

Vermont's General Supervision System for Special Education

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Introduction

This is Vermont's General Supervision System for Special Education Manual. This document contains a description of what General Supervision entails, federal requirements specific to a State's General Supervision System, and examples of how Vermont interconnects all of its parts into a cohesive approach to ensuring compliance with and continuous improvement towards meeting state and federal requirements. When a General Supervision System is well-defined and fully implemented, the outcome is improved access, equity, and opportunity for students with disabilities. This manual defines the components of the system, describes its utilization for meeting federal and state requirements concerning students with disabilities, outlines ongoing efforts to strengthen the system, and identifies state priorities the systems, supports.

Overview

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 eligible Vermont students with disabilities 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 SEA 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 Local Education Agencies (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.

The Office of Special Education Programs' (OSEP) accountability framework, called 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 SEAs and 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.¹

States also have a responsibility under federal law [34 CFR §300.600(a)(2)] to have a system of general supervision, and states are accountable for enforcing requirements and ensuring continuous improvement designed for educational benefit and increased functional outcomes for students with disabilities. It is also important for LEAs to have policies and procedures in place to ensure that IDEA is implemented in accordance with federal regulations. Vermont's

¹ <https://www2.ed.gov/about/offices/list/osers/osep/rda/index.html>

system is designed to ensure LEA compliance with federal and state regulations, in order to improve services and outcomes for students with disabilities.

Guiding Principles for General Supervision System

Vermont is a state with a demonstrated commitment to quality and equity in education, and a legacy of public engagement. As such, it 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 each and every student 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 (IDEA).

Components of a General Supervision System

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)]. Figure 1 [below] depicts each component of general supervision as interlocking puzzle pieces that together relate to and inform the others.

Figure 1: Eight (8) Key Components of General Supervision



Each component is summarized below.

A. AOE General Supervision System Overview

The AOE’s revised General Supervision System reflects its commitment to providing leadership and oversight, to ensure all students have equitable access to educational opportunities. This system frames compliance and improvement conversations with LEAs, with the goal of ensuring that each and every student is receiving FAPE. The purpose of our general supervision system is to ensure LEAs appropriately implement the IDEA and Vermont Special Education Rules, and to improve outcomes for students with disabilities. Through our General Supervision System, we are accountable for the IDEA Part B grant implementation to OSEP.

Our system is comprised of eight components that interface, intersect, and inform each other: integrated monitoring activities, state performance plan and improvement activities, fiscal, data,

effective policies and procedures, targeted technical assistance, improvement/corrections/sanctions, and dispute resolutions. For example, integrated monitoring activities, which pulls together efforts in early childhood special education, school aged special education, and finance, are influenced by the state performance plan indicators, policy implementation, data on processes and results, effective dispute resolution, and improvement, corrections, incentives and sanctions. In turn, integrated monitoring informs fiscal management, targeted technical assistance, and corrections and sanctions.

All components of the general supervision system “speak” to each other with the whole being greater than the sum of its parts. This system – a set of components working together as parts of an interconnecting network – is in place to ensure that IDEA Part B requirements are met:

1. Integrated Monitoring Activities

Changes in state and federal educational practices necessitated a re-examination of the VT AOE’s results-driven accountability monitoring practices beginning in SY2018-2019. Although the VT AOE’s former monitoring system was meeting federal requirements, we did not feel it was robust enough to fully identify issues of noncompliance or to facilitate the identification of necessary programmatic supports through technical assistance.

The goals for VT AOE’s differentiated monitoring process are to determine areas of an LEA’s special education practices 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, which is directly aligned to the indicators in the local APR.

LEAs can expect monitoring activities and technical assistance. Monitoring activities include cyclic, targeted, or selective monitoring, and on-site visits. Technical assistance and support are designed to help the LEA to strengthen program management, special education process and paperwork, program implementation and other areas as needed driven by the monitoring data.

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.

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. It is the responsibility of the Director of Special Education in the sustained LEA to coordinate with the LEA merging into their own to ensure an accurate and timely transfer of information, and they may contact the AOE to gain access to the respective SharePoint folders and request any additional information. Additionally, the sustained LEA must submit required AOE data collections for the entire LEA as it is comprised on the reference date of each collection.

Beginning in SY2019-2020, LEAs were divided into 3 cohorts (approximately 17 LEAs/cohort) for mandatory cyclic monitoring every 3 years regardless of their LSED status. The list of LEAs in each cohort is publicly posted on the VT AOE website. VT AOE’s policy is for data to be collected within a state developed monitoring system as part of the 3-year monitoring cycles.

| Cohort 1 | Cohort 2 | Cohort 3 |
|---|---|---|
| <ul style="list-style-type: none"> •Battenkill Valley SU •Burlington SD •Caledonia Central SU •Central Vermont SU •Colchester SD •Essex North SU •Grand Isle SU •Greater Rutland County SU •Kingdom East Unified Union SD •Maple Run USD •Montpelier - Roxbury SD •Orange East SU •Springfield SD •Two Rivers SU •White River Valley SU •Windham Southwest SU •Winooski SD | <ul style="list-style-type: none"> •Addison Central SD •Addison Northwest SD •Bennington Rutland SU •Essex Westford UUSD •Franklin NE SU •Franklin West SU •Harwood Union UUSD •Missisquoi Valley SD •Mt Abraham USD •Orange SW UUSD •Orleans Central SU •Orleans SW SU •Southwest VT SU •St. Johnsbury SD •Windham Central SU •Windham SE SU •Windsor SE SU | <ul style="list-style-type: none"> •Barre USD •Champlain Valley SD •Hartford SD •Lamoille North SU •Lamoille South UUSD •Mill River UUSD •Milton SD •Mt Mansfield UUSD •North Country SU •Rivendell Interstate SD •Rutland City SD •Rutland NE SU •SAU70 (Norwich) •Slate Valley •South Burlington SD •Washington Central UUSD •Windham NE SU •Windsor Central SU |

| Program Monitoring Activities | 2022 | 2023 |
|---|--|---|
| Monitoring activities open: | September, 2022 | September, 2023 |
| Cyclic monitoring submissions due: | January 15th and March 15th August 1st: Only indicator 12 | February 15th August 1st: Only indicator 12 |
| Notification occurring prior to findings of noncompliance in indicator 13 sent to districts by: | March 15th | March 15th |
| Submission by districts of corrections prior to findings of noncompliance in indicator 13 due: | March 31st | March 31st |
| Cyclic monitoring reports sent to LEAs: | July 1st | July 1st |
| Corrections of non-compliance due: | August 31 st | August 31 st |

| Program Monitoring Activities | 2022 | 2023 |
|--|--|---|
| Selective monitoring begins for LEAs with continued noncompliance after cyclic monitoring and subsequent opportunities to make corrections: | September 1st – November 31st | September 1st – November 31st |
| Targeted monitoring for LEAs with continued noncompliance after selective monitoring: <i>*LEAs who enter targeted monitoring will be included in cyclic monitoring the year following correction and exiting targeted monitoring.</i> | January 1st, 2023 - until corrections are verified | January 1st, 2024 -until corrections are verified |

