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Agency of Education

December 21, 2022

Kelly Ryan, Director of Special Services
Sherri Nichols, Superintendent
Springfield School District

RE: Notification of Targeted Monitoring and Related Preparation

Dear Kelly Ryan and Sherri Nichols,

The following document describes the monitoring authority held by the Vermont Agency of Education (AOE), provides a general review of targeted monitoring status, an overview of monitoring results and related data for the Springfield School District, and finally, an in-depth description of the details of the upcoming targeted monitoring activities that the Springfield School District will be engaged in during the upcoming months.

Monitoring Authority

The AOE, as the State Education Agency, is responsible for the overall provision of a Free Appropriate Public Education (FAPE) to students with disabilities in the State of Vermont. The AOE 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 AOE 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 AOE's educational standards, 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 the local education agencies (LEAs) and are required to provide appropriate special education and related services; while the AOE 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]. To fulfill its monitoring obligations, the AOE needs to ensure that each student receives FAPE in the least restrictive environment (LRE).

Additionally, OSEP Memo 09-02 establishes that LEAs are required to correct findings of non-compliance as soon as possible, in no case later than one year after the initial finding is made. Below please find a review of monitoring findings from recent school years.

Targeted Monitoring

When findings of noncompliance are identified during cyclic monitoring and are not corrected by the end of selective monitoring, a LEA is then assigned to targeted monitoring.

Additionally, a number of other instances may cause an LEA to receive targeted monitoring, including, but not limited to the following:

- Dispute resolution requests
- Parent and family call logs
- Administrative complaint by an individual and/or a group
- Email correspondence disclosing noncompliance
- Critical and/or special investigative audits and findings related to special education

Targeted monitoring continues until all individual and systemic findings of noncompliance are corrected. Targeted monitoring includes an escalated degree of mandatory technical assistance, and may include site visit(s), desk audit(s), and redirection of funds. Desk audits may include evaluation for whether the LEA has been assessing for all areas of suspected disability while conducting evaluations for special education eligibility.

Overview of Prior Monitoring Results for Springfield School District

Introduction

Springfield School District (Springfield SD) has submitted data demonstrating:

- Students preparing to graduate or exit public education are not receiving post-secondary transition plans that meet the required criteria (Rule 2363.7(i)).
- Initial Evaluations to determine special education eligibility have not been performed within the timelines specified in the State of Vermont's Special Education Rules (VTSBE 2362.2).

As a result, the Vermont Agency of Education (AOE) has determined that Springfield SD will be placed in targeted monitoring status effective on the date of this letter, which will include additional monitoring activities described below. This will include an on-site visit, as the documentation provided by the Springfield SD and other information received by the [General Supervision and Monitoring System](#) (GSMS) raises concern that students with disabilities may not be receiving a Free Appropriate Public Education (FAPE) through universal instruction with appropriate services and support as outlined in the students' individualized education program (IEP).

The purpose of targeted monitoring is to examine the underlying qualitative and quantitative conditions correlated with the findings of non-compliance previously identified. The activities described within this document intend to identify and evaluate the reasons why non-compliance has occurred and continued without correction for the timeframes described below,



and to inform technical assistance, related supports, action items, escalated monitoring activities, and/or sanctions.

In the sections below, please find a review of the Vermont Agency of Education’s monitoring authority, an overview of Local Education Agency (LEA) monitoring results during recent monitoring activities, a description of targeted monitoring, and required action items.

LEA Special Education Determination (LSED)

- LSED status of Needs Intervention Year 3 (46.67%) for FFY2020 (SY2020-2021)
- LSED status of Needs Intervention Year 2 (55%) for FFY2019 (SY2019-2020)
 - Note: The required Continuous Action Plan (CAP) was submitted after the required due date. The CAP submitted did not fulfill the AOE’s requirements, and the district required substantial subsequent individualized TA to develop a CAP meeting the AOE’s specifications. The work associated with the CAP only began within the final months of SY2021-2022.
- LSED status of Needs Intervention Year 1 (46.67%) for FFY2018 (SY2018-2019)

Note: Meets Requirements ≥80%; Needs Assistance = 60-79%; Needs Intervention 40-59%

A request was made on October 21, October 24, and November 4, requesting the names of grade 3-5 math teachers. As of November 16, 2022, a response had not been received.

