

Vermont Agency of Education

General Supervision and Monitoring System

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Introduction and 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, local education agencies (LEAs) are required to provide appropriate special education and related services, and the SEA is required to establish continuous improvement activities as well as 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].

OSEP's 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 State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) for Part B, and Lead Agencies and early intervention service programs for Part C [birth to age 3], but it is not sufficient if children are not attaining the knowledge and skills necessary to accomplish the ideals of IDEA: equality of opportunity, full participation, independent living, and economic self-sufficiency.¹

States also have a responsibility under federal law [34 CFR §300.600(a)(2)] to have a system of general supervision for monitoring special education activities at the LEA level. Using this general supervision and monitoring system (GSMS), 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 the federal regulations. In Vermont, the LEA is considered to be the Supervisory Union (SU) or Supervisory District (SD) and Vermont's system is designed to ensure LEA compliance with

¹ <https://sites.ed.gov/idea/idea-files/2018-determination-letters-on-state-implementation-of-idea/>

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federal and state regulations, in order to improve services and results for students with disabilities.

All components of Vermont's GSMS have been developed according to the high standards set forth by the Office of Special Education Programs (OSEP) to assess and ensure the effectiveness of efforts to educate children and students with disabilities [34 CFR §300.1(d)]. This system consists of several components (some of which are still under development) that relate to and inform the others. These components include:

1. 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.
2. Policies, procedures and effective implementation that are aligned and supportive of the implementation of IDEA.
3. Data processes and results that are used for decision making about program management and continuous improvement efforts.
4. Targeted technical assistance and professional development are directly connected to the SPP/APR and can vary from minimal to substantial intervention. All technical assistance and improvement activities are based on SEA priorities related to leadership, support and oversight.
5. Effective dispute resolution integrated to inform monitoring activities, and to determine stakeholder understanding/barriers to improving student outcomes
6. Integrated monitoring activities selected to ensure continuous examination of performance for compliance and results.
7. Improvement, correction, incentives and sanctions are intended to improve educational results and functional outcomes for each and every Vermont child/student with a disability.
8. Fiscal management and accountability for each and every student (ages 3 through 21) includes a review of fiscal resources to ensure funds are being used in accordance with federal and state requirements.

This document outlines the monitoring and enforcement component of Vermont's GSMS which aligns with other educational initiatives to ensure equitable access and opportunity for eligible students with disabilities in the state of Vermont.

Guiding Principles

Vermont believes that only through coordinated efforts across the education system will we be able to positively affect the school and life trajectory of students with disabilities. To that end, Vermont's special education policies and procedures support federal, state and local implementation of IDEA. 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 Parts B (ages 3 through 21) and Part C (birth to age 3). In Vermont state-level authority is given to the Agency of Education for all activities related to Part B of IDEA; and for all roles and

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responsibilities related to implementation of Part C of IDEA, as determined in the current interagency agreement [Add hyperlink] between the Agency of Education and the Agency of Human Services. Local-level authority is given to LEAs, other public agencies (e.g.: state and local juvenile and adult correctional facilities) and approved independent (private) schools as described in the applicable federal regulations [Citation needed] and established by Vermont State laws [SBE 2228.2].

Vermont's integrated general supervision and monitoring system (GSMS) for students ages 3 through 21 focuses on:

1. A **coherent system** for LEAs which seamlessly integrates LEA Special Education Determinations with monitoring and support activities used to make those determinations.
2. A strong **focus on results** (in addition to compliance) as a **source of support and technical assistance** for LEAs.
3. **Coordination with existing agency structures, processes and protocols** to avoid adding new or additional structures, and where possible to reduce burden and duplication at the state and local level.

Aligning Education Initiatives in Vermont

Vermont is committed to improving the learning of each and every student in the state. Vermont is a state with a demonstrated commitment to quality and equity in education and a legacy of public engagement. The Agency's vision is that each and every learner completes his or her public education with the knowledge and skills necessary for success in college, continuing education, careers, and citizenship. The public education system in Vermont provides flexible learning environments rich with 21st-century tools that promote self-development, academic achievement, and active engagement in learning. It operates within a framework of high expectations for each and every learner with support from educators, families and the community. To accomplish these goals, the mission of the Agency, and the State Board of Education, is to provide leadership, support, and oversight to ensure that the Vermont public education system enables each and every student to be successful.

Agency of Education Theory of Action for Continuous Improvement

Because the AOE is fully committed to continuous improvement for Vermont Education Quality Standards, IDEA requirements, and Every Student Succeeds Act expectations, *then*, it will operate from a shared vision and collective responsibility, and apply a systemic approach to continuous improvement by:

- using quantitative and qualitative data, evidence, research, and current technology for ongoing assessment and evaluation of the efficacy of their work;
- co-operating and collaborating across divisions on projects, professional projects, policy development and implementation efforts, and field technical assistance and professional learning;

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- applying a project-management approach to strategically plan and adapt its work to meet the changing needs of the field;
- engaging in partnerships with community members, families, institutes of higher education, other governmental agencies, and other relevant stakeholders;
- supporting school systems through consistent and transparent messaging, useful and timely resources, and differentiated coaching or professional learning for improvement efforts; and
- ultimately helping educators improve achievement and well-being for all Vermont learners

Then the AOE may assist school systems with their efforts in continuous improvement, AOE teams work together for delivering quality education and for continuously improving educational practices and processes with the ultimate goal of providing equitable and quality education to each and every Vermont learner. The framework [LINK] developed by the Education Quality Assurance team – in collaboration with other AOE teams – will be updated as needed.