Monitoring Activities. VT AOE General Supervision System monitoring activities open annually in September. LEA submissions are due on February 15th (State and Federal compliance activities) for data collected on students throughout February 1st of the previous school year and January 31st of the same year the district is monitored. VT AOE reviews are conducted February through May, and at the end of each monitoring cycle, VT AOE notifies LEAs of final compliance standings in a Summary of Results report that includes details on both student-level and systems-level issues of noncompliance, as well as opportunities for differentiated technical assistance. Districts who do not meet 100% compliance are included as part of the next year’s monitoring activities for this indicator, and the results are factored into the LEAs determination status.

Monitoring activities include continuous examination of performance for compliance and for results. Written reports specify evidence of correction and improvement. Internal and external technical assistance and professional development support improvement and correction. Additional information on the monitoring activities can be located on the [VT AOE’s general supervision and monitoring system webpage](#):

- a. [Monitoring Activities, Reports, Tools](#)
- b. [Special Education Forms](#)
- c. [Special Education State and Federal Law and Requirements](#)

| Monitoring Activities | Cohort | | |
|-----------------------|-------------------|-------------------|-------------------|
| | Cohort 1 | Cohort 2 | Cohort 3 |
| Cyclic | 2020-2021 | 2021-2022 | 2019-2020 |
| Targeted | | | |
| Selective | 2021-2022 | 2022-2023 | 2023-2024 |
| On-site | <i>~as needed</i> | <i>~as needed</i> | <i>~as needed</i> |

For the FFY2019 SPP/APR reporting period, the SY2019-2020 special education program monitoring activities were disrupted on March 15, 2020, as a result of the Governor's executive order(s) declaring a state of emergency in Vermont. As the state of emergency was still in effect as of June 30, 2020, the VT AOE determined that it would collect and verify updated

information through state monitoring activities, for any LEA that did not meet compliance targets in SY2019-2020, by including the LEA in selective monitoring activities for SY2020-2021. These activities may include a review of the annual IEP dates, triennial evaluation dates, and indicator data collected through state monitoring for 11 and 13. Indicator 12 data collection was 100% compliant, and therefore was not identified for selective monitoring in SY2020-2021.

2. State Performance Plan/Annual Performance Report (SPP/APR) and Improvement Activities

The SPP is designed to evaluate and describe improvements to Vermont's implementation of IDEA Parts B and C. The SPP is a critical component of our general supervision system and informs the development of Vermont's special education policies and procedures. The VT AOE is committed to messaging the SPP to the field, and facilitates conversations with special education stakeholders, including the Vermont Special Education Advisory Panel, special education directors, educators, and leaders, about their role in general supervision. The VT AOE has improved implementation of SPP activities and initiatives, and recently assigned indicator stewards across program staff, making it both a compliance monitoring activity and a program improvement component of our general supervision system. The program staff have been active in the following activities:

- Monthly SPP/APR Workgroup team meetings.
- Technical Assistance team has been populating our website with resources to meet the indicators.
- The State Director assigned a staff member to coordinate the work and the Director and Coordinator meet weekly.

SPP/APR indicator data are reviewed throughout the year and truly inform our priorities. The indicators and data have been heavily messaged across the state and with stakeholders. As a result of feedback from stakeholders around indicators, especially the VT SEAP, indicators such as Indicator 8 Parent Engagement, has led to a new survey and distribution method. All stakeholder groups will be involved and engaged with the next round of target setting. Additionally, the local special education Determinations reflect individual performance across indicators in the scoring of LEA performance. For an example of how VT AOE is messaging the indicators, view the VT AOE General Supervision System [webinar](#).

The SPP/APR reflects state results and compliance measures using information from twice-yearly statewide Child Count and K-12 data collections, state assessments, family and former student surveys, and the state monitoring system. All but the survey and state monitoring data are reported to the federal government via the EdFacts initiative. Data stewards of the SPP/APR include the IDEA Data Administration Director, Assessment and Accountability Data Administration Director, Special Education Monitoring Manager, and the 619 Coordinator of the Early Education team.

The State Performance Plan/Annual Performance Report (SPP/APR) which measures state/local progress on 17 specific indicators. This serves as the primary accountability mechanism for states and LEAs.

- a. [State Performance Plan Resources by Indicator](#)
- b. [State Systemic Improvement Plan](#)

The impact of the SPP/APR component of the General Supervision System has also led to framing Biweekly Data Meetings, Data Quarterly Retreats, the SPP/APR Resource library, VTmtss systems change collaboration, and work with the other Agency Divisions such as DMAD, Student Pathways, and EQS.

3. Fiscal

The VT AOE's finance team, which coordinates our IDEA fiscal management, has reorganized to better ensure effective administration of the IDEA Part B grant. The team currently collaborates with Special Education program staff to review and approve grant applications, and monitor expenditures; this collaboration will continue, going forward. The finance team also updates and revises policies, procedures, and practices that support monitoring for distribution and use of funds. Uniform guidance is disseminated to the field; dedicated staff provide technical assistance to LEAs and manage grants through VT AOE's central Grants Management System (GMS). The VT AOE uses a risk assessment tool to assess subrecipients, and designates them as low, moderate, or high risk, which may impact conditions associated with their awards. Finance staff utilize monitoring activities such as desk audits, the collection of assurances, program review, single audit review, desk review, frequent financial reporting, and site visits, to verify appropriate expenditure of funds. The VT AOE team reviews subrecipients chosen for monitoring each year and determines if an on-site or a desk review is needed. To make this determination, fiscal and program teams consider variables including: (a) risk assessments, (b) the complexity of program requirements, and (c) the scope of the review.

