

## LEA Special Education Determinations (LSED) – FFY2021

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 the Individuals with Disabilities Education Act (IDEA) – Part B, 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 (MR)
- Needs Assistance (NA)
- Needs Intervention (NI)
- Needs Substantial Intervention (NSI)

Special education determinations are based upon the most recent data filed with OSEP for Vermont’s State Performance Plan/Annual Performance Report (SPP/APR). 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. Following OSEP’s lead, Vermont is implementing an 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.

### Calculating Determinations

In making determinations, in FFY2021 Vermont’s system incorporates factors for compliance and results indicators as reported to OSEP in the SPP/APR. Vermont’s FFY2021 criteria for LEA determinations are outlined:

Determination	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
Vermont’s criteria for LEA determinations	Greater than or equal to 80%	60-79%	40-59%	Less than 40%

Calculations are based on individual LEA performance toward achieving state targets and are aligned with local annual performance reports for the same time period. The Part B compliance indicators measure LEA performance related to suspension and expulsion, disproportionate representation, child find activities, and transitions of students with disabilities (both C to B and post-secondary transitions). Compliance indicators (4b, 9, 10, 11, 12, 13) will only receive points for *meets target* or *did not meet target*. The Part B results indicators measure LEA performance on APR indicators related to:

### Contact Information:

If you have questions about this document or would like additional information, please contact: Special Education Monitoring, at [AOE.SpecialEdMonitoringGroup@vermont.gov](mailto:AOE.SpecialEdMonitoringGroup@vermont.gov).

- Graduation rate (Indicator 1)
- Dropout rate (Indicator 2)
- Statewide assessments including the alternate assessment, both in participation (Indicator 3a) and proficiency (Indicators 3b and 3c)
- Gap in statewide assessment proficiency rates for children with IEPs in comparison to all students (Indicator 3d)
- Significant discrepancy by race or ethnicity for which policies/procedures/practices contributed to out-of-school suspensions for greater than 10 cumulative days in a school year (Indicator 4a)
- Educational environments for both school-age and preschool students ages 3-21 (Indicators 5 and 6)
- Preschool outcomes for children ages 3-5 (Indicator 7)
- Parent involvement (Indicator 8)
- Post-school outcomes (Indicator 14)

Results areas may be awarded partial points for scores approaching state targets, as specified in the sections describing Scoring Criteria. Additional points, not factored into the denominator, will be awarded for participation in the Statewide Systemic Improvement Plan (SSIP). In addition, determinations may also be made in general supervision performance measures related to compliance on annual date reviews for IEPs and triennial evaluations, timely and accurate data reporting, fiscal/grantee pre-award risk rating, dispute resolutions, and timely resolution on findings of noncompliance.

Areas listed as NA indicate data not available and might occur because:

- The LEA does not have data generated for this indicator; and
- LEA was not in that year's monitoring cycle.

Beginning with FFY2018 (SY2018-2019), both compliance and results indicators were given equal weight in making the LEA Special Education Determination. Beginning with FFY2019 (SY2019-2020), determinations also included accountability for general supervision requirements. For FFY2020 (SY2020-2021), the Vermont Agency of Education made simplified determinations for LSEDs, using only compliance measures over the more robust set (compliance and performance) used in the recent past. During FFY2021, as reflected in this report, the Vermont Agency of Education has returned to including performance measures. Scoring criteria are listed below the table below describing points awarded.

### **Technical Assistance, Improvement, Correction, Incentives and Sanctions**

[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 on their determination category. The 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 AOE 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 AOE 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 AOE must take immediate enforcement action, such as withholding funds or referring the matter to the AOE’s legal team for appropriate enforcement.

For additional information on Vermont’s General Supervision and Monitoring System, please visit our [website](#).

The following is a list of each LEA’s performance in meeting the requirements of IDEA Part B which serves students with disabilities, ages 3 through 21. Determinations are based on data collected for SY2021-2022.

<b>Meets Requirements</b>	<b>Needs Assistance</b>	<b>Needs Assistance Year 2</b>
Addison Northwest SD	Burlington SD	Grand Isle SU
Bennington Rutland SU	Champlain Valley SD	Missisquoi Valley SD
Caledonia Central SU	Franklin Northeast SU	Orange East SU
Central Vermont SU	Harwood UUSD	
Colchester SD	Lamoille North SU	
Essex North SD	Lamoille South SU	
Essex-Westford SD	Mill River UUSD	
Franklin West SU	Milton SD	
Greater Rutland County SU	North Country SU	
Hartford SD	Rivendell Interstate SD	
Mt. Mansfield UUSD	Rutland City SU	
Orange Southwest SU	Slate Valley UUSD	
Rutland Northeast SU	South Burlington SD	
SAU 70	Washington Central SU	
St. Johnsbury SD	Windham Northeast SU	
Windham Southeast SU	Windsor Central SU	
Winooski SD		

<b>Needs Assistance Year 3</b>	<b>Needs Assistance Year 4</b>	<b>Needs Assistance Year 5</b>
Kingdom East SD	Mt. Abraham USD	Southwest Vermont SU
Maple Run SD	Orleans Central SU	White River Valley SU
Windham Central SU	Springfield SD	Windsor Southeast SU
	Two Rivers	

<b>Needs Intervention</b>	<b>Needs Substantial Intervention</b>
Addison Central SU	None
Barre SU	
Montpelier-Roxbury SD	
Orleans Southwest SU	
Windham Southwest SU	