



SELECTIVE MONITORING PROTOCOL

Vermont Agency of Education Special Education Program Monitoring Activities

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Attention: Contacting Monitoring for Technical Support

Any questions for technical assistance pertaining to monitoring activity should be addressed to AOE.SpecialEdMonitoringGroup@vermont.gov, so our team may provide accurate and timely support. Please use the reply-all function to include the Monitoring general mailbox in any communications with Monitoring. To request an appointment, please fill out the [Special Education Program Monitoring Technical Assistance Request Form](#).

Should you have any questions pertaining to the details contained within submissions (for example, components of a compliant transition plan, rules on the timing of initial evaluations, annual reviews or triennials), please contact the Technical Assistance and Professional Development team through [the Special Education Technical Assistance Requests and Professional Development website](#).

Introduction

This document shares details for Selective Monitoring status, the first degree of escalated monitoring activity after Cyclic Monitoring, within the Vermont Agency of Education (AOE) [General Supervision and Monitoring System](#).

Monitoring Authority

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 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 so doing, 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 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 and evaluates those results against the compliance requirements of the IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of 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. This is what Vermont's integrated monitoring activities are designed to ensure.

Executive Branch vs. Legislative Branch: Clarification

The Vermont Agency of Education serves the public as part of the executive branch of the State of Vermont. The executive branch is responsible for enforcing the laws of the land, while the legislative branch makes all laws and regulations. This is notable should any disagreement or feedback arise regarding applicable laws, rules, and regulations.

Equitable Educational Opportunities

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

Selective Monitoring

When findings of non-compliance are identified during Cyclic Monitoring, a LEA is then assigned to Selective Monitoring for technical assistance and correction of non-compliance (see [the appendices](#) for more details). 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. Per [OSEP QA 23-01](#), any findings of non-compliance must be corrected on an individual basis (prong 1) and a systemic

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

basis (prong 2) no later than one year following notification (i.e., the issuance of a Monitoring Report).

Timeline

Timeline	SY2024-2025	SY2025-2026	SY2026-2027²
Period for LEAs to review any findings of non-compliance described in the Monitoring Report and develop strategies to ensure staff are implementing compliant practices at the start of the school year:	6/15/2024 – 9/1/2024	6/17/2025 – 9/1/2025	6/16/2026 – 9/1/2026
Period of interest for data collection, for all LEAs with non-compliance identified in their most recent Monitoring Report:	9/1/2024 – 11/15/2024	9/1/2025 – 11/15/2025	9/1/2026 – 11/15/2026
Selective Monitoring submissions are due:	11/30/2024	11/30/2025	11/30/2026

Submission Guidelines

Accurate, Complete, and Timely Submissions

All submissions to Monitoring are to be made accurately, completely, and in a timely manner. Accuracy is defined as absence of typos or errors. Completeness necessitates that all required documentation be provided, with no gaps or missing information. A timely submission is one made no later than the due date.

The Director of Special Education and Superintendent verify the completeness, accuracy, and timeliness of all submissions by signing the attestation form. The attestation form may also serve the role of a checklist for the LEA, to confirm that all required submissions have been made. Please note: failure to complete an attestation form does not exempt a LEA from accountability and predictable outcomes of submitting incomplete, inaccurate, or past-due data.

Inaccurate, incomplete, or late submissions will be reflected in the correspondent LEA Special Education Determination.

² The dates described for SY2025-2026 may be projected into SY2026-2027 and onward. In the event of a weekend, the date would fall on the next business day.

Exceptions to submission deadlines are not available under any circumstances.

- Submissions made after the deadline will be considered past-due.
- Past-due submissions may result in a finding of non-compliance for the associated indicator(s) or element(s).
- Past-due submissions will be considered in calculating the timely and accurate score in the corresponding LEA special education determination (LSED).
- Technical difficulties associated with an individual LEA account (i.e., not a global outage of the file-sharing service) do not qualify a submission otherwise disqualified due to tardiness.

Preparing for Monitoring Activity

We encourage LEAs to verify that all staff members involved in the submission of monitoring documents have access to the secure electronic file sharing system at the beginning of the school year. This will allow sufficient time to:

- address any technological obstacles,
- request a password reset if needed, and/or
- create or modify any LEA accounts.