During desk and site reviews, VT AOE staff request LEA's fiscal or programmatic documentation, as appropriate, to determine that fiscal spending aligns with funding restrictions and the grant agreement. Findings are communicated to subrecipients, which are required to address noncompliance through corrective actions tracked to completion by the finance team. Final fiscal reports are shared with the Special Education Team. Fiscal staff inform program staff and vice versa. GMS has the capacity to run reports on each district which informs VT AOE staff by providing a comprehensive picture of the program and fiscal aspects to staff offering leadership, oversight, and support to individual districts. Finance also has a designated staff member who meets weekly with the Director, biweekly with a combination of Special Education Team and Data Team staff, and monthly with the entire Special Education team. Finance provides input on Special Education policies and practices before dissemination to the field, and Special Education team provides input on finance's guides and technical assistance. Finance and Special Education collaborate on trainings such as this training [on IDEA Subgrantee submissions](#).

As a result of fully articulating the fiscal component within our System, collaborative efforts have led to enhancing our work in Proportionate share (additional supports and resources as well as guidance), CCEIS, tracking in GMS, IDEA grants, capital expenditures, on site monitoring, allowable cost document, and risk assessment in LSED. [Special Education](#)

[Funding](#) contains more information on procedures, practices, and reporting that inform the overall General Supervision System.

4. Data on Processes and Results

Data for a majority of Special Education Team activities - including Child Count (educational environments, demographics, exits from special education, Early Childhood Outcomes, and more), discipline, assessment, and dispute resolution - are collected, verified, and reported out by the AOE's Data Management and Analysis Division (DMAD). DMAD team members responsible for Special Education data include an IDEA Data Administration Director and a Special Education Data Specialist. Both joined the AOE in late summer 2019, intentionally building AOE capacity to support SPP/APR-related data collections and technical assistance provision. Additionally, data collection continues to be supported by an Education Data and Research Specialist. DMAD is prioritizing making child count data both more complete for the AOE and less burdensome for LEAs, while simultaneously modernizing AOE data collection, governance, and storage systems. Analysis processes are being transitioned into more modern, powerful, and flexible toolsets representative of current best practices in Data Science. DMAD goals and objectives are in alignment with the AOE General Supervision System and practices outlined on the [Federal Data Strategy website](#). DMAD staff and Special Education Team members collaborate biweekly to improve data collection and reporting practices. Examples include no longer allowing Child Count to be submitted with blanks in the initial evaluation date, which improves the accuracy of our collections, enhanced data quality review upon successful data submission, and the addition of a timely and accurate data component to the monitoring system this year, to reinforce the importance of timely and accurate data submissions. Agency of Digital Services (ADS) staff are regularly engaged to plan for the evolution of Child Count data collection tools. DMAD staff further consult with Special Education Team members on data collection tools, methods, and analytics for capturing data as part of monitoring and in looking at impact of technical assistance. Biweekly meetings, led by the IDEA Data Administration Director and involving data, technical assistance, monitoring, assessment, and finance staff, facilitate enhanced coordination and planning for the state's special education data workflows. DMAD and Assessment staff present data at quarterly data-focused meetings with the Special Education Team. Data from required data collections are viewed routinely by the Special Education Team to prioritize daily workflow, and to plan and revise activities and identify initiatives concerning unmet needs of schools and students with disabilities. Upon examination and analyses, we identify areas of state concerns and look for the relationship between and among indicator clusters. Further, data from technical assistance calls and emails are examined for patterns and trends. The AOE is collecting data on the impact its professional development and technical assistance has on improved policies, practices, and procedures. Data processes and results are used for decision making about program management and continuous improvement efforts. Links below provide examples of how reports are displayed for the public through the AOE [website](#):

- a. [Special Education Data and Reporting](#) including:
 - i. [Vermont Annual Performance Reports](#)
 - ii. [Local Annual Performance Reports](#)

5. Dispute Resolution

Dispute Resolution is led by the VT AOE Legal Division, which works in collaboration with Special Education Team staff to offer a mediation and due process hearing system, and an administrative state complaint process. Divisional priorities include improving the Administrative State Complaints system and more effectively engaging with special education stakeholders as partners in our programmatic work. To facilitate better stakeholder engagement, the Legal Team, in conjunction with the Special Education Team, has involved SEAP, LEAs, parent organizations, and other education stakeholders in improving the written state complaint process. Areas of desired improvement include a new approach to building public awareness and stakeholder engagement, timeliness, and eliminating parental fear of retaliation as a result of participating in the written complaint process. There is an internal working group, called the CADRE Internal Work Group, comprised of Legal and Special Education Team staff, who meet bi-weekly on an action plan developed in consultation with CADRE. This group is part of a CADRE national work group aimed at improving the administrative complaint process. The Legal Team, in conjunction with the Special Education Team, examines every hearing decision to identify procedural and/or substantive violations of IDEA by the LEA. The teams collaborate on findings of noncompliance, and review evidence of correction of noncompliance as part of the general supervision system.

Additionally, the Special Education Team reviews dispute resolution data to identify issues related to LEA performance, and to inform monitoring and technical assistance activities. There are ongoing and frequent interactions and collaboration among Legal, Special Education, Data, and Finance staff concerning meeting the unmet needs of the State including collaboration with the Special Education staff attorney.

The Special Education staff attorney:

- attends and participates in weekly Special Education team meetings and in biweekly calls with Special Education Directors across the state hosted by the State Director
- meets weekly with the State Director to consult on policies, procedures, and practices before dissemination to the field, as well as on problems of practice that arise
- consults with the Special Education team on problems in the field, guidance documents, technical assistance tools, activity in the Dispute Resolution tracking system, cases at the local, regional, and national levels, and on interpretation of the rules and regulations

Effective dispute resolution informs monitoring activities, and determines stakeholder understanding of potential barriers to improving student outcomes [Mediation, Due Process and Administrative Complaints](#) is a central location for the public to access information and materials pertinent to Dispute Resolution.

As a result of collaboration under this component of General Supervision, increased efforts of engagement are as follows: Use data annually from DR, include DR data in LSED, review of documents related to Rule Changes, serve on administrative complaints review, accessibility

(technology), accessible Admin State Complaint, Dispute Resolution Tracking System project, collaboration on Indicators 15 and 16 with Legal (data tracking and improvement activities), review trends in case files, daily review of LRP cases/stories, and our Legal staff reviews Special Ed Team guidance and provides input.

