

# Special Education Nuggets

March 2022



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## Items from the State Director of Special Education:

State of the State by Jacqui Kelleher will be held on March 4, 2022, from 3:00pm-4:00pm

Dr. Jacqui Kelleher, Vermont's Special Education State Director, reports out state and federal requirement and updates, deadlines, upcoming and ongoing progress in special education in Vermont.

Microsoft Teams meeting **Join on your computer or mobile app**

[Click here to join the meeting](#) Or call in (audio only) [+1 802-552-8456,,313354086#](tel:+18025528456313354086) United States, Montpelier Phone Conference ID: 313 354 086#

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## OSEP RESOURCES

State Director, Jacqui Kelleher, has been sharing out [OSEP resources](#) as part of her quarterly State of the State webinars. The list below reflects the OSEP Resource information that has been sent during the 2021 Calendar Year.

**No submission at this time**

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## Nugget Notations

Directors,

When you have a chance, please send your Nugget Notations to the [AOE.SpecialEd@vermont.gov](mailto:AOE.SpecialEd@vermont.gov) so that we may share the work, out of the box thinking, recognition of individuals or groups within your districts.

**Simple format submission**

SU/SD:

Individual or Group:

Details on Recognition (1-3 sentences):

**No submission at this time**

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## Professional Development Opportunities

### Special Education Rule Changes Webpage:

[Special Education Rule Changes](#) pre-recorded webinars are made available in advance of Live Office Hour sessions. Live Office Hours are optional, Live Office Hours is an open space for informal technical assistance and will not be recorded.

#### [March 2022:](#)

### Follow Up on VTmtss (Vermont Multi-tiered System of Supports) Needs and Networking

Live Office Hours: March 14, 2022, from 9:00am -11:30am

### Rule Change: New Tools, Materials, Resources in Response to Needs Assessment

Pre-recorded Webinar: Available on March 21, 2022

Live Office Hours: March 28, 2022, from 9:00am -11:30am

#### [April 2022:](#)

### Budgeting Considerations/IDEA (Individuals with Disabilities Education Act) Part B Subgrantee Applications To Support CEIS (Coordinated Early Intervening Services)/MTSS (Multi-tiered System of Supports) and Rule Changes

Pre-recorded Webinar: TBA

Live Office Hours: April 4, 2022, from 9:00am -11:30am

### Functional Skills

Pre-recorded Webinar: TBA

Live Office Hours: April 25, 2022, from 9:00am -11:30am

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## General Supervision and Monitoring

This is a reminder that the following documentation is due by March 15th:

If your district is in cyclic monitoring:

- Indicator 11 Collection Form
- Summaries of Performance (five total)
- Transition Plans (ten total)
- Attestation Form – March Deadline

If your LEA has adopted the Vermont Special Education Procedures and Practices manual, then indicate as such on the attestation form. If not, then the following will need to be submitted:

- Special Education Policies
- Special Education Evaluation Policies
- Discipline Policies

All of these documents are found within your SharePoint folder.

If your district is in selective monitoring:

- Please see your Monitoring Report (the list of findings and actions should correspond to the folders in SharePoint. If you observe any discrepancy, please let us know.)

This [webinar](#) and its [transcript](#) should aid in the submission process. Additional information can be found on our web page [General Supervision and Monitoring System](#).

Need assistance please contact the team at [AOE.SpecialEdMonitoringGroup@vermont.gov](mailto:AOE.SpecialEdMonitoringGroup@vermont.gov)

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## Extended Special Education Team - Updates:



### Interagency/Home Study:

At one of our Director Check In meetings recently, someone asked about students who are eligible for Developmental Services and whether or not a school district was required (or requested) to give a student a WAIS v. WISC to help determine DS eligibility.

The Regulations Implementing *The Developmental Disabilities Act of 1996* (Effective October 1, 2017) state:

- 2.6 Process for determining whether a school-aged child or adult has intellectual disability.
- (a) To determine whether or not a school-age child or adult has intellectual disability a psychologist shall:
- (1) Personally perform, supervise, or review assessments that document significantly sub-average cognitive functioning and deficits in adaptive behavior manifested before age 18; and
  - (2) Integrate these test results with other information about the individual's abilities in arriving at a determination.
- (b) The most universally used standardized intelligence test for school-aged children up to age 16 is the Wechsler Intelligence Scale for Children (WISC), current edition. The most universally used measure for children over age 16 and adults is the Wechsler Adult Intelligence Scale (WAIS), current edition. For people with language, motor, or hearing disabilities, a combination of assessment methods shall be use and the psychologist shall use clinical judgement to determine the best tests to us for the individual. Diagnosis based on interpretation of test results takes into account a standard error of measurement for the test used.
- (c) A determination that a person has intellectual disability for the purpose of these regulations shall be based upon current assessment of cognitive functioning. It is the responsibility of the psychologist to decide whether new cognitive testing is needed. In general, for school-aged children, "current" means testing conducted within the past

three years. For adults, “current” means testing conducted in late adolescence or adulthood. Situations where new testing may be indicated include the following:

- (1) There is a reason to believe the original test was invalid (e.g., the person was sick, was not wearing glasses, was in the midst of a psychiatric crisis etc.).
- (2) The individual has learned new skills which would significantly affect performance (such as improved ability to communicate).
- (3) The individual had mild intellectual disability on a previous test and has since made gains in adaptive behavior.

(d) If past testing of the person has resulted in some scores above 70 and some scores below 70, it is the responsibility of the psychologist to determine which scores most accurately reflect the person’s cognitive ability. A determination that a person has intellectual disability for the purpose of these regulations cannot be made if a person’s test scores are consistently greater than 70.

(e) The diagnosis of questionable cases should be based upon scores over time and multiple sources of measurement.

(f) The diagnosis of intellectual disability shall not be based upon assessments conducted when the individual was experiencing a short-term psychiatric, medical or emotional crisis which could affect performance. Cognitive testing should not ordinarily be performed when a person is in the midst of a hospital stay.

(g) If the psychologist determines that standardized intellectual testing is inappropriate or unreliable for the person, the psychologist can make a clinical judgment based on other information, including an adaptive behavior instrument.

(h) The criteria for determining whether a school-aged child or adult has an intellectual disability for the purposes of these regulations is outlined in Sections 2.5 - 2.6 and not as described in the current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM).

Ultimately, the Designated Agency (DA) and/or Developmental Services cannot:

- Require that an LEA must complete a WISC or WAIS prior to determining a student eligible for DS services
- Require that a WAIS must be completed instead of the WISC. Either assessment can be used

As long as a cognitive evaluation has been completed within 3 years, it can be used to provide DS with the required documentation to determine DS eligibility.

## Independent Schools

No submission at this time

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### Early Childhood

#### ECSE Webinars and Community of Practice

The Early Education Team is providing free virtual webinars and communities of practice on early childhood special education topics throughout the 2021-2022 School Year. Resources on previous and current topics can be found on the [ECSE Padlet](#).

Webinar Name	Date	Time	Telephone Link
<a href="#">Early MTSS</a> (Webinar)	March 18, 2022	9am-11am	<a href="tel:+18028287667">+1 802-828-7667</a> , <a href="tel:+18028287667">403537777#</a>
<a href="#">Early MTSS</a> (Community of Practice)	March 25, 2022	10am-11am	<a href="tel:+18028287667">+1 802-828-7667</a> , <a href="tel:+18028287667">765850177#</a>

Past webinars and/or slide decks can be found on the [ECSE web page](#).

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#### Indicator 12: C to B Transition

The second submission for Indicator 12 is due June 1, 2022. This is only required for SU/SDs involved in monitoring this year. Please contact Amy Murphy, Early Education Inclusion Coordinator at [amy.murphy@vermont.gov](mailto:amy.murphy@vermont.gov).

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#### Early MTSS Resource Spotlight

[Creating Teaching Tools for Young Children with Challenging Behavior](#) (Teaching Tools) gives teachers practical strategies, developed from research activities and experiences in Positive Behavior Support, to create a plan for supporting young children who are having challenging behavior.

The Teaching Tools provide:

1. Easily accessible ideas and materials such as handouts, worksheets, techniques, strategies, and visuals to support children in the classroom and other learning environments
  2. Ideas of effective intervention approaches for children who do not need a functional assessment to determine the function of the child's problem behavior or a team-based process to address persistent challenging behavior.
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## Data News

No submission at this time

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## Special Education Finance

### FY2021 IDEA-B Maintenance of Effort (MOE) Compliance/Supplant Test

FY21 IDEA-B Maintenance of Effort (MOE) exceptions and responses are due and will be reviewed in March. If you have any questions, please reach out to [Jennifer Perry](#).

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