

Special Education Program Monitoring System

A Guide to the Vermont Agency of Education Special Education Monitoring Activities

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Monitoring Authority

The Agency of Education (AOE), as the State Education Authority (SEA), is responsible for the overall provision of a Free Appropriate Public Education (FAPE) to students with disabilities in the State of Vermont 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 Agency of Education (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 educational standards of the SEA, in accordance with 34 CFR §300.149(a), §§300.600 through 300.602, §§300.606 through 300.608, and 20 USCS §1416. In Vermont, supervisory unions and supervisory districts are LEAs, and are required to provide appropriate special education and related services, while the SEA is required to establish, monitor, and enforce regulations governing special education programs in the Vermont public schools and all institutions wholly or partly supported by the state [16 VSA §§2941 and 2943]. All parties responsible for special education and related services must abide by state and local policies or procedures, as well as federal regulations for the IDEA.

The Office of Special Education Programs (OSEP)'s accountability framework, 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 the 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 the 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](#)] to have a system for monitoring special education activities at the LEA level. States are accountable for enforcing requirements and ensuring continuous improvement designed for educational benefit and increased functional outcomes for students with disabilities. It is important for both States and LEAs to have policies and procedures in place to ensure that IDEA is implemented in accordance with the federal regulations. Vermont's integrated monitoring activities are designed to ensure the LEAs' compliance with federal and state regulations, in order to improve services and results for students with disabilities.

Equitable Educational Opportunities

Vermont is a state with a demonstrated commitment to quality and equity in education and a legacy of public engagement. As such, Vermont is committed to improving learning outcomes for all students. The Agency envisions that each learner completes their public education with the knowledge and skills necessary for success in college, continuing education, careers, and

¹ [2018 Determination Letters on State Implementation of IDEA](#)

citizenship. The mission of the Agency, aligned with State Board of Education regulations, is to provide leadership, support, and oversight to ensure that the Vermont public education system enables all Vermont learners to be successful. To that end, Vermont's special education policies and procedures support federal, state, and local implementation of the Individuals with Disabilities Education Act. The AOE is required to ensure that students with disabilities receive FAPE in the least restrictive environment (LRE).

Eight Components of a General Supervision System

Each state must have a General Supervision System (GSS) to monitor the implementation of IDEA. The GSS documents the state's enforcement of IDEA and continuous improvement in its implementation. All components of Vermont's GSS have been developed according to the high standards set forth by OSEP to assess and ensure the effectiveness of efforts to educate children and students with disabilities [34 CFR §300.1(d)].

The General Supervision System is comprised of:

1. State Performance Plan
2. Policies, Procedures, and Effective Implementation
3. Integrated Monitoring Activities
4. Fiscal Management
5. Data on Processes and Results
6. Improvement Correction, Incentives, and Sanctions
7. Effective Dispute Resolution
8. Targeted Technical Assistance and Professional Development

This manual provides an outline for Vermont's approach to integrated monitoring activities within the GSM using a differentiated strategy for reviews, protocols, and support. Overall, the GSM includes planned and ongoing analyses and reviews of all monitoring data from a set of integrated monitoring activities.

Differentiated Monitoring Activities

The State of Vermont Agency of Education holds that coordinated efforts across the education system are necessary to achieve a positive effect on the school and life trajectory of students with disabilities. Although the specific monitoring practices may differ in format based on age-appropriate criteria, the goal for Vermont's differentiated monitoring process for students with disabilities (age 3-21) is to determine areas of an LEA's special education program which require strengthening, adjustment, and/or correction in fiscal and program management, and to ensure that students in each LEA receive FAPE in the least restrictive environment (LRE).

Based upon their LEA Special Education Determination (LSED) status, previous performance as reported via monitoring activities, and position within the regularly scheduled cyclic monitoring schedule, LEAs can expect a variety of technical assistance as well as escalating monitoring activities.

Mergers

Should any LEA merge with another LEA, it is the responsibility of the Director of Special Education in the sustained LEA to ensure that any and all monitoring requirements are met by their stated deadline. It is the responsibility of the Director of Special Education in the sustained LEA to coordinate with the LEA merging into their own to ensure an accurate and timely transfer of information, and they may contact the AOE to gain access to the respective accounts for secure transfer of electronic documents and request any additional information.