6. Policies and Procedures

During school closure and throughout the COVID-19 pandemic, the VT AOE focused on translating existing policies into guidance for schools and families to utilize to ensure FAPE in the LRE to the greatest extent possible. Assessing COVID-19 impact, considerations for IEPs, ESY, Compensatory Education, remote learning strategies, and several Frequently Asked Questions Memos were disseminated and there were weekly calls with Special Education Administrators to clarify and address questions in response to policies and procedures.

The VT AOE finalized its [Significant Disproportionality policy](#) and methodology and effectively implemented the identification and monitoring process. The VT AOE hosted several trainings and [webinars](#) to clarify expectations from monitoring to SPP/APR to effective IDEA Subgrantee applications. Overall, our VT AOE rules, policies, and procedures are aligned with the Individuals with Disabilities Education Act (IDEA). We check for LEA alignment with LEA policies, procedures, and practices through our monitoring and State Performance Plan efforts; further, we look for the extent to which those policies, procedures, and practices are designed and implemented to improve results for children and youth with disabilities. For technical assistance, the VT AOE maintains a list of forms, ranging from IEP processes to proficiency-based graduation requirement access plans, for each LEA to utilize. The VT AOE will be releasing model policies and procedures for LEA adoption during the School Year 2021-2022. Both program and fiscal monitoring have clear descriptions of activities to identify noncompliance, methods for requiring correction of noncompliance, and the range of sanctions to enforce correction. Legal, finance, and program staff members collaborate at least annually on verifying assurances are in place and reflect Office of Special Education Program requirements.

The State Director frequently communicates with and listens to the field regarding issues which might rise to the level of producing a memo or other written guidance to clarify policy.

The next challenge for the Special Education Team is to translate the latest rule changes made by Vermont State Board of Education into policies and procedures, aligned with IDEA guidance, so LEAs may implement special education programs with fidelity that leads to positive student outcome.

Projects that have emerged under this component of the General Supervision System include: Model Policy and Procedures, Special Education Forms Revision, Rules Changes, Recovery Work, qualitative data identify needs and lead to policy, messaging of SPP/APR indicators, stakeholder input on surveys, Indicator 13 TA lead to required TA and forms, TA informs Monitoring and vice versa, Indicator 13 local gurus (best practices based on data and practices) become models and support peers, boosts local compliance.

7. Improvement, Corrections, Incentives, and Sanctions

The AOE is developing model practices reflecting improvement activities of high performing LEAs so they can be scaled up and replicated by other LEAs. We are working with SEAP to examine corrective actions and the extent to which required action plans lead to improved outcomes for children and youth with disabilities. Our newly enhanced monitoring system interacts with our targeted, differentiated technical assistance to address corrections and sanctions.

This year, the AOE is looking at ways to utilize incentives beyond what is provided through professional development and resources. This work involves the collaboration of Special Education Team, Finance, Data, and Legal utilizing the other components of the general supervisions system such as integrated monitoring, targeted technical assistance, and effective policies.

Improvement, correction, incentives and sanctions are intended to improve educational results and functional outcomes for each and every Vermont child/student with a disability. In addition, [34 CFR §300.604](#) outlines enforcement actions related to the above categories and the State Education Agency (SEA or AOE) will use these enforcement activities when developing differentiated monitoring and supports for LEAs based upon their determination category. IDEA identifies specific technical assistance or enforcement actions that must occur under specific circumstances when LEAs are not determined to “meet requirements”. If the LEA “needs assistance” for two consecutive years, the State must take one or more enforcement actions, including, among others, requiring the LEA to access technical assistance, designating the LEA as a high-risk grantee, or directing the use of LEA funds to the area(s) where the LEA needs assistance. If the LEA “needs intervention” for three consecutive years, the State must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding further payments to the LEA. Any time the LEA “needs substantial intervention” the State must take immediate enforcement action, such as withholding funds or referring the matter to the State’s legal team for appropriate enforcement. The LEA Special Education Determination (LSED) Rubric outlining the relationship between monitoring activities, differentiated technical assistance and support, the LSED status and required enforcement actions is posted on the [website](#).

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. The Program monitoring team tracks the notification of written noncompliance, deadlines indicated in notification, and the close out of the corrective actions on an annual basis. The AOE [approach](#) reflects the OSEP 09-02 memo.

8. Targeted Technical Assistance

The eighth component of our general supervision system is targeted technical assistance, which is not limited to and includes professional development). As part of this system, the VT AOE provides advisement, assistance, training, information, professional development and professional development resources to guide Local Education Agencies (LEAs), schools, and parents in the implementation of the Individuals with Disabilities Education Act (IDEA) and the provision of special education services. The technical assistance and professional development are informed by data, monitoring, improvement activities, corrective action plans, policies, and the State Performance Plan. Staff providing technical assistance around the SPP/APR have developed [a library of resources](#) as part of universal TA efforts.

Technical assistance serves multiple functions to assist LEAs in improving results and compliance, thus LEAs with determinations needs assistance or X will receive targeted and intensive support to assist in changing determinations. The SEA provides LEAs with a range of assistance to improve performance and build capacity to improve student outcomes. 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 documents 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.

In addition, the SEA disseminates information to LEAs about promising and evidence based practices [20 USC 1232d(b)(3)(B-D)]. Evaluations of technical assistance and professional development involve evidence of a change of practice resulting in improved outcomes and compliance, as well as building sustainability and capacity. Follow-up activities are built into

the technical assistance design to determine whether improvement activities are carried out consistent with the technical assistance provide.

All technical assistance and improvement activities are based on SEA priorities related to leadership, support and oversight.

- a. [Special Education Resources for Special Educators and Administrators](#)
- b. [Resources for Families](#)
- c. [Technical Assistance/Professional Development](#)
- d. [State Systemic Improvement Plan](#)
- e. [Early Childhood Special Education](#)

Intentional collaborative opportunities within the components of our General Supervision framework include: TA for Monitoring, TA for LSED, new PD request form to reach out for help to be in compliance, targeted TA across all of the puzzle pieces, Form 4 Delay is an example of embedded TA within procedures, TA embedded in the monitoring checklists, frontloaded TA before monitoring is being planned. Targeted training and TA are provided to LEAs when developing and implementing corrective actions- started SY20-21 –support in how to implement corrective actions (looking at impact).

General Supervision System Ensures IDEA Implementation

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

Overall, the General Supervision System includes planned and ongoing analyses and reviews of all monitoring data from a set of integrated monitoring activities.

