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## Special Education Program Monitoring System

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### Monitoring Authority

The Agency of Education (AOE), as the State Education Authority (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 IDEA.

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 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 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 designed to ensure LEA 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; and as such is committed to improving learning outcomes for all

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

students. The Agency 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 Agency, 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. Based on the monitoring authority granted above, 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 to monitor the implementation of IDEA. The General Supervision System documents the state's accountability for enforcing the implementation of IDEA and ensuring continuous improvement which results in: There are eight components of a General Supervision System:

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 General Supervision System using a differentiated strategy for reviews, protocols, and support. Overall, the General Supervision System includes planned and ongoing analyses and reviews of all monitoring data from a set of integrated monitoring activities.

## **Differentiated Monitoring Activities**

Vermont believes that only through coordinated efforts across the education system will there be 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 the LEA special education determination (LSED) status, LEAs can expect a variety of technical assistance and support, as well as monitoring activities that may include cyclic, targeted, or selective monitoring, and on-site visits. LEAs are notified at the beginning of each school year of their LSED status, level of expected monitoring engagement, status of any improvement or corrective action plan activities from the previous school year, and notification of on-site visit(s) if applicable. The general supervision and monitoring [website](#) contains templates for LSED data reporting; as well as the rubric outlining the relationship of LSED status to differentiated technical assistance and support, monitoring activities and required enforcement actions.

On-site visits will typically be scheduled either in the late fall or late spring and will be coordinated as often as appropriate with visits scheduled by other SEA teams to minimize disruption in the school environment. A site-visit report will be issued that includes a brief summary of monitoring activities, a summary of common themes and trends found in the data, findings of non-compliance if appropriate, and general supervision requirements. On-site reports are posted on the AOE website.

For any monitoring activity, the SEA may determine that additional data sets are required through random sampling. The SEA will randomly choose student files for new and on-going monitoring activities based on the Table 1 – Random Sampling Chart (below). Data reporting for monitoring activities adheres to AOE’s data privacy policies for protecting personally identifiable information (PII).

**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
300 – 450	30	8	9
451 – 700	40	10	6
701+	50	12	n/a

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

### **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.

## School-Age Monitoring Activities

Monitoring activities are based upon the LEA Special Education Determination (LSED) status and may include cyclic, targeted, selective, and on-site monitoring. Below is a brief description of typical monitoring activities that an LEA may be engaged in.

### Cyclic Monitoring

Cyclic monitoring includes reviewing LEA data for state and federal compliance requirements over a three-year cycle. All Vermont LEAs can expect a minimum of cyclic monitoring every three years. LEA cyclic monitoring submissions and AOE reviews are conducted within the Grants Management System. Step-by-step instructions are included in the AOE's [IDEA Cyclic Monitoring Manual](#). Special Education program monitoring activities open annually in late September with LEA submissions due in January and March. AOE reviews are conducted February through May with LEA notifications/close-outs disseminated during the summer months. The year end results report includes a summary of monitoring activities, findings of non-compliance and any required corrective actions resulting from cyclic monitoring activities. The list of LEAs in each cohort is publicly posted on the AOE [website](#). Districts in cyclic monitoring are required to complete the activities described in Table 2 – Cyclic Monitoring Submission Requirements.

**Table 2 - Cyclic Monitoring Submission Requirements**

January 15th Submission	March 15th Submission
<p><b>Annual Date Reviews</b></p> <ul style="list-style-type: none"> <li>• IEPs reviewed annually (defined as 365 days)</li> <li>• Triennial Evaluations completed every 3 years (defined as 1095 days)</li> <li>• Adverse Effect Documentation</li> </ul>	<p><b>Child Find Activities</b></p> <ul style="list-style-type: none"> <li>• Indicator 11 Data Collection Form</li> <li>• Meeting Notices verifying 60-day timeline has been met</li> <li>• Form 4 required for any delay in meeting 60-day timeline</li> </ul> <p>Submissions includes <u>ALL</u> initial evaluations completed July 1<sup>st</sup> – March 1<sup>st</sup> of the current school year.</p>
<p><b>IEP Discipline Policy Review</b></p> <ul style="list-style-type: none"> <li>• Districtwide Discipline Policies</li> <li>• Manifestation Determination Policies</li> </ul>	<p><b>Post-Secondary Transition Plans</b></p> <ul style="list-style-type: none"> <li>• Data collection sheet for Ind 13</li> <li>• Post-secondary Transition Plans</li> </ul> <p>For currently enrolled students, submit ten (10) post-secondary transition plans developed between July 1<sup>st</sup> – March 1<sup>st</sup> of the <u>current</u> school year.</p> <p><b>Summary of Performance (SOPs) docs</b></p> <p>For students who graduated during the <u>previous</u> school year, submit five (5) completed SOPs.</p>

January 15th Submission	March 15th Submission
<b>Special Ed Policies and Procedures</b> <ul style="list-style-type: none"> <li>• Special Educator Handbook</li> <li>• Paraprofessional Handbook</li> <li>• Evaluation Procedures</li> <li>• Special Education Policies</li> </ul>	All cyclic monitoring submissions and reviews are conducted within the AOE’s Grants Management System.