Additionally, the sustained LEA must submit required AOE data collections for the entire LEA as it is comprised on the reference date of each collection.

Early Childhood Special Education (ECSE) Monitoring and Technical Assistance

The VT Agency of Education Early Education Team's Universal Prekindergarten Education (UPK) Accountability and Continuous Improvement System (ACIS) works in conjunction with the broader Part B (3-22) special education monitoring system. ACIS is a tiered framework that includes a combination of desk monitoring, targeted, on-site and intensive monitoring. ACIS offers a balanced approach of monitoring, technical assistance, training, and opportunities for professional development. Early Childhood Special Education (ECSE) monitoring activities are part of the ACIS framework that includes SPP/APR indicators: Early Childhood Educational Environments (Indicator 6), Early Childhood Outcomes (Indicator 7), as well as Part C to B Transition (Indicator 12). The intent of ACIS is to support and increase SU/SD compliance with federal and state special education law, as well as the implementation of evidence-based practices to support positive outcomes for young children with disabilities. Please visit the [ECSE website](#) for more information.

LEA Special Education Determinations (LSED)

LEAs are notified of their LSED status for a given school year no later than the end of June the following year (e.g., the LSED report for SY2020-2021 is sent to LEAS at the end of July 2022). This determination report includes findings of noncompliance across indicators 1-14 (compliance and performance indicators), as well as other areas for improvement.

Findings of noncompliance in the current year are considered in the context of findings during prior years to determine the LEA's status along a continuum of escalating status: needs assistance, needs intervention year one, and needs intervention year two.

Engaging in improvement activities and submission of a continuous improvement plan during needs assistance is strongly encouraged. If a LEA demonstrates continued noncompliance the following year, they are assigned the status needs intervention year one. If the LEA again demonstrates continued non-compliance for the third consecutive year, they are assigned a status of needs intervention year two.

The assigned status of needs intervention year one requires a LEA to submit a continuous improvement plan; for needs intervention year two, a continuous action plan. Following submission of a continuous improvement plan or corrective action plan, approval or feedback

for revision and resubmission is provided to support the LEA in their efforts to improve their utilization of quality improvement activities and compliance across identified indicators.

Needs intervention years one and two also require a district to engage in technical assistance and make subsequent reports to the AOE regarding the implementation, measurement, and outcomes associated with quality improvement activities.

A LEA may be assigned to needs substantial intervention should they (a) score <40% on any single LSED (or otherwise as defined by the LSED determination details contained within each year’s LSED report) or (b) continue to demonstrate a needs intervention status for a 3rd consecutive year.

The general supervision and monitoring [website](#) contains templates for LSED data reporting, as well as the rubric outlining the relationship of LSED status to differentiated technical assistance, monitoring activities, and required enforcement actions.

Program Monitoring

Timeline

Timeline	SY2021-2022	SY2022-2023
Cyclic monitoring activities open:		9/15/2022
Cyclic* monitoring submissions due: <i>*and selective during SY2021-2022</i>		2/15/23
Notification occurring prior to findings of noncompliance in indicator 13 sent to districts by:		3/15/23
Submission by districts of corrections prior to findings of noncompliance in indicator 13 due:		3/31/23
Summary of Results report sent to LEAs:		6/15/23
Corrections of non-compliance for applicable indicators due:		8/31/23

Timeline	SY2021-2022	SY2022-2023
Selective monitoring begins for LEAs with continued noncompliance following cyclic monitoring and subsequent opportunities to make corrections: Note: The start date for selective monitoring may be subject to change in order to permit time for review of submissions made by 8/31. The deadline for selective monitoring submissions is not subject to change. We encourage LEAs to submit corrections as soon as possible after receiving their Summary of Results.	9/1/22 – 11/30/22	9/1/23 – 11/30/23
Selective monitoring submissions due:	11/30/22	11/30/23
Targeted monitoring for LEAs with continued non-compliance after selective monitoring: <i>*LEAs who enter targeted monitoring will be included in cyclic monitoring the year following correction and exiting targeted monitoring.</i>	1/1/23 - until corrections are verified	1/1/24 - until corrections are verified

Cyclic Monitoring

Cyclic monitoring includes reviewing LEA data for state and federal compliance requirements over a three-year cycle. All Vermont LEAs can expect cyclic monitoring to occur once every three years. Additionally, a LEA who is placed in targeted monitoring will be placed in cyclic monitoring the school year following successful resolution of all findings of noncompliance addressed via targeted monitoring. LEA cyclic monitoring submissions and AOE reviews are conducted within a secure online file transfer system. Instructions are provided during routine communication from the AOE at the opening of monitoring activities, while approaching submission deadlines, and upon notification of monitoring reports.