Program (PK-12) 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 between 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 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 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 File Sampling Chart

| Most Current Dec 1 Child Count | Minimum File Review Sample Size | Sub-Sample Size | Potential Number of LEAS |
|---------------------------------------|--|------------------------|---------------------------------|
| <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 |

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 in which an LEA may be engaged.

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 SharePoint.

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>Annual Date Reviews</p> <ul style="list-style-type: none"> • IEPs reviewed annually (defined as 365 days) • Triennial Evaluations completed every 3 years (defined as 1095 days) • Adverse Effect Documentation | <p>Indicator 11 Data Collection Form</p> <ul style="list-style-type: none"> • Meeting Notices verifying 60-day timeline has been met • Form 4 required for any delay in meeting 60-day timeline Submissions includes ALL initial evaluations completed July 1st – March 1st of the current school year. |
| <p>IEP Discipline Policy Review</p> <ul style="list-style-type: none"> • Districtwide Discipline Policies • Manifestation Determination Policies | <p>Post-Secondary Transition Plans</p> <ul style="list-style-type: none"> • Data collection sheet for Ind 13 • Post-secondary Transition Plans For currently enrolled students, submit ten (10) post-secondary transition plans developed between July 1st – March 1st of the current school year. Summary of Performance (SOPs) docs. <p>For students who graduated during the previous school year, submit five (5) completed SOPs.</p> |
| <p>Special Ed Policies and Procedures</p> <ul style="list-style-type: none"> • Special Educator Handbook • Paraprofessional Handbook • Evaluation Procedures • Special Education Policies | <p>All cyclic monitoring submissions and reviews are conducted within the AOE’s Grants Management System.</p> |

Early Childhood Special Education is monitored within the 3-21 Special Education monitoring system as well as the Universal PreK Accountability and Continuous Improvement System (ACIS). The UPK ACIS Monitoring System intentionally aligns with General Supervision Monitoring procedures. The ACIS is aligned with 3-21 Special Education monitoring containing the categories of Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention.

Three indicators are specific to ECSE. They include Indicator 6: Least Restrictive Environment, Indicator 7: Early Child Outcomes, and Indicator 12: Part C to Part B Transition. Indicator 8: Family Involvement includes children in ECSE, spanning ages 3 through 21.

Indicator 12 is a compliance indicator and sampling is used in the collection of data from LEAs. Indicators 6 and 7 are performance indicators and data is reported by LEAs through the annual Child Count collections.

The SEA administers the dispute resolution program through a combination of contracts and employees who track and monitor all request for mediation, due process and written state complaints. The SEA provides contracted mediators and due process hearing officers and uses internal staff to investigate written state complaints. All cases are tracked through the legal division of the SEA. The SEA provides professional development opportunities for mediators and due process hearing officers as well as internal staffing who oversee the program.

Timely and accurate data collection measures within DMAD– Child Count and other data collections include a verification sign off completed with a set timeframe. DMAD works with special education monitoring to track and verify timely IEP meetings and reevaluations by collecting dates through Child Count and calculating the time between. DMAD leads a bi-weekly data check in meeting that brings together staff in charge of program (SPP/APR/Monitoring/TA Providers), finance, legal, assessment, and early childhood special education; the focus of these frequent meetings is ensure timely progress, collaborative efforts, and accurate data utilization to inform the work necessary for IDEA implementation.

Determination on which LEAs to Monitor

Districts are monitored every three years, regardless of their level of compliance in the program areas of special education monitoring and oversight.

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,
- critical and/or special investigative audits,
- 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.

From the fiscal side of GSS operations, there are two options which may lead to selection of district monitoring:

Option 1 - Summary

To determine which LEAs to be monitored Vermont uses a matrix containing the following criteria;

- years since last AOE monitoring visit
- subrecipient's # of audit findings in prior fiscal year's single audits
- subrecipient's dollar amount of federal grants
- changes in key leadership personnel
- no single audit

Option 2 - Detailed

Vermont uses the following matrix to determine which LEAs are selected for monitoring.

| | | | |
|--|-----------------|---|-----------|
| VT AOE Fiscal Monitoring Selection Process | Max = 26 Points | | |
| A) Years since last AOE Monitoring visit | Max = 10 points | 1 year since last visit | 2 points |
| | | 2 years since last visit | 4 points |
| | | 3 years since last visit | 6 points |
| | | 4 years since last visit | 8 points |
| | | 5 or more years since last visit or never monitored (new SU/SD) | 10 points |
| B) Subrecipient's # of audit findings in prior fiscal year's single audits | Max = 5 points | 1 finding | 1 point |
| | | 2 findings | 2 points |
| | | 3 findings | 3 points |
| | | 4 findings | 4 points |
| | | 5 or more findings | 5 points |
| C) Subrecipient's dollar amount of federal grants | Max = 6 points | \$0 - \$500,000 | 1 point |
| | | \$501,000 - \$1,000,000 | 2 points |
| | | \$1,000,001 - \$2,000,000 | 3 points |
| | | \$2,000,000 - \$3,000,000 | 4 points |
| | | \$3,000,000 - \$4,000,000 | 5 points |
| | | > \$4,000,000 | 6 points |
| D) Changes in key leadership personnel | Max = 2 points | New Superintendent | 1 point |
| | | New Business Manager | 1 point |
| E) No Single Audit | Max = 3 point | No Single Audit | 3 points |

Circumstances for Issuing a Finding

Across programs and Division, special education, finance, and dispute resolution issues a written finding when evidence, collected from the district during monitoring and/or on-site reviews, indicates that federal or state statutes were violated either individually or systemically. In some cases, with the exception of Dispute Resolution, individual instances involving the same legal requirement may be grouped as one finding in an LEA, while in others it is more appropriate to make a finding for individual instances on noncompliance separately. Depending on the monitoring activity and the requirement under investigation, a finding can be identified through multiple components either as one finding or as multiple findings. Typically, findings of noncompliance are made as soon as they are identified; however, regarding work specific to compliance indicators and noncompliance uncovered through technical assistance, the LEA may have the opportunity to correct prior to written notification as corrected findings.

A state's general supervision procedures may allow programs to correct noncompliance prior to the state issuing a written notification of a finding of noncompliance. In such an instance, states must still verify correction of each instance of child-specific noncompliance and review updated program data demonstrating 100% compliance with each statutory or regulatory requirement with which noncompliance was identified. If we allow the LEA to correct noncompliance prior to a written finding being issued, the AOE still reports the actual rate of compliance that was calculated prior to correction in the APR and when reporting to the public.