Collaboration and Cooperation for Continuous Improvement

Vermont's ESSA State Plan and Education Quality Standards (EQS) are the foundation for education in Vermont. All Vermont public schools need to demonstrate their success in meeting EQS and by doing so, schools are simultaneously demonstrating their success in meeting ESSA requirements. Education Quality Standards can be broken into five domains demonstrating the diversity of the work done in schools. These domains, listed below, are intended to provide feedback and accountability performance measures for all Vermont public schools.

- **Academic Proficiency** - How well do schools provide students with opportunities to develop their skills and knowledge to be career and college ready?
- **High Quality Staffing** - How well do schools provide students with educators who are well trained and qualified to meet the needs of all student?
- **Investment Priorities** - How well do schools provide quality experiences at a price that the community believes is appropriate?
- **Personalization** - How well do schools provide students with opportunities to shape their own learning and to provide authentic engagement?
- **Safe, Healthy Schools** - How well do schools provide environments where students feel healthy, safe and supported in achieving their goals?

Vermont's GSMS is aligned with these domains and utilizes data sets produced from multiple state initiatives to provide differentiated support and technical assistance [2 CFR 200.301 as well as uniform grant guidance] to ensure that each and every Vermont student is receiving a free and appropriate education (FAPE) as defined in IDEA.

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Policies and Procedures

IDEA State Performance Plan and Annual Performance Report (SPP/APR)

In accordance with IDEA, states are required to have a performance plan in place that evaluates the state's implementation of Part B and describes how the state will improve such implementation. This plan has been called the Part B State Performance Plan (SPP), now incorporated into the Annual Performance Report (APR). IDEA also requires states to report annually to the public and OSEP on the state's and districts' performance on a set of seventeen compliance and performance indicators through the APR filed annually on February 1st. The district performance report in Vermont is called the LEA Special Education Determination (LSED) and is issued annually. The SPP/APR and LSED documents [Add hyperlink]are publicly available and previous years are available on the OSEP website [Add hyperlink].

States must use the indicator targets established in the State Performance Plan (SPP) under [34 CFR §300.601](#) and the priority areas described in [34 CFR §300.600\(d\)](#) to analyze the performance of each LEA. The annual targets for state improvement are set periodically by a group of statewide stakeholders and the IDEA B State Advisory Panel. The indicators used in the SPP/APR and LSED measure both compliance and results in the areas of graduation and dropout rates, statewide assessment (participation and proficiency), suspension/expulsion, least restrictive environment/placement, parent involvement, child find (including disproportionate representation by race/ethnicity that is the result of inappropriate identification), early childhood environments and outcomes, transition services (Part C to B, Post-secondary, and secondary), dispute resolution, as well as Vermont's progress towards improving outcomes for students through the State Systemic Improvement Plan (SSIP).

IDEA also requires that Vermont report to the public on the performance of each LEA located in the state on the targets in the State's SPP/APR within 120 days following the Vermont's submission to OSEP. Although states are required to post these at a minimum on the SEA's website, they may not report to the public any information on performance that would result in the disclosure of personally identifiable information about individuals children or students, where the available data are insufficient to yield statistically reliable information. [[34 CFR §300.602](#)]

LEA Special Education Determinations

The U.S. Department of Education Office of Special Education Programs (OSEP) also 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 34 CFR §300.603. These categories are:

- Meets Requirements
- Needs Assistance

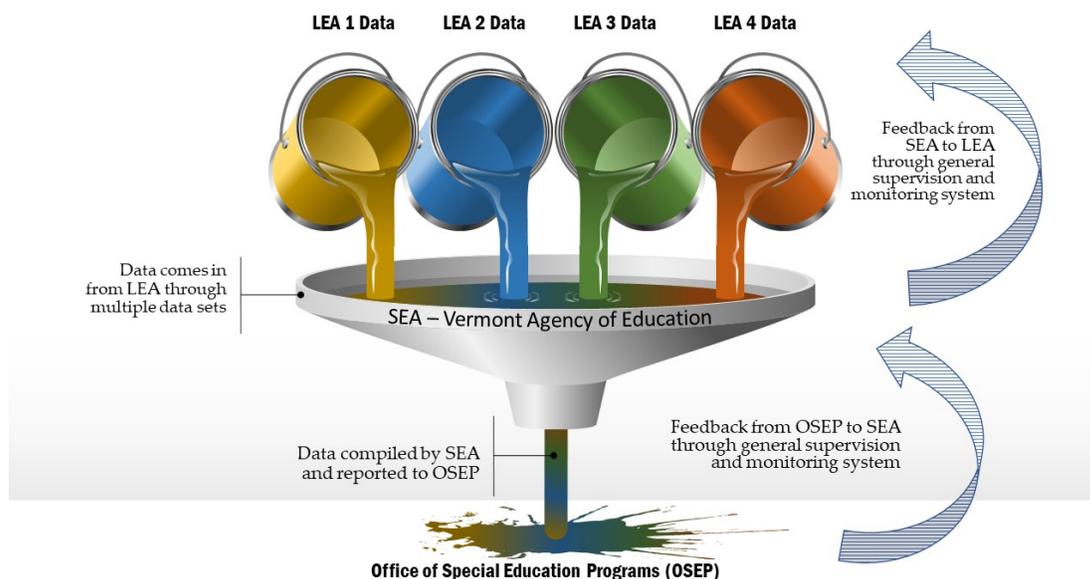
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- Needs Intervention
- Needs Substantial Intervention

34 CFR §300.604 outlines enforcement regulations related to the above categories and the SEA 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 SEAs or LEAs are not determined to “meet requirements.” In the case of the SEA, OSEP is responsible for the feedback and enforcement actions; and in the case of the LEA, it is the SEA that is responsible for the feedback and enforcement actions. Figure 1 below shows the intergovernmental relationship between the federal, state, and local education agencies as it relates to data collection and feedback.