The Systemic State Improvement Plan coach encountered challenges with attendance to required meetings and receiving follow-up responses from Springfield SD. This has resulted in a meeting that lacked the individuals necessary to begin implementation of the present work, preventing the SSIP coach from assisting leadership with CAP work.

Special Education Program Monitoring Findings

Monitoring Status	School Year	Findings of Non-Compliance
Targeted	2022-2023	Data submitted for Selective Monitoring during SY2022-2023 did not correct previous findings of non-compliance and has resulted in Springfield SD entering Targeted Monitoring for all findings of noncompliance originally identified in SY2019-2020.



Monitoring Status	School Year	Findings of Non-Compliance
Selective	2022-2023	<p>Data submitted for Selective Monitoring during SY2021-2022 placed Springfield SD in Selective Monitoring for a 3rd consecutive year.</p> <p>Springfield SD's submissions for Selective Monitoring during SY2022-2023 occurred prior to the due date, however, were void of any and all content required (i.e., blank templates). Only information previously provided by the AOE was found within the LEA's submissions. Additionally, post-secondary transition plans were not submitted.</p> <p>Child Find Activities: 0% Post-Secondary Transition Plans: 0% Annual Date Reviews (IEPs): 0% Attestation Form: blank, unsigned document</p> <p>Additional Information:</p> <p>On November 15, 2022, the Springfield SD Director of Special Education emailed the AOE to ask what could be characterized as introductory questions regarding how to complete the action items detailed in the June 15, 2022 monitoring report. This occurred 15 calendar days prior to the submission deadline, after Springfield SD received notification of continued noncompliance for the third consecutive year.</p> <p>Also on November 15, 2022, the Springfield SD Director of Special Education emailed the AOE and disclosed that he had not followed the steps required in the June 2022 monitoring report, and was now attempting to access mandatory TA/PD which occurred months earlier. Details of this mandatory TA/PD were forecasted in the June 15, 2022 monitoring report, and were then provided on July 28, 2022.</p> <p>Program TA/PD confirmed that the Springfield SD Director of Special Education did not submit a TA/PD request as he had previously stated. It was confirmed that the Springfield SD Director of Special Education was provided invitations to attend the TA/PD sessions that occurred at the beginning of SY2022-2023, in addition to the forecast and detail provided on June 15, 2022 and July 28, 2022.</p>



Monitoring Status	School Year	Findings of Non-Compliance
Selective	2021-2022	Child Find Activities: 71% Post-Secondary Transition Plans: 20% Annual Date Reviews (IEPs): 76%
Selective	2020-2021	Child Find Activities: 93% Post-Secondary Transition Plans: 13% Annual Date Reviews (IEPs): 90%
Cyclic	2019-2020	Child Find Activities: 93% Post-Secondary Transition Plans: 0% Annual Date Reviews (IEPs): 90%

Additional Data

- Placement of students in independent schools that were not approved for the student’s specific disabilities (VTSBE 2228.2(1)).
- Communication to parent(s) that certain placement(s) may not be available due to funding issues, omitting student-specific reasons for placement decisions (34 CFR §§ 300.116(b)).
- Attempted intervention regarding a student’s placement while they were living in a different supervisory union, and the student was not the responsibility of the LEA (VTSBE 2363.10(e)).
- Failure to provide special education services for extended periods of time to student(s) eligible for special education services (VTSBE 2360.1).

Administrative Complaint

Springfield SD has not yet complied with corrective actions resulting from an administrative complaint during SY2021-2022, resulting in a student continuing to remain out of school and not receiving IEP services.

Early Childhood and Special Education

An unannounced UPD ACIS onsite monitoring visit to the Springfield SD UPK program was conducted on June 20, 2022. The report detailing the findings summarized below was delivered on August 30, 2022.