Procedures for Ensuring Timely Correction

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.

Verification of compliance is conducted on documents uploaded by the district in a secure SharePoint folder (one folder is assigned to each district).

When the AOE identifies noncompliance, we notify the LEA in writing of the noncompliance as soon as possible (generally, OSEP expects written findings to be issued less than three months from discovery [OSEP FAQ, Question 7]) after we concludes that LEA is noncompliant.

Written notification includes:

- The citation for the requirement(s) with which the program is noncompliant
- A requirement that the LEA correct the noncompliance as soon as possible, and in no case more than one year after the date of the notification

ECSE verifies the following to determine if correction of noncompliance has occurred as soon as possible but no later than one year from the written notification: Correction of each child-specific instance of noncompliance, unless the child is no longer in the jurisdiction of the or LEA. We may review a sample of the records with noncompliance or each record (see OSEP FAQ, Question 14). For timeline requirements, we verify that the required actions (e.g., evaluation/assessment and initial IEP meeting, Part C to Part B transition- IEP in place by the child's third birthday transition plan, transition notice, transition conference) were completed although late (see OSEP Memo 09-02 – Prong 1). Subsequent data demonstrating the program is correctly implementing the requirement(s) where the program had noncompliance (i.e., 100% compliance) (see OSEP Memo 09-02 – Prong 2). Data may be from subsequent desk reviews, on-site monitoring, or a database.

We maintain written documentation of the verification of correction. The AOE has consistent processes and tools for documenting the verification of correction of noncompliance. For SPP/APR indicators, we report on the verification of correction of noncompliance with SPP/ APR indicators to OSEP. We notify each LEA that correction of noncompliance has been verified. Verification of the correction of noncompliance must occur no later than one year from the date of the written notification of findings of noncompliance. A state may issue the notice of correction beyond the one-year timeline.

Verification for K-12 programming compliance is conducted on documents uploaded by the district in a secure SharePoint folder (one folder is assigned to each district).

The legal division has dedicated staff to track and monitor any corrective action ordered through due process decisions, including facilitated IEPs (if ordered) and through follow-up with LEAs if required through written state complaint decisions. Any orders to an LEA requiring corrective action are tracked with a finite timeline, usually 30, 60 or 90 days depending on the specifics of the order (i.e., reconvening the evaluation team, IEP team or providing technical assistance or requiring professional development for LEA staff.

Process for Verifying 100% Compliance

The Program 3-21 Special Education monitoring approach verifies the following to determine if correction of noncompliance has occurred as soon as possible but no later than one year from the written notification: Correction of each child-specific instance of noncompliance, unless the child is no longer in the jurisdiction of the or LEA. We may review a sample of the records with noncompliance or each record (see OSEP FAQ, Question 14). For timeline requirements, we verify that the required actions (e.g., evaluation/assessment and initial IEP meeting, transition plan, transition notice, transition conference) were completed although late (see OSEP Memo

09-02 – Prong 1). Subsequent data demonstrating the program is correctly implementing the requirement(s) where the program had noncompliance (i.e., 100% compliance) (see OSEP Memo 09-02 – Prong 2). Data may be from subsequent desk reviews, on-site monitoring, or a database.

The AOE maintains written documentation of the verification of correction. The AOE has consistent processes and tools for documenting the verification of correction of noncompliance. For SPP/APR indicators, we report on the verification of correction of noncompliance with SPP/APR indicators to OSEP. The AOE notifies each LEA that correction of noncompliance has been verified. Verification of the correction of noncompliance must occur no later than one year from the date of the written notification of findings of noncompliance. A state may issue the notice of correction beyond the one-year timeline.

Verification for K-12 programming compliance is conducted on documents uploaded by the district in a secure SharePoint folder (one folder is assigned to each district).

Any orders to an LEA requiring corrective action are tracked with a finite timeline, usually 30, 60 or 90 days depending on the specifics of the order (i.e., reconvening the evaluation team, IEP team or providing technical assistance or requiring professional development for LEA staff.

Enforcing Correction of Noncompliance

As needed, the AOE may impose additional corrective actions, sanctions, or enforcement actions on an LEA that did not correct noncompliance in a timely manner (within one year from identification). The AOE must continue to collect and review updated data to verify subsequent correction (ensuring that child-specific instances of noncompliance have been corrected and that the program is correctly implementing the requirement[s]). If an LEA is not yet correctly implementing the statutory/ regulatory requirement(s), the state should identify the cause(s) of continuing noncompliance and take action to ensure correction, including, as appropriate, enforcement actions. Enforcement actions include but are not limited to, mandatory technical assistance, increased reporting requirements, and requiring use of funds for specific actions. The state does not need to issue another finding but may continue to work with the LEA to correct and verify correction of the noncompliance. The AOE is expected to maintain written documentation of subsequent correction, including the date the correction of noncompliance was verified.

Program has clear sanctions for egregious and/or ongoing long-standing noncompliance or for districts that do not improve their needs intervention and needs substantial intervention status, which may include:

- Delaying payments or withholding partial payments
- Making payments on a reimbursement basis only
- Placing additional reporting requirements on the award, provided the grant agreement provides for this remedy
- Disallowing costs and/or offsetting or requesting repayment if funds had been advanced
- Conducting or arranging for an independent audit
- Cancellation of the award
- Classifying the grantee as “high-risk” and withholding future awards

Fiscal Deadline Extensions

Subrecipients may request an extension of a deadline. Requests for extensions will be considered and granted on a case-by-case basis and can be granted by the fiscal monitoring lead for the visit or the Fiscal and Regulatory Compliance Coordinator.

Fiscal Enforcement - Level #1

When a subrecipient fails to appropriately carry out its corrective actions plan within its stated timeframe or when the Agency becomes aware of a fiscal compliance issue that must be addressed immediately, the fiscal monitoring coordinator will clarify with the subrecipients the following:

- What findings/issues have not been adequately addressed and what corrective actions the subrecipient must implement to come into compliance
- In what timeframe the corrective actions will be carried out and how the subrecipient will evidence that they have been successfully completed
- What the consequence will be if the subrecipient does not come into compliance.

If the subrecipient still does not institute the corrective actions within the agreed upon timeframe, the Agency will temporarily withhold disbursements of some or all federal and state grant funds. The Agency will notify the subrecipient of this action and reiterate the conditions that must be fulfilled for funds to be released. When these conditions have been met, withheld grant funds will be released.