Important details to note:

- The list of LEAs in each cyclic monitoring cohort is publicly posted on the AOE [website](#).
- Special Education program monitoring activities open annually in September with LEA submissions due on February 15.
- Districts in cyclic monitoring are required to complete the activities described in Table 2 – Cyclic Monitoring Submission Requirements.
- LEAs have the opportunity to correct identified non-compliance in indicator 13 (transition plans) prior to formal findings being issued, between March 15 and March 31.
- These corrections, while reported in the subsequent monitoring report as a finding of non-compliance, allow the LEA to prevent the assignment of selective monitoring status for findings of noncompliance in indicator 13.
- AOE reviews are conducted February through June, with Monitoring Reports disseminated on June 15.

- The year-end results report includes a summary of monitoring activities, findings of non-compliance, and any required corrective actions resulting from cyclic monitoring activities.
- LEAs have the opportunity to submit corrections to findings of noncompliance after monitoring reports are issued, until August 31, to prevent the assignment of selective monitoring status for findings of noncompliance.
- If an LEA has not corrected findings of noncompliance by August 31, they are assigned to targeted monitoring status.

Selective Monitoring

When findings of noncompliance are identified during cyclic monitoring and are not corrected by August 31, a LEA is then assigned to selective monitoring for mandatory technical assistance and resubmission of corrected items. This escalated level of monitoring provides support for LEAs to address individual cases of non-compliance as well as systemic issues associated with non-compliance.

Required Submissions for Cyclic and Selective Monitoring

All monitoring submissions and reviews are conducted within a secure electronic file sharing system provided by the AOE. LEAs must download, complete, and resubmit data in the files provided by the AOE for each item. Links to documents and information submitted in any other format will be considered non-compliant until corrected and will be subject to deadlines specified.

The following are the required submissions for Cyclic Monitoring, and as applicable, for Selective Monitoring as well:

- Annual Date Reviews
 - IEPs reviewed annually (defined as 365 days)
 - Triennial Evaluations completed every 3 years (defined as 1095 days)
 - Leap years do not offer exception to these definitions
- Indicator 11
 - Cyclic Monitoring: Indicator 11 Data Collection Form - all initial evaluations completed between February 1 of the previous school year and January 31 of the current school year (i.e., 15 days prior to the submission deadline).
 - Selective Monitoring: Indicator 11 Data Collection Form includes:
 - All initial evaluations completed between February 1 of the previous school year and the end of the previous school year.
 - Evaluations previously identified as non-compliant, which are noted in the collection form.
 - Additionally, Form 4 is required for any delay in meeting the 60-day timeline.
- Indicator 13
 - Cyclic Monitoring: 10 post-secondary transition plans of currently enrolled students, developed between February 1 of the previous school year and January 31 of the current school year (i.e., 15 days prior to the submission deadline).
 - Selective Monitoring:

- Each previously submitted plan identified as non-compliant must be corrected and resubmitted. If the student is no longer enrolled in the district, then another student’s plan must be chosen as a replacement.
 - 10 additional post-secondary transition plans of currently enrolled students, developed between February 1 of the previous school year and up to the date of submission, no later than November 30.
- Policies
 - For LEAs who have adopted the [Vermont Special Education Procedures and Practices Manual](#) published by the AOE as policy, a signed attestation form (Appendix A in the manual) must be uploaded, as well as the [VTSBA’s Policy D7](#) (or a document with the same content).
 - .
 - For LEAs who have not adopted the Vermont Special Education Procedures and Practices Manual published by the AOE as policy, the following submissions are required: Discipline Policies, Special Education Policies, and Special Education Evaluation Policies.
 - Should a LEA submit their own policies in lieu of adopting the Vermont Special Education Procedures and Practices Manual published by the AOE, submitted policies must at a minimum contain content equivalent to the Vermont Special Education Procedures and Practices Manual.
- Summaries of Performance (SOPs):
 - Cyclic Monitoring: 5 completed SOPs of students who graduated during the previous school year.
 - Selective Monitoring:
 - If non-compliant SOPs are identified, specifics regarding correction of non-compliance is found within the monitoring report for that LEA.
 - If student(s) with non-compliant SOPs have graduated, the AOE requires the LEA to contact the student/family in order to correct the SOP. The SOP is a document that can have a lasting impact on a student’s life, career, and education, after they have graduated. Corrections post-graduation have the opportunity to make a positive impact.
- Final Step: Monitoring Submission Attestation Form

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 (see timeline above for dates).

