

Statutory Authorization for Special Ed Monitoring Activities



Monitoring Activity	State Board Rule	Federal Regulation
Access Log included	2365.2.3	34 CFR §300.614
Accounting- Allowable costs		2 C.F.R. §200.405(a)(c)
Accounting- identify accounts, records, federal awards		2 C.F.R. §200.302(b)(1)
Adverse Effect: 3 out of 6 measures per skill area	2362(d)	
Adverse Effect: required assessment personnel	2362(d)	
Assistive Technology- ensure assistive technology as part of program, related services, supplementary aids	2360.2.7	34 CFR §300.105
Curriculum- student access to gen ed curriculum	2363.7(c)(2-3) 16 VSA §941(b)(2) & (4)	34 CFR §300.320
Discipline- Behavior Plan	4313.1	34 CFR §300.530
Discipline- Functional Behavior Assessment conducted	4313.1	34 CFR §300.530
Discipline- IEP team reviewed whether behavior was manifestation of student's disability within 10 school days	4313.1	34 CFR §300.530
Discipline- If Manifestation, did tutoring occur	4313.1	34 CFR §300.530
Discipline- Prior Written Notice: change in placement resulting from a disciplinary removal	2365.1.1	34 CFR §300.503
ECSE – eligibility determination part B	2360.5.5	34 CFR §303.21
ECSE- Parental Consent for Interim Provision of Services	2360.5.10.2	34 CFR §303.209
ECSE-Eval- 90-day Transition Conference and Transition Plan	2360.5.7 2360.5.9	34 CFR §303.209
ECSE-Eval-Parental Consent for placement into Part B	2360.5.10.2	34 CFR §303.209
ECSE-IEP- PreK or K: IEP goals includes at least two objectives or benchmarks aligned with Vermont Early Learning Standards	2602(14) 2606(b)	
ECSE-IEP- PreK or K: IEP- Present Levels of Performance includes strengths and needs across early childhood outcome areas aligned with Vermont Early Learning Standards	2602(14) 2606(b)	
Educational Surrogate verification of appointment	2369	34 CFR §300.519

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Educational Benefit- proof of meaningful educational benefit		(<i>Endrew F. v. Douglas County</i> , <u>137 S.Ct. 988 (2017)</u>)
Evaluation- Disability Determination- Team Decision	2362.2.6 & 2362(f)	34 CFR §300.306 and 34 CFR §300.39
Evaluation- Eligibility Determination provided to the Parent	2362.2.6	34 CFR §300.306
Evaluation- Initial- Completion (60 days)	2362.2.1(c)	34 CFR §300.301
Evaluation- Initial- Delay	2362.2.1(d) & (f)	34 CFR §300.301
Evaluation- Initial- Parental Consent	2362.2.1(c)	34 CFR §300.301
Evaluation- Initial- Request (15 days)	2362.2.1(b)	34 CFR §300.301
Evaluation- Required Planning Team Members	2362.2.2	34 CFR §300.305 and §300.308
Evaluation- Re-Evaluation 3-year time frame	2362.2.3	34 CFR §300.303 and §300.304
FAPE- students residing in VT ages 3-21	2360.2	34 CFR § 300.101
General Supervision- AOE must ensure all findings of non-compliance are corrected within one (1) year of notification to LEA		34 CFR §300.600(e) OSEP Memo 09-02
General Supervision- Monitoring System and Data Collection	2365.2.3 16 VSA §2943	20 USCS §1416 and 34 CFR §§300.120, 300.600 through 300.602
General Supervision- Monitoring System and Data Collection- Access to Student Records-verify all documents and have a READ ONLY electronic access	2365.2.3	34 CFR §§300.120, 300.600, & §300.614
General Supervision- primary focus of IDEA Part B monitoring is to improve results and functional outcomes for students with disabilities		20 USCS §1416 & 34 CFR §300.600(b)
General Supervision- State Enforcement	16 VSA §§2941 & 2943	34 CFR §§300.606-608 20 USCS §1416
General Supervision- Educational Program and Standards	16 VSA §2941 & 2943	34 CFR §300.149(a)
Identifiable data in another student's file	2365.2.4	34 CFR §300.610
IEP- Accommodations/Modifications: statewide testing and alternate assessment	2363.7(g)	34 CFR §300.160 & §300.320(a)(6)(i)