Prior to this document, Vermont’s determinations were based mostly on performance related to compliance indicators from the SPP/APR including suspension/expulsion, child find (including disproportionate representation by race/ethnicity that is the result of inappropriate identification), and post-secondary transition. Going forward, and following OSEP’s lead, Vermont is implementing a revised accountability system under the IDEA known as Results Driven Accountability (RDA), which shifts efforts for accountability from a primary emphasis on compliance to a framework that focuses on improved results for students with disabilities, while continuing to ensure compliance with the requirements found in IDEA.

Figure 1: Data from four LEAs comes to the SEA (VT AOE) through multiple data sets. Data is compiled by the AOE and reported to OSEP. Feedback flows from OSEP to the AOE through the general supervision and monitoring system. Feedback from the AOE flows to the LEA through the general supervision and monitoring system.



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LEA Special Education Determinations (LSED)

Vermont’s RDA determination system incorporates factors for compliance and results indicators as reported to OSEP in the SPP/APR. Calculations are based on individual LEA performance toward achieving state targets in both compliance and results indicators. The Part B Compliance Matrix measures LEA performance on APR indicators related to suspension and expulsion, disproportionate representation, child find activities, and transitions of students with disabilities (both C to B and post-secondary transitions). A total of 45 points can be earned on up to nine (9) individual compliance factors. In addition, there are also non-APR indicator performance measures related to compliance for IDEA on annual IEP and triennial evaluations timelines and timely resolution of findings of noncompliance. Findings of noncompliance will be calculated as minus 1 point for each finding of noncompliance in the current year, and minus 2 points for each unresolved finding of noncompliance (considered long-standing noncompliance). The Part B Results Matrix measures LEA performance on APR indicators related to graduation rate, performance and participation on statewide assessments (3-8 grade), educational environment for both school age and preschool students (ages 3-21), and preschool outcomes (ages 3-5). A total of 90 points can be earned on up to eighteen (18) individual results factors. There are also performance measures related to compliance for IDEA timely and accurate data submissions. A total of 10 points can be earned on up to ten (10) factors – 1 point for each timely submissions and 1 point each for accurate submissions. The final factor used in the LSED calculation is grantee’s comprehensive pre-award risk assessment (fiscal/grantee risk rating) which can be up to 5 points. The scoring criteria is summarized in Table 1 below.

Compliance = 8 areas – up to 45 points / Results = 18 areas – up to 90 points / Fiscal = 1 area – up to 5 points / Timely/Accurate = 10 areas – up to 10 points... TOTAL = 150 points

Table 1: Scoring Criteria for Awarding LEA Performance Points (up to 150 points)

Point Value	Description <i>Note: needs modeling to determine the delta from targets and possible options for weighting</i>
5	The LEA Meets or exceeds the state target for the performance indicator Comprehensive pre-award risk assessment rating = LOW risk
4	The LEA is 1% to 5% below the state target for the performance indicator
3	The LEA is 6% to 10% below the state target Comprehensive pre-award risk assessment rating = MODERATE risk
2	The LEA is 11% to 15% below the state target

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1	The LEA is <i>more than 15%</i> below the state target Comprehensive pre-award risk assessment rating = HIGH risk
Other Performance Measures	<ul style="list-style-type: none"> Timely and accurate data submissions are awarded 1 point for each item (up to 10 points) Findings of noncompliance will be calculated as minus 1 point for each finding of noncompliance in the current year, and minus 2 points for each unresolved finding of noncompliance (considered long-standing noncompliance)
Bonus Points	<ul style="list-style-type: none"> Although not yet at target, if the LEA is moving closer to target from previous to current in 60% (11 out of 18 factors) or more of the <u>RESULTS</u> indicators (1, 3, 5, 6, 7) then 1 bonus point will be added into the final determination score. Additional bonus point (1) can be earned by participation in the State Systemic Improvement Plan (SSIP).

Some LEAs may not have data for one or more indicators. Therefore, the points awarded will be assigned as N/A and will not be included in the calculations for LSED. This might occur because:

- The LEA does not have data generated for this indicator (LEA was not in that year’s monitoring cycle);
- The LEA number of students for this indicator is fewer than Vermont’s minimum n-size;
- The LEA was receiving intensive technical assistance due to systemic issues and monitoring activities were suspended until the next school year.

Determination levels for LEAs are based on total points awarded with these determination levels guiding the type and intensity of the technical assistance provided to LEAs. If an LEA scores less than 2 points on any *compliance* factor, targeted assistance will be provided as soon as reasonably possible to the LEA in the relevant performance area. See Appendix ___ for an example of the LSED.