Relatedly, we strongly advise LEAs to begin the process of organizing and assembling data submissions at the beginning of the school year to allow sufficient time to answer any questions that may arise.

- Please know that while the Monitoring Team strives to lend support as we approach a submission deadline, the nature of this work requires planning well ahead of time.
- Technical assistance is available on a first-come, first-served basis and may be prohibitively limited in the days leading up to a submission deadline.
 - Please refer to [the links available on the General Supervision and Monitoring System website](#) should you need assistance accessing or using the online file sharing system.
- The AOE does not endorse, prefer, or lend support, including technical assistance, for any private software company's product. We cannot answer any questions pertaining to IEP and/or Special Education software.

Corrections of Non-Compliance

- Submitting the required documentation alone does not constitute the correction of potential non-compliance. All submissions are subject to review to determine if findings of non-compliance are verified as corrected.

- Corrections are not accepted in the absence of supporting documentation. Any changes to the previous contents of a data collection spreadsheet must also be noted as such and explained within that spreadsheet. Failure to do so will result in changes being considered (a) non-compliant and (b) the LEA may be subject to Targeted Monitoring due to concerns regarding data accuracy and integrity.

File Management

All monitoring submissions and reviews are conducted within a secure electronic file sharing system provided by the State of Vermont and AOE.

- Submissions are not accepted through any other method (e.g., email, links, google docs, etc.).
- Personally identifiable information (PII) such as a student's name, date of birth, or perm number, should never be submitted via email due to the security limitations of this method.

Depending on the activity under monitoring, LEAs must download, complete, and reupload data in the collection sheets provided by the AOE for each item, or upload unique files (for example, in the case of post-secondary transition plans).

- We advise LEAs to upload collection sheet(s) only once the files have been determined to be complete, accurate, and ready for submission.
- The sharing system does not automatically save changes to the files. We recommend downloading the collection sheet/s to a drive of your choice, completing the sheet, and uploading it in the sharing system only once done.

Filenames as originally shared by the AOE must be preserved. Additional text may be added to each existing filename. For example, a file named "Indicator 11 Data Collection Sheet.xlsx" may be renamed "Indicator 11 Data Collection Sheet 11.22.22.xlsx."

- LEA users are not able to delete files; any uploads made in error will remain in their respective folder(s), which may cause confusion and additional complication during the review process. If any files were uploaded in error, please add to their title "DELETE".
- Revising, editing, or otherwise modifying a finalized submission and/or after the submission deadline will be considered as a possible violation of data integrity and may result in coaching and/or sanctions by the AOE.

File Content

- All content must be legible. Typing all parts of the documents is strongly recommended. This is essential not only to facilitate the review, but to ensure that students, their families, and anyone else with a need to access the information can easily read it.
- Links to documents and information submitted in any other format will be considered non-compliant until a submission reflecting fidelity with the specified submission guidelines is completed. Corrected submissions remain subject to the deadlines specified.
- All data, including but not limited to student names and PERM numbers, must be visible, with no redaction.
 - Submissions containing redacted information will be considered incomplete, which may lead to a finding of noncompliance.
 - Incomplete submissions will be considered in calculating the timely and accurate score in the corresponding LSED.
 - All documents relative to a student must be titled with the first and last legal name of the student or the perm number.

Correcting Findings of Non-Compliance

The following subsections describe the most common submissions that may be required during Selective Monitoring, based on findings of non-compliance specified in the most recent Monitoring Report. The following four steps describe the typical process in which LEAs engage to correct findings of non-compliance:

1. Review the most recent monitoring report. This report describes in detail any findings of non-compliance and requirements.
2. Identify which indicators or activities resulted in findings of non-compliance:
 - a. Indicator 11 – Initial Evaluations
 - b. Annual Date Reviews
 - c. Triennial Reevaluations
 - d. Indicator 13 – Post Secondary Transition Plans
 - e. Summaries of Performance
 - f. Special Education, Special Education Evaluation, and Discipline Policies
3. Address the root causes of these findings of non-compliance to ensure compliant practices are implemented and sustained.