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Monitoring Activity	State Board Rule	Federal Regulation
IEP- Accommodations/Modifications: appropriate interventions, accommodations, modifications, technology/devices to access gen ed	2363.6	34 CFR §300.320 and §300.324
IEP- Age of Majority: Transfer of Rights	2365.1.1	34 CFR §300.324 and §300.503
IEP- Alternative Testing: content aligned to state academic standards		34 CFR §300.160 and ESSA Assessment Regulation, State Responsibilities for Assessment §200.2(b)(3)(ii)(B)(2) WIOA 2014 §1111(b)(1)(E)
IEP- Amendment Notice	2363.6	34 CFR §300.324
IEP- Annual IEP written for no more than 12-month period	2363.6	34 CFR §300.324
IEP- Career and Technical Education (CTE)	2387	
IEP- Evidence of student progress towards the annual goal	2363.7	34 CFR §300.320
IEP- Extended School Year (ESY)	2363.7	34 CFR §300.106
IEP- functional performance and impact included in Present Levels of Performance	2363.7	34 CFR §300.320
IEP- Goals are measurable	2363.7(b)	34 CFR §300.320(2)(i)
IEP- Goals written for common core at student's current enrolled grade level	2363.7	34 CFR §300.320
IEP- Implemented within 30 Days of Eligibility Determination	2363.1	34 CFR §300.323(c)(1)
IEP- Notice of Meeting to Parents w/date, purpose, time, and location	2363.4	34 CFR §300.322 and §300.503
IEP- Notice of Procedural Safeguards 1x per year	2365.1.2	34 CFR §300.504
IEP- Placement: continuum of alt placements available	2364.2	34 CFR §300.115
IEP- Placement: Education environment documented	2364	34 CFR §§300.114-116
IEP- Placement: placement in alt setting, LEA has re-integration plan (independent and residential)	2363.7 (f) 2363.10	34 CFR §300.104 and §300.118

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Monitoring Activity	State Board Rule	Federal Regulation
IEP- Post-Secondary Transition Plan: Evidence of student invite, outside agency, age appropriate assessments, measurable post-secondary goals that occur AFTER grad, transition services, and course of study	2363.7(i)	34 CFR §300.43(a)(1) and §300.320
IEP- Present Levels of Performance - PLOP: direct relationship between performance and all IEP goals, objectives, and accommodations	2363.7	34 CFR §300.320
IEP- Present Levels of Performance (PLOP): include functional performance and impact	2363.7	34 CFR §300.320
IEP- Prior Written Notice	2365.1.1	34 CFR §300.503
IEP- Related Service- Service Delivery: non-special ed providing direct services.	2360.2.12-13 2360.2.16	20 USCS §1412, 34 CFR §300.504
IEP- Related Service- Service Delivery: para-prof or non-special educator providing direct services needs Special Educator consultation on IEP	2360.2.12-13 2360.2.16	20 USCS §1412, 34 CFR §300.504
IEP- Related Services: include frequency, location, and duration	2363.7	34 CFR §300.320
IEP- Related Services: total minutes of service delivery not too exceed available time allowable for instruction	2363.7(d)	34 CFR §300.320
IEP- Required IEP Team Members	2363.3(a)(e)	34 CFR §300.321(a)
IEP – student invited to transition meeting	2363.3(b)	34 CFR §300.321(b)
IEP- Student has access to participate in non-academic and extra-curricular activities	2364.4	34 CFR §300.117
IEP- Summary of Performance	2362.2.4(g)(i) 2363.7(i)(5)	34 CFR §300.305(e)(3)
IEP- Transfer At Majority: Prior Written Notice	2365.1.12	34 CFR §300.102(a)(3)(iii) and §300.503
IEP-Written Agreement Signed when Required Members Absent	2363.3	34 CFR §300.321
Independent School- Clear evidence of transition criteria when LEA placed	2363.7 (f) 2363.10	34 CFR 300.114 -116
Independent School- must be approved for each disability category listed in student's IEP	2228.2	
Personalized Learning Plan (PLP)- Evidence Personalized Learning Plan in place	2120.4	

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Monitoring Activity	State Board Rule	Federal Regulation
Policies and Procedures- Management of Equipment to include location, use, condition		2 C.F.R. §200.313(d)
Prior Written Notice for EPT and Eligibility Meetings	2362.2.1 2365.1.1	34 CFR §300.301 and §300.503
Proficiency Based Graduation Requirement Access Plan (PBGR)- Proficiency Based Grad Requirements accessible	2120.5	
Proficiency Based Graduation Requirement Access Plan (PBGR)- signed by Superintendent	2120.5	