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.

The following school year, the LEA is then placed in cyclic monitoring regardless of the respective position of their cohort in the three-year cycle to ensure continued compliance. The LEA subject to targeted monitoring will remain in its cyclic monitoring cohort and may be engaged in monitoring activities for multiple consecutive years.

On-Site Visits – Targeted/Priority/Systemic

As a result of LEA Special Education Determination (LSED) status, cyclic/selective/targeted monitoring activities, or data obtained through any of the components of Vermont's [general supervision system](#), the special education monitoring team may determine that a 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 cyclic or targeted monitoring activities and involve, at a minimum:

- Prep work (30-45 days) to analyze data from file reviews and other data sources
- The on-site visit (2-5 days) to obtain additional data through surveys, classroom observations, and family/staff/administration interviews or focus groups
- Analysis of data from the visit (5-30 days)
- Development of the final report (5 days)
- 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 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.

Classroom observations last approximately 30 minutes and are completed for general education classrooms at all grade levels in each school building, to evaluate inclusive practices for students with disabilities. The LEA will be asked to schedule observations in randomly selected classes in each grade level in each school building. These observations are meant to assess general and special education practices, educational climate and setting, and the quality of individualized instruction for students with an IEP.

Input regarding educational opportunities and supports for students with disabilities is obtained from families, staff, and administrators through an email link to an anonymous online survey. Staff, parents, and community members are offered an option to request an interview with the monitoring team. When appropriate, focus groups or personal interviews may also occur.

All data are analyzed by the special education program monitoring team to produce a final report which is sent to the special education administrator and the superintendent. This final report identifies common themes and trends, findings of non-compliance, and all required improvement activities or sanctions. Findings of non-compliance are to be corrected as soon as possible, no later than one year from the date of written notification listed on the front cover of the report. On-site monitoring reports are included in the LEA’s local special education determination and may be publicly posted on the Agency’s website.

Data Submissions – Sampling Chart

For some monitoring activities, the SEA may determine that additional data are required. The SEA will randomly choose student files for new and/or on-going monitoring activities based on Table 1 – Random Sampling Chart (below). Data reporting for monitoring activities adheres to AOE’s data privacy policies for protecting personally identifiable information (PII).

Table 1 – Random Sampling Chart

Most Current Dec 1 Child Count	Minimum File Review Sample Size	Sub-Sample Size	Potential Number of LEAs
<100	15	4	7
101 – 200	20	5	16
201 – 300	25	6	20
301 – 450	30	8	9
451 – 700	40	10	6
701+	50	12	n/a

Upon completion of monitoring activities, the SEA will provide the LEA with a list of student perm numbers that were accessed electronically as part of reporting findings and general supervision requirements.

Improvement, Correction, Incentives and Sanctions

According to OSEP Memo 09-02, for purpose of state determinations, SEAs demonstrate that all instances of non-compliance were identified through: review of data collected through a state data system, monitoring procedures, such as self-assessments, and on-site monitoring visits. The memo also outlines the steps that SEAs take in order to report that previously identified non-compliance was corrected. These actions include:

- Requiring an LEA to change policies, procedures, and practices that contributed to or resulted in non-compliance
- Determining that the LEA is correctly implementing regulatory requirement(s), based upon the SEA's review of a data system or subsequent monitoring visit.

In addition, SEAs ensure that LEAs corrected each case of non-compliance, unless the child is no longer within the jurisdiction of the LEA (in this case, the SEA can review instead a reasonable sample of previously non-compliant files). If non-compliance is observed, regardless of the level, the SEA notifies the LEA, in writing, of both the non-compliance and of the requirement to correct it as soon as possible, and in no case more later than one year from the written notification by the SEA.

