an email link to an anonymous online survey.

All data are analyzed by the Special Education Program Monitoring Team to produce a final report which is sent to the Special Education Administrator and the Superintendent. This final report identifies common themes and trends, findings of non-compliance, and all required improvement activities or sanctions. Findings of non-compliance are to be corrected as soon as possible, no later than one year from the date of written notification listed on the front cover of the report. On-site Monitoring Reports are included in the LEA's local Special Education Determination and may be publicly posted on the Agency's website.

## **Improvement, Correction, Incentives and Sanctions**

According to [OSEP Memo 09-02](#), a State Educational Agency (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 requirements, 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;

## Technical Assistance

### Monitoring Activity Technical Assistance

The Special Education Program Monitoring Team is available to support LEAs in their interpretation of Monitoring Reports, LSEDs, and related materials through consistent availability via e-mail and video conferences, both individual or collective. It is expected that LEAs thoroughly review and follow all applicable laws and regulations (e.g. IDEA, SBE, Vermont Statutes, etc.), as well as the communication, reports, and materials provided by the Monitoring Team.

Any questions for technical assistance pertaining to monitoring activities should be addressed to [AOE.SpecialEdMonitoringGroup@vermont.gov](mailto:AOE.SpecialEdMonitoringGroup@vermont.gov) and not to individual team members, 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.

### Topic-Specific Technical Assistance

Outside of the scope of monitoring activities, topic-specific Technical Assistance (TA) serves multiple functions to assist LEAs in improving results, compliance, and student outcomes. TA is aimed at supporting LEAs before, after, and during Cyclic, Selective, and Targeted Monitoring:

Prior to issuance of findings of non-compliance (i.e., Monitoring Report):

LEAs requesting TA proactively may submit a [PD/TA form](#) on the Agency of Education website, allowing them to access [technical assistance opportunities and resources](#).

Following issuance of findings of non-compliance (i.e., Monitoring Report):

LEAs in Selective or Targeted Monitoring are required to follow the action items specified within their most recent Monitoring Report, which includes but is not limited to TA.

TA is provided by the Special Education Program Team in three levels of engagement:

**Universal:** Available to all LEAs, includes webinars, technical assistance calls/virtual meetings, FAQs, and other guidance documents produced by the SEA. Engagement based on the LEA’s choice, to improve student outcomes.

**Targeted:** Offered individually to LEAs based on a discrete issue, the results of a discrete assessment, or a general supervision/monitoring activity. May require short- or long-term engagement between the LEA and SEA to improve student outcomes. Please note that targeted TA is not to be confused with Targeted Monitoring. Targeted TA is accessible to any district, regardless of monitoring status.

**Intensive:** Offered individually to LEAs based on the results of a discrete assessment or general supervision/monitoring activity. May require sustained and in-depth engagement between LEA and SEA to improve student outcomes.

Technical assistance program and monitoring staff frequently collaborate to help LEAs achieve compliance and ensure continuous improvement.

## Additional Information

### Data Submissions – Sampling Chart

For some monitoring activities, the AOE may determine that additional data are required. The AOE will randomly choose student files for new or on-going monitoring activities based on Table 1 – Random Sampling Chart (below).

**Table 1 – Random Sampling Chart**

<b>Most Current Dec 1 Child Count</b>	<b>Minimum File Review Sample Size</b>	<b>Sub-Sample Size</b>	<b>Potential Number of LEAs</b>
<100	15	4	7
101 – 200	20	5	16
201 – 300	25	6	20
301 – 450	30	8	9
451 – 700	40	10	6
701+	50	12	n/a

Upon completion of monitoring activities, the AOE will provide the LEA with a list of student perm numbers that were accessed electronically as part of reporting findings and general supervision requirements.

### Mergers

Should any LEA merge with another LEA, it is the responsibility of the Director of Special Education in the sustained LEA to ensure that:

- Any and all monitoring requirements are met by their stated deadline;
- Files and information are transferred in an accurate and timely manner.
  - To access the online filesharing platform provided by the AOE to permit secure, confidential submission of personally identifiable information, the LEA may contact the AOE Special Education Program Monitoring Team for assistance.