Differentiated Monitoring and Levels of Support (DMS)

Vermont’s Agency of Education special education staff are part of the Student Support Services Division which prioritizes resources for technical assistance and support based on the LEA Special Education Determination (LSED). The SEA’s differentiated monitoring and support system (DMS) is designed to mitigate potential risks as it fulfills its responsibility to monitor IDEA sub-grantees. Based upon the LSED status, LEAs can expect a variety of monitoring activities, technical assistance and support. Monitoring activities vary based on levels of

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intensity required in reviewing the available data. These activities may include file reviews, desk audits, on-site visits, and selective monitoring reviews. LEAs will be 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 if applicable. On-site visits will typically be scheduled either in the late fall or late spring and will be coordinated as often as possible with on-site visits by other SEA teams (examples: fiscal, VTmtss, Title, EQA, etc.). A final report of monitoring activities will be issued to the LEA during the summer. This final report will include a brief summary of monitoring activities, a summary of common themes and trends found in the data, findings of noncompliance if appropriate, and general supervision requirements. An example of this report can be found in Appendix ____

Table 2 outlines the relationship between the LSED status, monitoring activities, and differentiated technical assistance and support available to LEAs. (needs modeling to determine the points/score for each category – current levels are the %)

Table 2: LSED Status in Relationship to Differentiated Technical Assistance and Support

LSED Status	Monitoring Activity	Differentiated Technical Assistance and Support includes any or all of the following:	Frequency and Duration of LSED Status	Required Enforcement Action(s) Based on LSED Status
Meets requirement (85%-100%) <i>Total Points</i> 127-150	<ul style="list-style-type: none"> File Review 	<ul style="list-style-type: none"> Notification regarding LSED status sent to LEA Superintendent and Special Education Director Written recognition to state and local school board by State Director of Special Education Technical Assistance and support may include targeted or intensive as requested by LEA 	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Voluntary participation in universal technical assistance offered by the SEA
Needs assistance (between 64-84.9%)	<ul style="list-style-type: none"> File Review Desk Audit On-site Visit -Targeted 	<ul style="list-style-type: none"> Notification regarding LSED status sent to LEA Superintendent and Special Education Director 	<ul style="list-style-type: none"> Two (2) or more consecutive years 	<p>YEAR 1</p> <ul style="list-style-type: none"> Voluntary participation in technical assistance

LSED Status	Monitoring Activity	Differentiated Technical Assistance and Support includes any or all of the following:	Frequency and Duration of LSED Status	Required Enforcement Action(s) Based on LSED Status
<p><i>Total Points</i> 96-126</p>		<ul style="list-style-type: none"> • Written notification of noncompliance to state and local school board State Director of Special Education • Collaborative Improvement Plan – LEA/SEA determine necessary steps and timelines for improved performance. This may include allowing for negotiated timelines to address best practice issues; findings of noncompliance may be subject to a corrective action plan, imposition of special conditions or withholding of funds until deficiencies are corrected • Technical Assistance and support may include universal, targeted or intensive as determined by either the LEA or SEA; • Targeted Visit – determined by LEA request, or the results of SEA identified equity gaps, desk audit findings for program or fiscal monitoring, or special program monitoring status. 		<p>determined by the SEA based on identified needs</p> <ul style="list-style-type: none"> • Notification of potential consequences for on-going systemic issues <p>YEAR 2</p> <p>One or more of the following:</p> <ul style="list-style-type: none"> • Mandated participation in technical assistance as determined by the SEA • designation as a higher-risk grantee by the SEA • directed use of IDEA funds to the areas identified by the SEA
<p>Needs intervention</p>	<ul style="list-style-type: none"> • File Review • Desk Audit 	<ul style="list-style-type: none"> • Notification regarding LSED status sent to LEA 	<ul style="list-style-type: none"> • Three (3) consecutive years 	<p>One or more of the following:</p>

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LSED Status	Monitoring Activity	Differentiated Technical Assistance and Support includes any or all of the following:	Frequency and Duration of LSED Status	Required Enforcement Action(s) Based on LSED Status
<p><i>(between 45% - 63.9%)</i></p> <p><i>Total Points</i></p> <p><i>67-95</i></p>	<ul style="list-style-type: none"> • On-site Visit – Priority 	<ul style="list-style-type: none"> • Superintendent and Special Education Director • Written notification of noncompliance to state and local school board by State Director of Special Education • Required Improvement or Corrective Action Plan – SEA may impose special conditions or withholding of funds until deficiencies are corrected • Technical Assistance and support as needed – SEA determined to help LEA with implementation of program improvements; may include targeted or intensive • Priority Visit – determined by results of SEA identified equity gaps, desk audit findings from program or fiscal monitoring, or special program monitoring status 		<ul style="list-style-type: none"> • any of the actions listed in needs assistance • required corrective action plan or compliance agreement • withholding funds up to 50% of the IDEA grant
<p>Needs substantial intervention <i>(below 44.9%)</i></p> <p><i>Total Points</i></p> <p><i>0-95</i></p>	<ul style="list-style-type: none"> • File Review • Desk Audit • On-site Visit - Systemic 	<ul style="list-style-type: none"> • Notification regarding LSED status sent to LEA Superintendent and Special Education Director • Written notification of improvement/corrective action plan to state and local 	<ul style="list-style-type: none"> • Immediate enforcement 	<p>One or more of the following:</p> <ul style="list-style-type: none"> • recovery of IDEA funds previously disbursed • withholding IDEA funds