Based on AOE UPK ACIS Monitoring visit, IEP review, and in-person and virtual interviews, Springfield UPK, Springfield School District was found to be out of compliance with State Board of Education Manual of Rules and Practices Series 2600 Prekindergarten Education, Individuals with Disabilities Education Act (IDEA), State of Vermont Special Education Rules (2603, 2606(a), 2606(j), 2363.7, 2363.9, and 2364.1), and



Act 35(S.16) laws and regulations (Sec. 1. 16 V.S.A. § 829 (b) and Sec. 3. 16 V.S.A.(d) § 1162). Please see the AOE UPK ACIS report for further information and detail.

Kelly Ryan was contacted on October 27, 2022 to set a meeting day and time to discuss the ACIS report and progress; as of November 9, 2022, a response had not been received.

Significant Disproportionality

Springfield SD has been identified as having disproportionate identification of white students in the area of Speech/Language Impairment over the course of the last three years. This disproportionate identification continued for three years without the developed action plan going into effect, and without allocated funds being spent towards addressing this significant disproportionality. As of November, 2022, it is reported that Springfield SD has now hired a Speech/Language Pathologist and has begun to use allocated funds towards addressing this significant disproportionality.

Targeted Monitoring: On-Site Visits

As described in the [Special Education Program Monitoring System Guide](#):

As a result of LSED status, monitoring activities, or data obtained through any of the components of Vermont's [general supervision system](#), the special education monitoring team may determine that an on-site visit is necessary. Visits may include SEA teams outside of Special Education to increase SEA capacity and minimize disruption in school operations. At the conclusion of the site visit and once all collected data have been analyzed, a report will be issued with a summary of monitoring activities, a list of common themes and trends found in the data, findings of non-compliance (if applicable), and general supervision requirements. Site visit reports are posted on the AOE website. Such visits are conducted to obtain additional data not acquired through other monitoring activities and involve, at a minimum:

- Prep work to analyze data from file reviews and other data sources
- The on-site visit to obtain additional data through surveys, classroom observations, and family/staff/administration interviews or focus groups
- Analysis of data from the visit
- Development of the final report
- Post-visit meeting with LEA administration to present data and findings

Data collected through observations, interviews, surveys, and file reviews adhere to the AOE's data privacy policies for protecting personally identifiable information (PII) and are considered confidential whenever possible. Respondents to surveys and interviews during the site visit will not be individually identified in any public reporting. The AOE provides the criteria for interviews and classroom observations, and the LEA coordinates scheduling with involved staff. The parent and staff surveys also offer respondents the opportunity to volunteer for participation in an interview or classroom



observation. These interviews and observations are not intended to be evaluative of the employee. Rather, their purpose is to gather data regarding implementation of education activities necessary for students with disabilities to receive FAPE.

On-site visits may be facilitated by monitoring teams comprised of employees from multiple divisions within the Agency of Education, as well as special education administrators from other LEAs. Interview teams, composed of two members (one to record responses and one to ask questions) conduct 30-45-minute interviews with administrators, general education teachers, special educators, paraprofessionals, guidance counselors, and discipline staff. Each interview consists of a series of predetermined questions, some role-specific, others common to all. Responses are recorded and the interviewee is asked to verify the accuracy of the recorded response prior to exiting the interview.

Prior to the Site Visit

Prior to the site visit, the Vermont Agency of Education will conduct the following activities:

- A file review of thirty complete student files.
- A review of denials to conduct an evaluation for eligibility for special education services.
- A review of the documentation in which parent(s)/guardian(s) were informed of the decision to not evaluate a student following referral or request.
- Complete file reviews of all students who have been named in any administrative complaints from the past three years.
- A survey of all parent(s)/guardian(s) of children attending the Springfield SD, including parent(s)/guardian(s) whose children are not eligible for special education services at this time.
- A survey of all Springfield SD staff, including district office staff.
- Interviews with members of community partners and agencies providing services for the SD, for example, local mental health providers/agencies, behavioral support providers, other service providers.
- A review of all job postings made by Springfield SD since the first day of class during SY2019-2020.
- A review of the detailed data pertaining to all Springfield SD staff.

Springfield SD will provide the Vermont Agency of Education with the following information no later than January 23, 2023, to facilitate the preparation and analysis of data from file reviews and other data sources:

- Thirty (30) complete student files chosen by the AOE through random selection, including all documents on record, for students receiving IEP services.
 - Springfield SD will provide the AOE with access to the electronic software being used by the SD for student files (i.e., GoalView, DocuSpEd, etc.). This is the only



means of transferring the thirty (30) complete student files chosen by the AOE through random selection.