## Appendix A – Glossary

**AOE:** Agency of Education

**Child Count:** The Child Count data collection reflects the status of children with disabilities eligible for services under the IDEA on December 1 of each year. The data are collected at the supervisory union level, according to state and federal statute and regulations. The collection includes demographic information, as well as information regarding placement (educational environment), educational location (facility), and other compliance data related to providing a student with FAPE.

**Child Find:** A process that requires LEAs to locate, identify, and evaluate all children ages 3 to 21 residing in Vermont who may need special education and related services - regardless of the severity of their disability. This includes students who attend private schools or are enrolled in home study programs; are highly mobile students, including migrant students; are homeless students or wards of the State; and students suspected of needing special education or related services, even though they are advancing from grade to grade.

**Corrective Action Plan:** A plan which addresses findings of non-compliance. Failure to meet the requirements could result in additional monitoring requirements or financial sanctions as outlined in state/federal statutes related to monitoring, technical assistance and enforcement.

**ECSE (Early Childhood Special Education):** Supports children ages 3 up to 6 years. ECSE is administered through local school districts to ensure access and participation in early childhood programs for each and every child who is determined eligible for services.

**FAPE (Free Appropriate Public Education):** special education and related services that are: provided at public expense and without charge to the parent or student; meet the standard of the State, including the requirements of Part B of the IDEA; includes preschool, elementary or secondary school education; and are provided through an IEP.

**IDEA (Individuals with Disabilities Education Act):** A federal law ensuring services to children with disabilities ages birth to 21. Infants and toddlers with disabilities (birth to age 3) and their families receive services under IDEA Part C. Children and youth (ages 3 - 21) receive special education and related services under IDEA Part B.

**IEP (Individual Education Program):** A written statement for each student with a disability that is developed, reviewed, and revised annually. This document must include a description of special education services, related services and supplementary aids and services that all the student to a derive benefit from their educational program. Additionally, the IEP must include a description of the student's special education program as well as the accommodations and/or modifications necessary for the student to access and make progress within the general education curriculum.

**LEA (Local Education Agency):** This is the local school district/supervisory union who is responsible for coordinating special education services for students in their jurisdiction.

**Perm Number (Permanent Record Number):** Perm numbers are assigned to every child who enters the education system in the State of Vermont, any time between kindergarten and 12th grade, no matter how briefly. The perm number stays with the student for as long as they remain in the Vermont educational system.

**SEA:** State Education Agency

**SOP (Summary of Performance):** Document given to secondary students when a student exits special education as a result of graduation with a diploma or reaching the age of 22. This document describes the student's academic achievement and functional performance along with recommendations to assist the student in meeting post-secondary goals.

**Transition Plan:** Coordination of activities for a student with a disability, designed within a results-oriented process, focused on improving academic and functional achievement, and facilitate the student's movement from school to postschool activities. Services are based on individual student needs addressing instruction, related services, community experiences, employment, post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.



## Appendix B: Comparison of Common Monitoring Activities

The following document provides an overview of the differences between Cyclic Monitoring, Selective Monitoring, and Local Special Education Determinations (LSED).

**Table 2 – Comparison**

Descriptive Element	Cyclic Monitoring	Selective Monitoring: <i>Correction of findings of non-compliance found in Cyclic Monitoring</i>	Targeted Monitoring <i>Correction of non-compliance not resolved during Selective Monitoring</i>	Local Special Education Determinations
When is the report sent to the LEA?	Mid-June, reflecting findings based on data submitted no later than Feb 15 of the same calendar/school year.	The LEA will receive an email notification informing them of the results of the review of submitted material, including a “closed out” status, with no more monitoring responsibilities, if and when all findings of non-compliance are resolved.	The LEA will receive an email notification informing them of the results of the review of submitted material, including a “closed out” status, with no more monitoring responsibilities, if and when all findings of non-compliance are resolved.	No later than July 31, based on lagged data (e.g., 2023 LSED is based on SY21-22 data).
How often are LEAs required to submit data:	Once every three years, <a href="#">based on the LEA’s cohort status</a> , not on performance	Only if findings of non-compliance are listed in the Special Education Program Monitoring Report, issued in June of each year.	Only if the LEA was informed of continued non-compliance after the review of submissions for Selective Monitoring.	Yearly. This data collection is performed partially outside of Special Education Monitoring.  To produce the LSED report, Monitoring receives