4. Submit data as described in the monitoring report and this document by the deadline specified to demonstrate correction of all findings of non-compliance.

Indicator 11

If non-compliant evaluations were identified, details are found within the correspondent review spreadsheet (please see shared platform). Indicator 11³ documentation for Selective Monitoring includes:

- In the Indicator 11 Data Collection Form, list all initial evaluations for which consent was received between the dates specified in the instructions at the top of the form.
 - Include all students for whom consent was received to perform an initial evaluation during the period of interest, including those in Early Education, not a sample.
 - The target is 100% compliance.
 - Compliance is calculated as the ratio of compliant (i.e., by days or by Form 4 with an allowable reason for delay) initial evaluations to total evaluations that should have been completed by the submission date.
 - For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you).
 - Students for whom an evaluation is yet to be provided to the parent/guardian by the final date of the dates specified in the collection form instructions will be entered with no date in the applicable columns.
 - Projected, anticipated, or expected dates by which the evaluation will be completed are not to be entered under any circumstances.
 - Only dates and information reflecting events which have already occurred will be entered.
- All Forms 4 completed during the period of interest.
- When uploading the LEA's copy of the XLS provided by the Monitoring Team, only the exact same XLS format will be accepted.

When an initial evaluation is yet to be provided to the parent/guardian, for example, because consent was received less than sixty days prior to the end of the date range specified by the Data Collection Form:

³ 34 CFR §300.301 / VTSBE 23662.2.1

- The Special Education Program Monitoring Team will follow up with LEAs sixty days after the submission deadline to update these entries with the date the initial evaluation was provided to the parent/guardian.

Annual Date Reviews

If non-compliant Annual Date Reviews were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform). Annual Date Reviews⁴ documentation for Selective Monitoring includes:

- All annual reviews (not a sample) of IEPs completed between the dates specified in the review spreadsheet.
- Using a collection sheet uploaded in the shared platform, districts are asked to verify our records against theirs and make corrections exclusively to the dates of the two, most recent annual date reviews or offer a rationale.
- Compliance is calculated as a ratio of compliant (365 days between reviews, with no exception for leap years) to completed annual reviews.
 - For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you.)
 - The target is 95% compliance.
- When uploading the LEA's copy of the XLS provided by the Monitoring Team, only the exact same XLS format will be accepted.

Triennial Evaluations

If non-compliant triennial evaluations were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform). Triennial Evaluation⁵ documentation for Selective Monitoring includes:

- All triennial reviews, not a sample, of triennials completed between the dates specified in the review spreadsheet.
- The AOE will determine compliance based on this information:
 - Triennial Evaluations completed every 3 years, defined as 1095 days, with no exception for leap years.
 - The target is 95% compliance.

⁴ 34 CFR §300.324 / VTSBE 2363.6

⁵ 34 CFR §300.303 / VTSBE 2362.2.3

- Compliance is calculated as a ratio of compliant (by days or explanation in the notes) to completed triennial reviews.
- For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you).
- When uploading the LEA's copy of the XLS provided by the Monitoring Team, only the exact same XLS format will be accepted.

Indicator 13

If non-compliant transition plans were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform). Indicator 13⁶ documentation for Selective Monitoring includes:

Compliance Details

- Transition plans must be compliant in all the eight elements prescribed by federal and state law.
- The target is 100% compliance.
- Compliance is calculated as a ratio of fully compliant plans to required plans.
- The [Indicator 13 Checklist](#), adapted for Vermont from the document originally created by the National Technical Assistance Center for Transition (NTACT), details the essential elements of every transition plan and their proper format. This document is for your reference and does not need to be submitted.

Student Requirements

- Students submitted must be (a) eligible for Special Education and (b) presently enrolled.
- Plans belonging to students who were previously submitted during other monitoring activities may not be submitted.
- Only the most recent plan may be submitted.

File Upload Specifications

- The title of the plan, when uploaded in the shared platform, should carry the same identifier as in the review sheet. For example, if the review sheet listed the

⁶ 34 CFR §300.320 / VTSBE 2363.7(i)

plans only by perm number, the title(s) of the plan(s) will be perm numbers, not names, and vice versa.