- Springfield SD will also provide any documentation related to those students that exists outside of the electronic software (e.g., electronic records maintained outside the software and/or records kept solely on paper). This information will be uploaded to a location provided in Globalscapes EFT, the same confidential file transfer system used to securely transmit data for monitoring activities.
- A record of all denials to conduct an evaluation for eligibility for special education services, including copies of documentation informing parent(s)/guardian(s) of the Notice of LEA Decision, issued since the first day of school during SY2019-2020, including all calendar days without exception.
- Complete student files and any documentation associated with all students named in any administrative complaints for the past three years, starting with the first day of the school year for SY2019-2020.
- A comprehensive list of all known postal mailing addresses and email addresses for parents/guardians of students within the Springfield SD, including those whose student(s) are not receiving special education services.
- A comprehensive roster of all school and district staff within the Springfield SD, including their email addresses, phone numbers, and which location(s) they work at.
- A comprehensive list and contact information for all organizations and/or individuals who provide services for the district as contracted service providers (e.g. mental health providers/agencies, behavioral support providers, contracted service providers, and others).
- A comprehensive list of all job postings made by Springfield SD since the first day of class during SY2019-2020, including the following information in the following order: Posting date, job title, date the posting was closed, the reason for closing the posting (i.e., position filled, position eliminated, etc.), where and how the posting was made (i.e., SchoolSpring), and when applicable, student perm number associated with the posting (e.g., the student for which the position was affiliated with).
- A review of the following data pertaining to all Springfield SD staff: Names, date of hire, date that current position began, all trainings attended since the first day of SY2019-2020 (i.e., training days provided prior to the first day of student attendance).

This information will be uploaded to a location provided in Globalscapes EFT, the same confidential file transfer system used to securely transmit data for monitoring activities.

The On-Site Visit

During the week beginning March 27, 2023, a team of staff from the Vermont Agency of Education will visit the Elm Hill School, Union St. School, Riverside Middle School, Springfield High School, and the School-Based PreK program to conduct a site visit. This site visit will include the following activities:

- Classroom observations



- Observation of the “life skills assignment room” identified in district documentation
- Interviews with staff
- Interviews with members of any organizations and/or independent individuals who provide services for the district as contracted service providers

A schedule for interviews, organized by location and time, will be provided approximately one week prior to March 27, 2023.

Final Report

At the conclusion of the site visit and once all collected data have been analyzed, a report will be issued with a summary of monitoring activities, a list of common themes and trends found in the data, findings of non-compliance (if applicable), and general supervision requirements. Site visit reports are posted on the AOE website.

Post-Visit Meeting

Following the issuance of the final report described above, the AOE will schedule a post-visit meeting with Springfield SD to review the contents of the report and discuss the next steps, action items, and enforcement actions (if applicable).

Enforcement Actions

Enforcement actions may be applied in situations where non-compliance with state and federal requirements has been identified, regardless of previous findings and/or timeline, due to the nature and severity of the findings. Enforcement actions include and are not limited to: mandatory technical assistance, increased reporting requirements, and requiring the use of IDEA funds for specific actions.

In examples where findings of non-compliance with state and federal requirements are made by the General Supervision System, the AOE may impose additional corrective actions, sanctions, or enforcement actions on an LEA that did not correct non-compliance within one year from initial identification, which may include, but are not limited to:

- 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 IDEA awards



Closing

The AOE is invested in the success of all Vermont students and seeks to ensure that the Vermont public education system enables all Vermont learners to be successful. We hope that this upcoming site visit provides an opportunity to identify the root-causes behind the ongoing non-compliance and related concerns discussed in this document, and to promote change that ensures all Vermont students with disabilities receive a Free Appropriate Public Education through implementation of the Individuals with Disabilities Education Act.

Sincerely,

Chris Case, Agency of Education – Director, Student Support Services

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cc: Daniel M. French, Secretary of Education
Heather Bouchey, Deputy Secretary
Chris Kane, Interim Director of Special Education
Tristan McNamara, Special Education Program Monitoring Manager