Whenever grant funds are suspended temporarily, the subrecipient will be notified that it can appeal this action to the Chief Financial Officer of the Vermont Agency of Education. If the subrecipient chooses to appeal the temporary suspension of grant funds, the Chief Financial Officer will hear the appeal within 30 days and consider whether:

- the subrecipients is in fact out of compliance with federal or state requirements
- the non-compliance is of a serious enough nature to justify the suspension of grant disbursements.

The decision of the Chief Financial Officer will be communicated to the subrecipient in writing within 10 business days of the hearing and cannot be appealed.

Fiscal Enforcement Level #2

When Level #1 enforcement actions fail to achieve on-going compliance or when a subrecipients demonstrates an inability or unwillingness to address a serious issue/s of non-compliance with grant requirements, the Chief Financial Officer, after consultation with the fiscal and regulatory compliance team, may designate the subrecipients as “high-risk.” A subrecipients may be designated a high-risk when it:

- has a history of unsatisfactory performance, or
- is not financially stable, or
- has a management system which does not meet federal and state standards, or

- has not conformed to terms and conditions of previous awards

When a subrecipient is designated as high-risk, the Agency will impose one or more of the following conditions on specific or all grant awards:

- payment on reimbursement with review basis
- requiring additional, more detailed reports
- additional project monitoring
- any additional sanctions as the CFO deems appropriate

A subrecipient will be notified prior to the beginning of a fiscal year of this designation.

The Agency of Education conducts fiscal monitoring of state and federal grants. Whenever possible, monitoring responsibilities will be bundled to result in as few monitoring systems as possible. Persons assigned monitoring/auditing responsibilities will communicate with each other to ensure that monitoring visits do not overburden subrecipients and that consistent information is provided to subrecipients.

To ensure that monitoring systems comply with federal/state requirements and to promote consistency and greater understanding by subrecipients, the fiscal monitoring process will incorporate the following characteristics:

- A monitoring protocol that identifies the purpose of the monitoring system, who will be monitored (the monitoring universe), how they will be monitored (e.g. on-site, desk review), and when they will be monitored (the annual selection process, etc.).
- Written reports will be issued after monitoring visits and that identify findings of non-compliance that must be addressed, associated disallowed costs and guidance as applicable.
- Corrective action plans that are developed by subrecipients that adequately address the findings and that state what action will be taken, by whom, and by when
- Follow-up procedures that determine when corrective actions have brought subrecipients into compliance with federal/state requirements.
- Technical Assistance that provides the information and support needed by subrecipients to be aware of requirements and compliance options.

The enforcement options for dispute resolution include referring a non-compliant LEA after follow-up and corrective action to the SEA monitoring team for targeted monitoring if appropriate in a particular case.

Ensuring Data Systems Collect and Report Valid and Reliable Data in a Timely Manner

Submissions through SharePoint are automatically time- and date-stamped for data submissions obtained through K-12 cyclic and selective monitoring. Before using data for decision-making, the AOE verifies or requires LEAs to verify data are valid and reliable, especially when using self-assessments or our internal monitoring database. For a self-assessment, we may request that LEAs submit supporting information from a sample of child records. For a state database we provide LEAs with an opportunity to review and verify the

accuracy of the data or to add missing data. Each of the respective deadlines for LEAs to submit data to the Agency of Education are supported with frequent, detailed communications ensuring LEA awareness of approaching deadlines, and then followed by scheduled reminders to those LEAs who have not completed submission of required data/documentation.

January and March monitoring submissions for LEAs in cyclic or selective monitoring include an attestation form, requiring the LEA's Director of Special Education to confirm that they have reviewed all data/documents uploaded in SharePoint and attest to their completeness and accuracy.

Reporting of data by the monitoring system occurs in a few different ways: cyclic/selective/targeted monitoring, LEA special education determination (LSED), and the state performance plan / annual performance report (SPP/APR). These processes and reports follow an established yearly timeline of data collection and report distribution to applicable parties

The legal division includes a manual reporting system with dedicated staffing and cross-training of employees who compile data. Quality checks are completed by the SEA data team. The SEA has developed a new tracking system for dispute resolution using Salesforce which will come online in 2022.

In DMAD, there is a data collection system for data reported to the federal government to meet IDEA requirements. There are 136 built in business rules in the Child Count collection that ensure data quality. There are nine post-collection data quality review elements. DMAD staffed are experts in ensuring the credibility of data collection systems and eliciting data necessary for making reliable and valid decisions across programs, finance, dispute resolution, early childhood, as well as ensuring verifiable quantitative data for reporting and for the public. DMAD provides detailed instruction and training as needed or as required to help LEAs report their data in a timely, accurate manner to the AOE. DMAD works with national TA providers sponsored by OSEP to work with LEAs to quantify data from policies, procedures, and practices into an appropriate reporting format.

Making Determination

The U.S. Department of Education Office of Special Education Programs (OSEP) requires states to make annual determinations on the performance of each Local Education Agency (LEA) in implementing the requirements and purposes of IDEA, with regard to the provision of special education and related services. Determinations are a way of designating the status of LEAs into one of four categories as outlined in federal regulations. These categories are:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

Determination levels for LEAs are based on total points awarded, with details regarding how points are determined found in the [LEA Special Education Determination \(LSED\) Rubric](#), and [LEA Special Education Determination \(LSED\) Template](#).

Timeline for Making Determinations and Notifying LEAs of the Results

Determinations are shared with LEAs approximately one month after the latest date that monitoring receives all applicable data. For example, for federal fiscal year 2021, which measures the 2021-2022 school year, all data is available to monitoring no later than the end of June of 2023. The subsequent report and findings are then sent to the LEA by the end of July 2023.

The SEA undertakes enforcement actions does to address each determination level. [34 CFR §300.604](#) outlines enforcement actions related to the identified categories and the Agency of Education will use these enforcement activities when developing differentiated monitoring and supports for LEAs based upon their determination category. IDEA identifies specific technical assistance or enforcement actions that must occur under specific circumstances when LEAs are not determined to “meet requirements”. If the LEA “needs assistance” for two consecutive years, the State must take one or more enforcement actions, including, among others, requiring the LEA to access technical assistance, designating the LEA as a high-risk grantee, or directing the use of LEA funds to the area(s) where the LEA needs assistance. If the LEA “needs intervention” for three consecutive years, the State must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding further payments to the LEA. Any time the LEA “needs substantial intervention” the State must take immediate enforcement action, such as withholding funds or referring the matter to the State’s legal team for appropriate enforcement. Additional details regarding LSED status in relationship to differentiated technical assistance and support, including required enforcement actions based on LSED status, [may be found here](#).