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 from the initial finding(s). As needed, the AOE may impose additional corrective actions, sanctions, or enforcement actions on an LEA that did not correct non-compliance within one year from identification. Enforcement actions include but are not limited to: mandatory technical assistance, increased reporting requirements, and requiring the use of funds for specific actions.

Additionally, the AOE has clear sanctions for egregious and/or ongoing long-standing non-compliance (defined as non-compliance that remains uncorrected for greater than one year) which may include:

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

Technical Assistance

Technical assistance (TA) serves multiple functions to assist LEAs in improving results, compliance, and student outcomes. Technical assistance is aimed at supporting LEAs before, after, and during cyclical, selective, and on-site monitoring. LEAs requesting TA proactively may submit a [PD/TA form](#) on the Agency of Education website, allowing them to access [technical assistance opportunities and resources](#). LEAs in selective or targeted monitoring are

required to participate in prescribed TA (per their monitoring report), and must initiate TA by submitting a [PD/TA form](#).

Technical assistance is provided by the special education program team 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.

Targeted: Offered individually to LEAs based on a discrete issue, the results of a discrete assessment, or a general supervision/monitoring activity. May require short or long-term engagement between LEA and SEA to improve student outcomes.

Intensive: Offered individually to LEAs based on the results of a discrete assessment or general supervision/monitoring activity. May require sustained and in-depth engagement between LEA/SEA to improve student outcomes.

Technical assistance program and monitoring staff frequently collaborate to develop supports to help LEAs achieve compliance and ensure continuous improvement. Additionally, annual training is provided to LEAs regarding the responsibilities and expectations of monitoring activities.

Appendix A – Glossary

AOE: Agency of Education

Child Count: The Child Count data collection reflects the status of children with disabilities eligible for services under the IDEA on December 1 of each year. The data are collected at the supervisory union level, according to state and federal statute and regulations. The collection includes demographic information, as well as information regarding placement (educational environment), educational location (facility) and other compliance data related to providing a student with FAPE.

Child Find: A process that requires LEAs to locate, identify, and evaluate all children ages 3 to 21 residing in Vermont who may need special education and related services - regardless of the severity of their disability. This includes students who attend private schools or are enrolled in home study programs; are highly mobile students, including migrant students; are homeless students or wards of the State; and students suspected of needing special education or related services, even though they are advancing from grade to grade.

Corrective Action Plan: A plan which addresses findings of non-compliance. Failure to meet the requirements could result in additional monitoring requirements or financial sanctions as outlined in state/federal statutes related to monitoring, technical assistance and enforcement.

ECSE (Early Childhood Special Education): Supports children ages 3 up to 6 years. ECSE is administered through local school districts to ensure access and participation in early childhood programs for each and every child who is determined eligible for services.

FAPE (Free Appropriate Public Education): special education and related services that are: provided at public expense and without charge to the parent or student; meet the standard of the State, including the requirements of Part B of the IDEA; includes preschool, elementary or secondary school education; and are provided through an IEP.

IDEA (Individuals with Disabilities Education Act): A federal law ensuring services to children with disabilities ages birth to 21. Infants and toddlers with disabilities (birth to age 3) and their families receive services under IDEA Part C. Children and youth (ages 3 - 21) receive special education and related services under IDEA Part B.

IEP (Individual Education Program): A written statement for each student with a disability that is developed, reviewed, and revised annually. This document must include a description of special education services, related services and supplementary aids and services that all the student to a derive benefit from their educational program. Additionally, the IEP must include a description of the student's special education program as well as the accommodations and/or modifications necessary for the student to access and make progress within the general education curriculum.

LEA (Local Education Agency): This is the local school district/supervisory union who is responsible for coordinating special education services for students in their jurisdiction.

Perm Number (Permanent Record Number): Perm numbers are assigned to every child who enters the education system in the State of Vermont, any time between kindergarten and 12th grade, no matter how briefly. The perm number stays with the student for as long as they remain in the Vermont educational system.

SEA: State Education Agency

SOP (Summary of Performance): Document given to secondary students when a student exits special education as a result of graduation with a diploma or reaching the age of 22. This document describes the student's academic achievement and functional performance along with recommendations to assist the student in meeting post-secondary goals.

Transition Plan: Coordination of activities for a student with a disability, designed within a results-oriented process focused on improving the academic and functional achievement of the student to facilitate the student's movement from school to postschool activities. Services are based on individual student needs addressing instruction, related services, community experiences, employment, post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.