LSED Status	Monitoring Activity	Differentiated Technical Assistance and Support includes any or all of the following:	Frequency and Duration of LSED Status	Required Enforcement Action(s) Based on LSED Status
		<p>school board by State Director of Special Education</p> <ul style="list-style-type: none"> • Required Improvement or Corrective Action Plan –SEA may impose special conditions, withhold funds, or limit LEA ability to apply for discretionary funds, until deficiencies are corrected • LEA Progress monitoring reviewed quarterly by SEA • Technical Assistance and support is determined by the SEA to help LEA with implementation of program improvements; may include targeted or intensive • Systemic Visit – determined by results of SEA identified equity gaps, desk audit findings for program or fiscal monitoring, or special program monitoring status 		<ul style="list-style-type: none"> • referral to legal for appropriate enforcement

Technical assistance

Technical assistance serves multiple functions to assist LEAs in improving results and compliance. The SEA provides LEAs with a range of assistance to improve performance and build capacity to improve student outcomes. Technical assistance is provided by the special education program team staff in three levels of engagement:

Universal available to all LEAS, includes webinars, technical assistance calls/virtual meetings, FAQs, and other guidance document produced by the SEA, engagement based on LEA choice to improve student outcomes.

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- 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.

Monitoring Activities

Monitoring activities will include file reviews, desk audits, and on-site visits based upon the LSED status. For LEAs whose LSED status remains as meets requirements, a file review or desk audit will be completed on a three-year cycle.

File Reviews include:

- Analysis of data submitted for the SPP/APR
 - Indicator 4 – Suspension/Expulsion (related to racial/ethnic groups)
 - Policies and procedure review
 - Indicator 9 & 10 – Disproportionate Representation related to potential inappropriate identification based on
 - Racial/ethnic groups
 - Racial/ethnic groups in specific disability categories
 - Indicator 11 – Child Find
 - Form 2/Form 4 for initial evaluation
 - Policies and procedures related to child find
 - Indicator 12 - Part C to Part B Transition
 - Form 6B for initial Part B services
 - Does data align with Part C Indicator 8 data collected
 - Indicator 13 - Post-secondary Transition Plan
 - IEPs submitted for review and verification of compliance

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- Indicators 6 and 7 – Preschool Environments and Outcomes
 - Review of 619 data for children ages 3-5
- Annual IEP/Triennial Date Review
- Comprehensive Pre-Award Risk Assessment Results
- Previous local determination status (review minimum 3-year history)

Desk Audits include a more comprehensive data review from one or more additional datasets with a final report issued at the end of the monitoring cycle. This may include review of policies and procedures or actual data collections related to:

- Best practices related to access, opportunity and equity for students with disabilities including those with significant cognitive disabilities (1% threshold)
- Communication from the community reporting potential issues at the LEA
- Dispute Resolution Findings – admin complaints, mediation, due process
- ESSA Determinations – including snapshot data
- Fiscal Monitoring results (identified in Nov/done in Jan, closeouts by May 1st)
- Full use of MOE/CEIS funds
- How CTE Students are receiving special education and related services.
- IFR Reports – areas of concern identified in these reports may trigger a desk audit
- Independent School Contracts and Enrollments
- Issues of long-standing non-compliance
- Review of LEA policies and procedures related to special educators, paraprofessionals, child find activities, disproportionate representation, family engagement practices
- Review of prek/ECSE monitoring data
- Use of IDEA funds and completion/implementation of workplan items from grant application
- VTmtss Self-Assessment Survey Results

Site Visits – Targeted/Priority/Systemic - Each on site visit involves:

- Prep work (up to 30 days) to analyze data from file reviews and desk audits
- The on-site visit (2-5 days) to conduct family/staff/administration interviews, observe classrooms, and surveys
- analysis of data from the actual visit (5-30 days)
- development of the final report (5-days)

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Timeline and Deadlines

The state’s timeline for issuing determinations, assigning levels of support, and district fulfillment of requirements is outlined in the table below.

Table 3: Monitoring Cycle

Due Date for LEA	Response from AOE	Monitoring Activity Data	Timeframe for data collection
Dec. 15	January 15	Child Count – Dec. 1 Adverse Effect Docs Indicators 11,12,13 Indicators 9, 10 to LEAs Improvement Plans for Annual Date Review	June 1 – Dec. 1
March 15	April 15	Indicators 11-13	Dec. 2 – March 1
June 15	July 15	Indicators 11-13	March 2 – May 31
July 15	Sept. 15	Child Count Exits – June 30	
LEA Response – Oct. 15 Associated improvement Plans submitted for approval – Dec. 15	Send to LEA – Sept. 15 Analysis to LEA – Nov. 15	Annual IEP Date Review Triennial Eval Date Review	Based on Previous Year’s Child Count Data
	Aug. 1	Released to LEAs: Local Determinations Identify LEAs scheduled for program monitoring	

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Due Date for LEA	Response from AOE	Monitoring Activity Data	Timeframe for data collection
		List of findings from previous year submitted in a report to LEA	
Sept. 1 Training verification forms – Sign in Sheets for staff/TA	Oct. 1 Closeout Reports and LEA special Ed Profiles (to be developed) from previous school year.	Pre/Post School Year Inservice Training or TA Modules related to Indicator 13, or AOE Required TA in CAPs	June 1 – Aug. 31
		Fiscal Monitoring Results from Previous School Year LEAs identified internally in November/LEAs notified January	Special Monitoring