### Targeted Monitoring

Targeted monitoring includes a comprehensive data review from one or more data sources, with a final report issued at the end of the monitoring cycle. The data sources include, but are not limited to:

- Best practices related to access, opportunity, and equity for students with disabilities including those with significant cognitive disabilities;
- Communication from the community reporting potential issues within the LEA;
- Dispute Resolution Findings – administrative complaints, mediation, due process;
- ESSA Determinations, including snapshot data;
- Fiscal Monitoring results (identified in November, completed in January, closed out by May 1st);
- Full use of MOE/CEIS funds;
- How students in CTEs are receiving special education and related services;
- Integrated Field Review Reports – areas of concern identified in these reports may trigger targeted or selective monitoring;
- Independent school contracts and enrollments;
- Issues of long-standing non-compliance;
- Review of LEA policies and procedures related to special educators, paraprofessionals, child find activities, disproportionate representation, family engagement practices;
- Review of Pre-K/ECSE monitoring data;
- Use of IDEA funds and completion/implementation of workplan items from grant application;
- Results of the VT MTSS Self-Assessment Survey.

### On-Site Visits – Targeted/Priority/Systemic

As a result of LEA Special Education Determination (LSED) status, cyclic monitoring activities conducted during the previous school year, or data obtained through any of the components of Vermont’s general supervision system, the special education monitoring team may determine that an on-site visit is necessary. Each on-site visit involves, at a minimum:

- Prep work (30 -45 days) to analyze data from file reviews and other data sources.
- The on-site visit (2-5 days) to obtain additional data through surveys, classroom observations, and family/staff/administration interviews or focus groups.

- Analysis of data from the visit (5-30 days).
- Development of the final report (5-days).
- Post-visit meeting with LEA administration to present data and findings.

On-site visits are conducted to obtain additional data not acquired through cyclic or targeted monitoring activities. Data collected through observations, interviews, surveys, and file reviews adhere to the AOE's data privacy policies for protecting personally identifiable information (PII), are considered confidential, and respondents 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. The parent and staff surveys also offer respondents the opportunity to volunteer for participation in an interview or classroom observation. These interviews and observations are not intended to be evaluative, but rather to gather data regarding implementation of education activities necessary for students with disabilities to receive FAPE.

On-site visits may 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. 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 20 interview questions, some role specific, others common to all interviewees. Responses are recorded and the interviewee is asked to verify the accuracy of the recorded response prior to exiting the interview.

Classroom observations take 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. Observations include a request to the LEA to schedule a random sampling for each grade level in each school building operated by the LEA. These observations include general education and special education classroom criteria that allows the AOE to both the educational climate and setting as well as general education instructional practices, and practices to promote individualized instruction for struggling students.

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. 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.

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, but 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 an LEAs local special education determination and may be publicly posted on the Agency's website.

## Selective Monitoring

When issues regarding an LEA's implementation of IDEA rise to the SEA's attention, selective monitoring may be required. Selective monitoring may occur when patterns and trends are identified in one or more data sources; which may include, but are not limited to findings from cyclic monitoring activities, stakeholder concerns, parent and family call logs, dispute resolution requests, email correspondence, and critical and/or special investigative audits and findings related to special education. The LEA subject to selective monitoring will remain in its cyclic monitoring cohort and may be engaged in monitoring activities for multiple years.

## Improvement, Correction, Incentives and Sanctions

According to OSEP Memo 09-02, for purpose of State Determinations, SEAs demonstrate that all instances of non-compliance were identified through

- review of data collected through a state data system;
- monitoring procedures, such as self-assessments;
- on-site monitoring visits.

The memo also outlines the steps that SEAs take in order to report that previously identified non-compliance was corrected. These actions include:

- requiring an LEA to change policies, procedures, and practices that contributed to or resulted in non-compliance;
- determining that the LEA is correctly implementing regulatory requirement(s), based upon the SEA's review of a data system or subsequent monitoring visit.

