

## Annual OSEP Special Education Determinations

Special education determinations are based upon the most recent data filed with the Office of Special Education Programs (OSEP) for Vermont's State Performance Plan/Annual Performance Report (SPP/APR). OSEP uses an accountability system under the IDEA known as Results Driven Accountability (RDA).

### Calculating Determinations

In making determinations, OSEP incorporates factors for compliance and results indicators as reported by the AOE to OSEP in the SPP/APR. OSEP's State Determination FFY2018 criteria for state determinations:

Determination	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
OSEP criteria for State Determinations	> 80%	60-79%	40-59%	< 40%

**Vermont scored an overall 54.86% which placed us in Needs Intervention (NI). A State's 2020 RDA Determination is Needs Intervention if the RDA Percentage is less than 60%.**

Why are we in NI?

- Low scores on Indicator 13 Post-Secondary Transition (71.25%)
  - In previous years, Vermont has let each LEA submit their Indicator 13 data multiple times. When the AOE discovered non-compliance, we would work with the LEA to correct it until the Indicator 13 data that they submitted was 100% compliant. This year, OSEP told us that this process was leading to incorrect reporting; their expectation is that we need to report whatever LEAs submit initially, and that any initial findings of non-compliance need to be reported before we can work with LEAs to correct them. Thus, our drop from 100% in FFY2017 to 71.25% in FFY2018 is a result of Vermont changing its practices to meet federal reporting requirements.
- Low scores on Timely Complaint Decisions (60%)
  - Vermont has formerly had the practice of working with districts through the state complaint process, which occasionally required more time to provide complete information that both sides were satisfied with. This year, that practice pushed us over on the deadline for decision making, which cost us two points on our determinations report, so we will be changing this practice. With that said, VT numbers are very small and fluctuate significantly. We lost the points as a result of 4 out of a total 10 cases recorded beyond the timelines (60%). We are not weighted on small n sizes.
- Absence of complete data from LEAs for some results indicators (i.e. participation on state assessments, participation and performance on NAEP, % graduating with a regular diploma, % of students who dropped out) –Lost points on Data submission.
- Reading – 4<sup>th</sup> grade students with disabilities at or above Basic on NAEP: A State's NAEP scores (Basic and above) were rank-ordered; the top third of States received a '2', the middle third of States received a '1', and the bottom third of States received a '0'. Below a 23 is a score of 0 and VT scored a 17.

## What we are doing –

- Improving systems for retrieving valid and reliable data within AOE infrastructure and from SU/SD
- Each SPP/APR indicator now has a dedicated AOE indicator steward. AOE staff have been receiving PD to build their indicator specific skills/knowledge, and regularly connect SPP/APR data to [TA and PD](#) for the field.
- The AOE has been providing universal Technical assistance (TA) for Indicator 13 (Post-Secondary Transitions) for all districts. There will be TA provided to those within the monitoring cycle and TA “frontloaded” for those who will be monitored in future years.
- AOE is now implementing a more robust [General Supervision and Monitoring system](#) that makes local determinations using data from the SPP/APR indicators.
  - Individual LEA Special Education Determinations will be released on July 30, 2020 based on the indicators OSEP evaluates the AOE on – LEAs will be receiving their individual determination statuses which model OSEP scoring and status allocations.
- Vermont applied and was selected for a national workgroup through CADRE – the Center for Appropriate Dispute Resolution in Special Education – on improving its Written State Complaint system to make it more accessible and user friendly.
  - Background: Parents of a student receiving special education services who disagree with decisions made by the school regarding a student's identification, eligibility, evaluation, Individualized Education Program (IEP) or placement have three options available for resolving disputes with the school. These options include [administrative complaints](#), [mediation](#), and [due process hearing](#). This is our Dispute Resolution System. Working with CADRE and other states, while engaging with Vermont stakeholders, we will candidly review and assess our system to identify areas for improvement, generate a work plan for any revisions to the program, and implement any improvement activities.
- Additionally, implementing these practices will likely improve Determination status for next year:
  - AOE can report data while waiting on some school districts to for reporting and receive partial credit—will do this next year if LEA data submissions are an issue again
  - Changes in practice re: state complaint process to ensure that complaints are resolved in a timely manner

## What SU/SDs need to do –

- Submit timely and accurate data
- Participate in TA/PD opportunities across the multiple indicators, particularly Indicator 13
- Work with AOE to close out findings needing corrective actions within AOE-identified timeframes
- Make improvement plans based on findings from individual level Determinations and local SPP/APR reports
- Upload Special Education Policy and Procedures on local websites
- Understand how the AOE is scored on SEA Determinations, how they (LEA) are scored individually, and how their data submissions contribute to the AOE’s scoring
- Recognize that these are SU/SD data that AOE is reporting—it is not “AOE data”
- Preparation/training for NAEP Reading assessments