Selective Reviews

When issues of concern are brought to SEA’s attention regarding an LEA’s implementation of IDEA, a selective review may be conducted to determine the level of concern and assistance needed. For example, the SEA may determine an LEA needs a comprehensive on-site review or targeted technical assistance, depending on the information provided, the source of that information, and other relevant factors. Selective reviews take into account (but are not limited to) the following data elements: stakeholder concerns, phone log information, complaint log information, dispute resolution requests, email correspondence, and critical and/or special investigative audits and findings related to special education. These may happen at any time and are unrelated to the differentiated monitoring process, except that a selective review may be deemed necessary as a result of the findings in one or more monitoring activities.

Improvement, Correction, Incentives and Sanctions

OSEP Memo 09-02 (Appendix 4), describes how the SEA must demonstrate substantial compliance for purposes of State Determinations. In order to demonstrate that previously

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identified noncompliance has been corrected, the SEA must account for all instances of noncompliance, identified through:

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

This memo also outlines the steps the SEA must take in order to report that previously identified noncompliance has been corrected. These actions include:

- requiring an LEA to change policies, procedures, and practices that contributed to or resulted in noncompliance,
- determining that the LEA is correctly implementing specific regulatory requirement(s) based upon the SEAs review of updated data from a data system, or subsequent monitoring visit.

In addition, the SEA must also ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. In which case the SEA can review a reasonable sample of previously noncompliant files to verify that the noncompliance was corrected. Regardless of the specific level of noncompliance, if the SEA finds noncompliance in an LEA the SEA must notify the LEA in writing of the noncompliance, and the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from written notification by the SEA.

Based upon this guidance provided by OSEP, and in the absence of a statewide IEP system, all monitoring activities will require the SEA to have READ-ONLY electronic access to software used for producing special education documentation (examples are not limited to: DocuSped, Goalview, Powerschool, etc). Read-only access will be granted by the LEA to the SEA during the course of the monitoring activity and at the end of the school year, the LEA and SEA will determine the timeframe for continued access based on the need for subsequent tracking of improvement or corrective action plans.

The SEA will randomly choose student files for new and on-going monitoring activities based on the sampling chart on the following page.

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Table 4: 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
300 – 450	30	8	9
451 – 700	40	10	6
701+	50	12	n/a

The SEA will provide the LEA with a list of student perm numbers that were accessed electronically as part of the final monitoring report.

APPENDIX 1: LEA Special Education Determination (LSED)

LEA NAME: [LEA NAME]

Determination Status: [Determination]

Due to submission deadlines for multiple data collections, the data used in your determination is based upon the most recent data filed with OSEP for the SPP/APR

Table 1: Part B Compliance Matrix for SY20xx-20xx – Performance Measures

Performance Measure (based on SPP/APR)	State Target FFY2017	LEA Performance FFY2017	Previous LEA Performance FFY2016	Points Awarded
Indicator 4A Suspension/Expulsion Percent of significant discrepancy, by race/ethnicity, in the rate of suspensions and expulsions <i>greater than 10 days</i> in a school year for students with IEPs.	0%			
Indicator 4B Suspension/Expulsion Percent that <i>LEA policies, procedures, or practices contribute</i> to the significant discrepancy and do not comply with requirements related to the development and implementation of IEPs.	0%			
Indicator 9 Disproportionate Representation Percent of disproportionate representation of racial and ethnic groups in <i>special education and related services</i> that is the result of inappropriate identification.	0%			
Indicator 10 Disproportionate Representation	0%			

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Performance Measure (based on SPP/APR)	State Target FFY2017	LEA Performance FFY2017	Previous LEA Performance FFY2016	Points Awarded
Percent of disproportionate representation of racial and ethnic groups in <i>specific disability categories</i> that is the result of inappropriate identification.				
Indicator 11 Child Find Percent of children evaluated <i>within 60 days</i> of receiving parental consent for initial evaluation, or if appropriately delayed sufficient documentation was provided.	100%			
Indicator 12 Part C to B Transition Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.	100%			
Indicator 13 Post-Secondary Transition Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable post-secondary goals that are annually updated and based upon an age-appropriate transition assessments, transition services, including course of study that will reasonably enable the student to meet those post-secondary goals, and annual IEP goals related to the student's transition service needs.	100%			

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Table 2: Part B Compliance Matrix for SY20xx-20xx – Other Compliance Performance Measures

OTHER Compliance Performance Measures	State Threshold	LEA Performance FY20xx	Previous LEA Performance FY20xx	Points Awarded
Annual IEP Date Reviews	95%			
Triennial Evaluation Date Reviews	95%			

Table 3: Correction of Findings of Non-Compliance

Correction of Findings of Non-Compliance Includes any findings from multiple special education monitoring activities including: fiscal, dispute resolution and program monitoring.	Current LEA non-compliance FY20xx	Previous LEA non-compliance FY20xx	Points Awarded
Total Findings of noncompliance identified	Ex. 3	Ex. 4	
Findings of non-compliance verified as corrected w/in one year	Ex. 1	Ex. 3	
Findings not yet verified as corrected	Ex. 2	Ex. 1	