In addition, SEAs ensure that LEAs corrected each case of non-compliance, unless the child is no longer within the jurisdiction of the LEA (in this case, the SEA can review instead a reasonable sample of previously non-compliant files). 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, and in no case more later than one year from the written notification by the SEA.

Based upon this guidance provided by OSEP, and in the absence of a statewide IEP system, all monitoring activities will require the AOE to have Read-Only electronic access to software used for producing special education documentation (including, but not limited to, DocuSped, Goalview, Powerschool, etc.). Read-only access will be granted by the LEA to the AOE during the monitoring activity and at the end of the school year. Based on the need for subsequent tracking of improvement or corrective action plans, the LEA and AOE will determine when the access is no longer necessary.

## Technical Assistance

Technical assistance serves multiple functions to assist LEAs in improving results and compliance. The SEA provides LEAs with a range of assistance to improve performance and build capacity to improve student outcomes. Technical assistance is aimed at supporting LEAs

before, after, and during cyclical, selective, and on-site monitoring. LEAs involved in a differentiated monitoring activity are advised on who to contact and where to locate technical assistance opportunities and resources.

Technical assistance is provided by the special education program team staff in three levels of engagement:

- Universal** available to all LEAs, includes webinars, technical assistance calls/virtual meetings, FAQs, and other guidance document produced by the SEA, engagement based on LEA choice to improve student outcomes.
- Targeted** offered individually to LEAs based on the results of a discrete issue or a general supervision/monitoring activity, may require short or long-term engagement between LEA/SEA to improve student outcomes.
- Intensive** required for a small number of LEAs based on the results of a discrete issue or general supervision/monitoring activity, may require sustained and in-depth engagement between LEA/SEA to improve student outcomes.

Technical assistance program staff and monitoring staff have frequent interactions and meetings to determine ways to best support LEAs in sustaining compliance, addressing areas of noncompliance, and ensuring continuous improvement. Additionally, there is annual training provided to LEAs regarding cyclic monitoring roles, responsibilities, and expectations.

## Appendix A – Tools and Forms Used for Monitoring Activities

The list of monitoring tools below is provided on our website to assist schools and families better understand special education program monitoring. Use of these monitoring spreadsheets and forms is not limited to the categories listed below. Categorization is for ease of reference according to the monitoring activity for which the spreadsheet or form is most commonly used.

### Cyclic/Selective Monitoring Spreadsheets and Forms

- [Adverse Effect Training Documentation Form](#)
- [Annual Date Review IEP Data Collection Worksheet](#)
- [Annual Date Review IEP Instructions](#)
- [Annual Date Review Triennial Evaluation Data Collection Worksheet](#)
- [Annual Date Review Triennial Evaluation Instructions](#)
- [Discipline Policy Review Tool](#)
- [Indicator 11 – Child Find Data Collection Sheet](#)
- [Indicator 11 – Child Find Instructions for Data Collection](#)
- [Indicator 13 – Post-secondary Transition Data Collection Sheet](#)
- [Indicator 13 – Post-secondary Transition Instructions for Data Collection](#)
- [Special Education Evaluation Review Criteria](#)
- [Special Education Para Policy Review Criteria](#)
- [Special Education Policy Review Criteria](#)

### Targeted or On-Site Monitoring Forms

- [Disability Determination Checklist – File Review Companion](#)
- [File Review Document](#)
- [On-Site Monitoring - Purpose and Process](#)
- [Special Education Program Monitoring Parent Survey](#)
- [Special Education Program Monitoring Staff Survey](#)

### Monitoring Resources

- [Corrective Action Plan Cover Sheet](#)
- [OSEP Memo 09-02](#)
- [Statutory Authorization for Monitoring Activities](#)
- [Vermont Special Education Acronym/Initialism List](#)

## Appendix B – 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.

**Discipline:** Actions taken in response to a student's behavior or violations of a district's student conduct code.

**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.

**ESSA (Every Student Succeeds Act):** A federal law passed in December 2015 that governs the United States K-12 public education policy.

**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.

**GMS (Grants Management System):** The Grants Management System is an electronic system through which the Agency of Education approves and administers funds for grant to LEAs. These grants require certain monitoring activities to be conducted within the same system.

**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.

**IEP Team:** A team defined in state and federal regulations and comprised of, but not limited to, the student when appropriate, the parents, LEA representative, a representative from general education, a special educator, a representative who can interpret the instructional implications of evaluation and test results, and other knowledgeable persons. The team is responsible for developing an IEP, determining placement, and reviewing and revising the student's IEP and placement at least annually.

**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 the academic and functional achievement of the student to 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.