<b>Descriptive Element</b>	<b>Cyclic Monitoring</b>	<b>Selective Monitoring:</b> <i>Correction of findings of non-compliance found in Cyclic Monitoring</i>	<b>Targeted Monitoring</b> <i>Correction of non-compliance not resolved during Selective Monitoring</i>	<b>Local Special Education Determinations</b>
How often are LEAs required to submit data:				data from the Data Management and Analysis Division, Business Office, and other sources. These data are combined with the results of monitoring activities to arrive at the final LSED.
Action(s) required by the LEA:	LEAs are required to submit all of the data specified by Special Education Program Monitoring in this manual and in any other communication (e.g., e-mail or sharing platform) no later than the end of September.	Correction of non-compliance and completion of action items specified in the most recent Monitoring Report.	Correction of non-compliance and completion of action items specified in the most recent communication summarizing the result of Selective Monitoring submissions.	Dependent upon determination status specified within the LSED report, the LEA may be required to develop a Correction Action Plan (CAP) and engage in related activities.  Details of these required actions are described in a next-steps letter, typically provided no later than the end of September, following the July LSED report.

<b>Descriptive Element</b>	<b>Cyclic Monitoring</b>	<b>Selective Monitoring:</b> <i>Correction of findings of non-compliance found in Cyclic Monitoring</i>	<b>Targeted Monitoring</b> <i>Correction of non-compliance not resolved during Selective Monitoring</i>	<b>Local Special Education Determinations</b>
Data required for submission:	Annual date reviews Triennial evaluations Indicator 11 (initial evaluations) Indicator 13 (post-secondary transition plans) Policies (special education, special education evaluation, and discipline) Summaries of performance Attestation form	Any of the following that was found non-compliant, as per the Monitoring Report: Annual date reviews Triennial evaluations Indicator 11 (initial evaluations) Indicator 13 (post-secondary transition plans) Policies (special education, special education evaluation, and discipline) Summaries of performance Attestation form	Any of the following that displayed continued non-compliance, as per the results of Selective Monitoring submissions: Annual date reviews Triennial evaluations Indicator 11 (initial evaluations) Indicator 13 (post-secondary transition plans) Policies (special education, special education evaluation, and discipline) Summaries of performance Attestation form	Indicator 1 (graduation rate) Indicator 2 (dropout rate) Indicator 3 (statewide assessments) Indicator 4 (suspension / expulsion) Indicator 5 (educational environments) Indicator 6 (preschool environments) Indicator 7 (preschool) Indicator 8 (parent involvement) Indicator 9 (disproportionate representation in special education) Indicator 10 (disproportionate

<b>Descriptive Element</b>	<b>Cyclic Monitoring</b>	<b>Selective Monitoring:</b> <i>Correction of findings of non-compliance found in Cyclic Monitoring</i>	<b>Targeted Monitoring</b> <i>Correction of non-compliance not resolved during Selective Monitoring</i>	<b>Local Special Education Determinations</b>
Data required for submission (continued):				<p>representation in specific disability categories)</p> <p>Indicator 11 (initial evaluations)</p> <p>Indicator 12 (part C to B transition)</p> <p>Indicator 13 (post-secondary transition plans)</p> <p>Indicator 14 (post-school outcomes)</p> <p><i>Indicators 15 and 16 are deliberately omitted, as they pertain to the State Performance Plan and not LEA's.</i></p> <p>Indicator 17 (State Systemic Improvement Plan-SSIP)-additional points awarded, if applicable</p>