Table 4: Part B Results Matrix: SY20xx-20xx – Performance Measures

Performance Measure (based on SPP/APR)	State Target FFY2017	LEA Performance FFY2017	Previous LEA Performance FFY2016	Points Awarded
Indicator 1 Graduation Rate Percent of youth with IEPs graduating from high school with a regular diploma. (NOTE: VT has only one diploma for all students)	86%			

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Performance Measure (based on SPP/APR)	State Target FFY2017	LEA Performance FFY2017	Previous LEA Performance FFY2016	Points Awarded
Indicator 3B Participation for Students with IEPs Percent of children with IEPs <i>participating</i> in statewide assessment for READING (grades 3-9)	99.25%			
Percent of children with IEPs <i>participating</i> in statewide assessment for MATH (grades 3-9)	99.25%			
Indicator 3C Performance for Students with IEPs Percent of children with IEPs <i>proficient</i> on statewide assessment for READING (grades 3-9)	12.20%			
Percent of children with IEPs <i>proficient</i> on statewide assessment for MATH (grades 3-9)	7.30%			
Indicator 5 Educational Environments (ages 6-21) A. Percent of children with IEPs inside the regular classroom 80% or more of the school day.	79%			
B. Percent of children with IEPs inside the regular classroom less than 40% of the school day.	7.00%			
C. Percent of children with IEPs in separate schools, residential facilities, or homebound/hospital placements.	3.75%			

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Performance Measure (based on SPP/APR)	State Target FFY2017	LEA Performance FFY2017	Previous LEA Performance FFY2016	Points Awarded
Indicator 6 Preschool Environments (ages 3-5) A. Percent of children with IEPs attending regular early childhood program and receiving the majority of special education and related services in the regular early childhood program.	71.78%			
B. Percent of children with IEPs attending separate special education class, separate school or residential facility.	6.19%			
Indicator 7 Preschool Outcomes (ages 3-5) Outcome A: Positive Social-Emotional Skills 1. Percent of preschool children functioning <i>below</i> age expectations, who substantially increased their rate of growth by the time they turned six years of age or exited the program.	86.65%			
2. Percent of preschool children who were functioning <i>within</i> age expectations by the time they turned six years of age or exited the program.	40.91%			
Indicator 7 Preschool Outcomes (ages 3-5)	87.30%			

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Performance Measure (based on SPP/APR)	State Target FFY2017	LEA Performance FFY2017	Previous LEA Performance FFY2016	Points Awarded
Outcome B: Acquisition and use of knowledge and skills 1. Percent of preschool children functioning <i>below</i> age expectations, who substantially increased their rate of growth by the time they turned six years of age or exited the program.				
2. Percent of preschool children who were functioning <i>within</i> age expectations by the time they turned six years of age or exited the program.	32.49%			
Indicator 7 Preschool Outcomes (ages 3-5) Outcome C: Use of appropriate behaviors to meet needs 1. Percent of preschool children functioning <i>below</i> age expectations, who substantially increased their rate of growth by the time they turned six years of age or exited the program.	86.00%			
2. Percent of preschool children who were functioning <i>within</i> age expectations by the time they turned six years of age or exited the program.	54.71%			

Table 5: Part B Results Matrix: SY20xx-20xx – Other Performance Measures

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OTHER Performance Measures used for LSED	Submission Deadlines	LEA Performance FY20xx	Previous LEA Performance FY20xx	Points Awarded
<p>Timely Data Submissions</p> <ul style="list-style-type: none"> A. December 1st Child Count B. Adverse Effect Documentation C. June 30th Exit Data D. IDEA Grant Application to AOE E. Other Submission Requests (LEA specific) 	<ul style="list-style-type: none"> A. Dec. 15 B. Dec. 15 C. July 15 D. July 1 E. TBD 	<ul style="list-style-type: none"> A. B. C. D. E. 	<ul style="list-style-type: none"> A. B. C. D. E. 	
<p>Accurate Data Submissions</p> <ul style="list-style-type: none"> A. December Child Count B. Adverse Effect Documentation C. June Exit Data D. IDEA Grant Claims from previous year E. Other Submission Request (LEA specific) 	<ul style="list-style-type: none"> A. Dec. 15 B. Dec. 15 C. July 15 D. July 1 E. TBD 	<ul style="list-style-type: none"> A. B. C. D. E. 	<ul style="list-style-type: none"> A. B. C. D. E. 	
<p>Fiscal/Grantee Risk Rating (low, moderate, high)</p>				
<p>Bonus Point: LEA has moved closer to target in 60% or more of the RESULTS indicators (11 out of 18 factors)</p>				
<p>Bonus Point: LEA is participating in SSIP</p>				

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APPENDIX 2: Tools used for Monitoring Activities

These are currently a list of file names for tools used in monitoring that will eventually be published on the AOE website (after branding and accessibility checks).