Significant Disproportionality

Please refer to Vermont’s [Policy and Procedures: Significant Disproportionality in Special Education](#). The SEA ensures the LEA publicly reports on any revision of policies, procedures, and practices as part of their improvement activities. LEAs engage in a root causes analysis using the IDC Success Gaps toolkits and are guided through the process to report to the SEA through annual reports and to document any revisions on their website. Further, the SEA offers a model special education procedure document the LEA can adopt, which includes provisions for LEAs on identification, placement, and behavioral consideration in alignment with IDEA requirements.

General Supervision Strategic Directions 2021-2023 for System Enhancement

B. Priority Areas Under AOE Special Education General Supervision System

In addition to ensuring an impactful General Supervision System, the AOE Special Education Team focuses on statewide priority efforts towards improving outcomes for children and youth with disabilities. These OSEP-inspired priorities were agreed upon by the AOE Special

Education Team as grounding much of the work for Calendar Years 2021, 2022, and 2023. These priorities will be revisited and revised for years 2024 and beyond.

Primary objectives/focal points for the Special Education Team:

o Increased graduation rates (Indicator 1, 2)

Related Projects: Looking at intersectionality across SPP/APR indicators – each maps onto what students need to graduate; LRE workgroup; promoting strategies for working with students with disabilities to general educators; SSIP coaching; collaboration with teacher training on providing effective instruction; parent input/involvement - making documents user-friendly and promoting parent training as a related service; Indicator 13 trainings and revised forms; individual technical assistance to LEAs with low performance in Indicators 1 and 2

o Closing achievement gap (Indicator 3)/Addressing Success Gaps

Related Projects: IDC Success Gaps Toolkit use with schools; Drilling Deep into SBAC data with DMAD; Messaging accommodation and modifications for assessment; collaboration with VTmtss; Sharing best practices in learning strategies for students with disabilities

o Decreased disproportionality (Indicator 4, 9, 10 and Significant Disproportionality)

Related Projects: IDC Success Gaps Toolkit use with schools; Discipline policies checklist; review criteria determined for LEAs found non-compliant or low performing in Indicators; resources on AOE special education team website

o Increased capacity and a qualified workforce at state and local levels

Related Projects: State sponsored mentoring program for new special educators, paraprofessional training series; resources for administrators and educators on AOE special education team website; Rule Changes work – research-based guidance/tools/templates; CEEDAR leadership task force; NASDSE/OSEP/CEC training for AOE staff; train the trainer model with national TA providers at SEA and LEA levels

C. Typical Calendar of Events for a General Supervision System

January

- Grant Application: Prepare Part B Grant Application for 60-day public review and comment period
- Finalize SPP/APR
- Data Quarterly Meeting
- Monitoring submissions due January 15th (annual date reviews of IEPs, annual date reviews of reevaluations, discipline, special education, and para policies, adverse effect
- MOE Compliance/Supplant calculation
- State Grant Fiscal Monitoring Notification Letters

February

- SPP/APR Due
- SPP/APR: Post access to SPP/APR data to state website for public review
- SSIP Due

March

- Report program performance to public with 120 days of submitting SPP/APR
- Child Count Final Verification Report
- Monitoring submission due March 15th (Indicators 11 and 13)
- Special Education Expense Report (SEER) submission (cumulative July-February)

April

- Post access SSIP data to state public reporting website
- SPP/APR Clarification Due
- Districts identified with Significant Disproportionality
- Data Quarterly meeting
- IDEA Supplement LEA Plan Form Excess Cost Test
- April 15 40% SEER Q2 Payment
- April 15 3203 Extraordinary Reimbursement Payment
- IDEA B Subgrant Amendment deadline

May

- IDEA Part B SEA Grant Due
- Significant Disproportionality Identification Letters
- Analyze data from SY SPP/APR Improvement Activities
- IDEA B Subgrant Application opens in GMS
- IDEA B Local Education Agency Plan/Assurances distributed
- Final IDEA-B (611 and 619) Allocations for GMS

June

- State Advisory Panel Annual Report Due
- Local APR posted on website
- Plan SPP/APR Improvement Activities
- Close out Monitoring Letters Due
- Data Quarterly meeting
- OSEP SEA Determinations: any corrective actions – last week of June
- MOE IDEA Eligibility Calculation

July

- IDEA Part B LEA Grant Due
- LEA Local Determinations Due, issues of non-compliance and on-site visit selection
- OSEP SEA Determinations: any corrective actions
- Analyze data from SY SPP/APR Improvement Activities
- Plan SPP/APR Improvement Activities
- Child Count Exiting Collection
- MOE IDEA Eligibility Calculation *continued*

August

- LEA Determinations are publicly reported on website
- Evaluation plan SPP/APR Improvement Activities - data-based revisions
- Send out Annual Agenda Items to Special Education Advisory Panel
- Special Education Expense Report (SEER) submission (cumulative prior year July-June)
- Deploy Abbreviated Special Education Service Plan Form B Extra-ordinary and Form D Current Year Special Education Staff collection *formally part of the Special Education

September

- Cyclic/Selective Monitoring Cycles Begin
- Implement new SY SPP/APR Improvement Activities
- Prior FY CEIS and CCEIS/Significant Disproportionality Collection

October

- SSIP: Review progress data with stakeholders; determine revisions to SSIP; Document any changes
- SPP/APR Plan for Writing
- Data Quarterly meeting
- Abbreviated Special Education Service Plan Form B Extra-ordinary and Form D Current Year Special Education Staff collection *formally part of the Special Education Service Plan

November

- Prepare any policy and procedure revisions drafted for Part B Grant Application
- Indicator stewards analyze SPP/APR data and draft sections
- Special Education Expense Report (SEER) submission (July-October)
- Fiscal State Monitoring Risk Assessment
- Create High Low and SPED By SU for Fiscal Review

December

- Write SPP/APR and begin entering data into SPP/APR in EMAPS
- Create (or annually revise) model policy and procedures/forms
- 35% SEER Q1 Payment
- 3203 Extraordinary Reimbursement Payment