## Snapshot of Vermont's OSEP Determination Scorecard

Based in part on the data submitted in the Annual Performance Report (APR), the OSEP determines annually whether or not Vermont has met the requirements and purposes of Part B of the IDEA for a given federal fiscal year (FFY). Each state submits data from multiple school years as part of reporting on sixteen (16) indicators and the State Systemic Improvement Plan (SSIP) as indicator 17. This year's APR is reported as FFY2018 and contains both data and targets from school years 2017-18 and 2018-2019. Here is a table VT's OSEP scores:

### RDA Percentage, Determination, Results and Compliance Overall Scoring

	2016	2017	2018	2019	2020
<b>Percentage</b>	75%	67.92%	80.3%	63.13%	54.86%
<b>Determination</b>	<b>Needs Assistance</b>	<b>Needs Assistance</b>	<b>Meets Requirements</b>	<b>Needs Assistance</b>	<b>Needs Intervention</b>
<b>Results</b>	15/24	11/24	17/22	7/22	9/24
<b>%</b>	62.50%	45.83%	77.27%	31.82%	37.5%
<b>Compliance</b>	16/18	18/20	15/18	17/18	13/18
<b>%</b>	88.89%	90%	83.33%	94.44%	72.22%

### Results – a score of 2 is the highest

Element	2016	2017	2018	2019	2020
<b>Reading – 4<sup>th</sup> grade participation in statewide assessments</b>					
Performance	89.38	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Reading – 8<sup>th</sup> grade participation in statewide assessments</b>					
Performance	89.80	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Reading – 4<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	30	30	17	17	17
Score	1	1	0	0	0
<b>Reading – 4<sup>th</sup> grade included in NAEP testing</b>					
Performance	91	91	92	92	92
Score	1	1	1	1	1
<b>Reading – 8<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	44	44	38	38	32

Score	2	2	2	2	2
<b>Reading – 8<sup>th</sup> grade included in NAEP testing</b>					
Performance	94	94	91	91	93
Score	1	1	1	1	1
<b>Math – 4<sup>th</sup> grade participation in statewide assessments</b>					
Performance	89.28	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Math – 8<sup>th</sup> grade participation in statewide assessments</b>					
Performance	87.94	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Math – 4<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	52	52	37	37	40
Score	1	1	0	0	1
<b>Math – 4<sup>th</sup> grade included in NAEP testing</b>					
Performance	91	91	94	94	95
Score	1	1	1	1	1
<b>Math – 8<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	24	24	27	27	28
Score	1	1	1	1	2
<b>Math – 8<sup>th</sup> grade included in NAEP testing</b>					
Performance	94	94	94	94	92
Score	1	1	1	1	1

**EXITING DATA ELEMENTS**

	2016	2017	2018	2019	2020
<b>Percentage of Children with Disabilities who Dropped Out</b>					
Performance	21	23	14	24	DNR
Score	1	1	2	0	0
<b>Percentage of Children with Disabilities who Graduated with a Regular High School Diploma</b>					
Performance	75	73	N/A	N/A	DNR
Score	1	1	N/A	N/A	0

**DNR – Did Not Report**

**NVR – Not Valid and Reliable**

**Compliance– a score of 2 is the highest**

	2016	2017	2018	2019	2020
Indicator 4B: Significant Discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.					
Performance	0	0	0	0	0
Score	2	2	2	2	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.					
Performance	0	0	0	0	0
Score	2	2	2	2	2

Indicator 10: Disproportionate representation of racial and ethnic groups in in specific disability categories due to inappropriate identification.					
Performance	0	0	0	0	0
Score	2	2	2	2	2
Indicator 11: Timely initial evaluation					
Performance	98.48	97.89%	97.74%	97.58%	97.13%
Score	2	2	2	2	2
Indicator 12: IEP developed and implemented by third birthday					
Performance	100%	100%	100%	100%	100%
Score	2	2	2	2	2
Indicator 13: Secondary Transition					
Performance	74.34%	91.49%	88.03%	100%	71.25%
Score	0	1	1	2	0
Timely and Accurate State-Reported Data					
Performance	95.35%	86.93%	90.77%	80.15%	82.57%
Score	2	1	1	1	1
Timely State Complaint Decisions					
Performance	100%	100%	100%	100%	60%
Score	2	2	2	2	0
Timely Due Process Hearing Decisions					
Performance	N/A	100%	N/A	N/A	N/A
Score	N/A	2	N/A	N/A	N/A