- File Review checklist
- Disability Determination Checklist
- Educational Benefit Process and Charts
- Indicator 11 – Child Find Data Collection Sheet
- Indicator 12 – Part C to B Transition Data Collection Sheet
- Indicator 13 – Post-secondary Transition Plan Data Collection Sheet
- LEA Self-Review for FAPE
- Classroom Observation Form
- Interview Questions for specific roles

APPENDIX 3: SPP/APR Indicator List

SPP/APR Indicators and State Targets for FY2020

States must use the indicator targets established in the State Performance Plan (SPP) under [34 CFR §300.601](#) and the priority areas described in [34 CFR §300.600\(d\)](#) to analyze the performance of each LEA. The annual targets for state improvement are set periodically by a group of statewide stakeholders and the IDEA B State Advisory Panel. The indicators used in the SPP/APR measure both compliance and results in the areas of graduation and dropout rates, statewide assessment (participation and proficiency), suspension/expulsion, least restrictive environment/placement, parent involvement, child find (including disproportionate representation by race/ethnicity that is the result of inappropriate identification), early childhood environments and outcomes, transition services (Part C to B, Post-secondary, and secondary), dispute resolution, as well as Vermont's progress towards improving outcomes for students through the State Systemic Improvement Plan (SSIP). The SEA

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 34 CFR §300.603. These categories are:

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

34 CFR §300.604 outlines enforcement actions related to the above categories and the SEA 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 SEAs or LEAs are not determined to "meet requirements." In the case of the SEA, OSEP is responsible for the enforcement actions; and in the case of the LEA, it is the SEA that is responsible for the enforcement actions.

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SPP/APR Indicators and Measurement Table

Indicator	State Targets
Indicator 1: Graduation from High School with a Regular Diploma	
% of youth with IEPs who graduated with a regular diploma	86.00%
Indicator 2: Drop-Out	
% of youth with IEPs aged 14-21 who exited due to drop out	3.20%
Indicator 3B: Statewide Assessment	
% participation rate for MATH assessments	99.25%
Indicator 3B: Statewide Assessment	
% participation rate for READING assessments	99.25%
Indicator 3C: Statewide Assessment	
% proficiency rate for MATH assessments	7.35%
Indicator 3C: Statewide Assessment	
% proficiency rate for READING assessments	12.25%
Indicator 4A: Suspension/Expulsion >10 days for students on IEPs	
% of districts with significant discrepancy	0%
Indicator 4B: Suspension/Expulsion >10 days for students on IEPs	
% of districts with significant discrepancy by race/ethnicity	0%
Indicator 5A: Educational Environments (ages 6-21)	
% of students with disabilities inside regular class > 80% of the day	79.00%
Indicator 5B: Educational Environments (ages 6-21)	
% of students with disabilities inside regular class < 40% of the day	7.00%
Indicator 5C: Educational Environments (ages 6-21)	
% of students with disabilities in separate schools/facilities	3.75%

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Indicator	State Targets
Indicator 6A: Early Childhood Environments (ages 3-5)	
% of children receiving ECSE services in regular early learning program	71.78%
Indicator 6B: Early Childhood Environments (ages 3-5)	
% of children attending separate special ed class, school or residential facility	6.19%
Indicator 7: Early Childhood Outcomes	
Outcome A1: Positive Social Emotional Skills & Relationships	
% of increased rate of growth by six years of age or exited	87.13%
Indicator 7: Early Childhood Outcomes	
Outcome A2: Positive Social Emotional Skills & Relationships	
% of functioning within age expectations by six years of age or exited	41.41%
Indicator 7: Early Childhood Outcomes	
Outcome B1: Acquisition & Use of Knowledge and Skills	
% of increased rate of growth by six years of age or exited	87.80%
Indicator 7: Early Childhood Outcomes	
Outcome B2: Acquisition & Use of Knowledge and Skills	
% of functioning within age expectations by six years of age or exited	32.99%
Indicator 7: Early Childhood Outcomes	
Outcome C1: Use of Appropriate Behaviors	
% of increased rate of growth by six years of age or exited	86.50%
Indicator 7: Early Childhood Outcomes	
Outcome C2: Use of Appropriate Behaviors	
% of functioning within age expectations by six years of age or exited	55.21%
Indicator 8: Parent Involvement	
% of parents who report the school facilitated parent involvement	38.12%
Indicator 9: Disproportionate Representation in Special Education	
	0%

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Indicator	State Targets
% districts with significant disproportionate representation of racial/ethnic groups due to inappropriate identification	
Indicator 10: Disproportionate Representation in Specific Disability Categories	
% districts with significant disproportionate representation of racial/ethnic groups due to inappropriate identification	0%
Indicator 11: Child Find	
% children evaluated within 60-day timeframe	100%
Indicator 12: Early Childhood Transition	
% of children found Part B eligible with IEP implemented by 3rd birthday	100%
Indicator 13: Secondary Transition with IEP Goals	
% of students ages 16+ with complaint post-secondary transition plans	100%
Indicator 14A: Post-School Outcomes- % of youth with IEPs who exited secondary schools	
Enrolled in higher education within one year of exit	24.25%
Indicator 14B: Post-School Outcomes- % of youth with IEPs who exited secondary schools	
Competitively employed within one year of exit	56.50%
Indicator 14C: Post-School Outcomes- % of youth with IEPs who exited secondary schools	
Enrolled in other post-secondary education or are otherwise employed	72.00%
Indicator 15: Resolution Sessions	
% of hearings requests that were resolved through resolution settlement agreement	60.00%
Indicator 16: Mediation	
% of mediations resulting in mediation agreements	82.00%

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Indicator	State Targets
Indicator 17: State Systemic Improvement Plan (SSIP)	Yes/No

QUESTIONS: Contact us via email at AOE.SpecialEd@vermont.gov

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APPENDIX 4: OSEP Memo 09-02

Reporting on Corrections of Noncompliance in the SPP/APR

US Department of Education Memo: [Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act](#)