- Each student's plan must be uploaded in a separate PDF file.
- All PDF files submitted must be consistently named.
 - For example: "1234567 John Doe.pdf"
- The filename for each of the PDF files uploaded must carry the same identifier used in the transition plan itself.
 - For example, if the contents of the PDF file refers to the student by name, the filename must also carry the student's name (no initials, redactions, or abbreviations). If the PDF file refers to the student by perm number, the filename must also carry the student's full perm number.

Correction of Non-Compliance

Correcting findings of non-compliance requires submission of post-secondary transition plans as described below.

Prong 1: Correction of Individual Cases of Non-Compliance

A description of findings of non-compliance are found within the most recent Monitoring Report and associated review sheet(s).

Each finding of non-compliance as it pertains to each specific student and their post-secondary transition plan must be corrected and resubmitted.

For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you).

Prong 2: Systemic Compliance

In addition to correction of previous findings of non-compliance described above, districts must also submit 10 additional post-secondary transition plans of currently enrolled students, as specified by the AOE in the correspondent review spreadsheet.

If a student specified by the AOE has exited the district's special education system, then the most recent plan from a student who had not been previously reviewed by the AOE must be chosen as a replacement. In this case, please fill out the Word document available in the "From_AOE" folder, in the shared platform, titled "[LEA name] Transition Plans – Replacements".

If the number of students eligible for a transition plan enrolled in the district is insufficient to meet the required number of submissions, a brief note to that effect (e.g., "We only have 8 students eligible for a transition plan) must be included in the attestation form. A

review of plans submitted in comparison to existing data will be conducted to ensure that students 16 and older eligible for special education are not without post-secondary transition plans. Should a potential discrepancy be identified, the Special Education Program Monitoring Team will contact the LEA for the status of those students.

Summaries of Performance

If non-compliant Summaries of Performance⁷ (SOP) were identified, specifics regarding correction of non-compliance are found within the correspondent review spreadsheet (please see shared platform). SOP documentation for Selective Monitoring includes:

- Each previously submitted SOP identified as non-compliant must be corrected and resubmitted. The AOE is aware that this will mean locating a student who is no longer enrolled. This is an important effort, given the purpose of the SOP, i.e., facilitating the student's transition to employment or further education.
 - If, after reasonable effort, the student cannot be reached or refuses to participate in the correction of the document, another student's SOP, not previously reviewed by the AOE, must be chosen as a replacement.

In cases such as the one described above, LEAs must upload a MS Word document to the same folder as the submitted SOPs, briefly describing the condition(s) that resulted in a replacement being unavoidable. For example:

Peter Jones - SOP - student refused to participate in correction (e-mail of 9/7/22) - replaced by Frank Smith's SOP.

- The SOP should be titled accordingly. For example: Frank Smith SOP Replaces Peter Jones.
 - Compliance is calculated as a ratio of fully compliant SOPs to required SOPs.
- Summaries of Performance must be compliant in all the elements reviewed in the "[Vermont Summary of Performance Educator Self-Assessment](#)".
- The target to be met, by federal and state statute, is 100% compliance.
- Compliance is calculated as a ratio of fully compliant SOPs to required SOPs.
- For assistance with the correction of non-compliance, please contact the Technical Assistance Team (see the indicator review sheet for a direct link to the e-mail address of the person who will assist you).

⁷ 34 CFR §300.320 / VTSBE 2363.7 and 2362.2.4(g)(i).

Please note: 2363.7 references 2362.2.3(g)(i). The correct reference is 2362.2.4(g)(i).

Policies

Submitted policies⁸ must, at a minimum, contain content equivalent to the [Vermont Special Education Procedures and Practices Manual](#).

- LEAs who have adopted the [Vermont Special Education Procedures and Practices Manual](#), published by the AOE as policy, must submit two documents:
 - A signed attestation form (Appendix A in the [Vermont Special Education Procedures and Practices Manual](#))
 - [VTSBA's Policy D7](#) (or a document with equivalent content)
 - If the LEA previously adopted the Vermont Special Education Procedures and Practices Manual published by the AOE as policy, a current copy of the above documents must be submitted during Cyclic Monitoring.
- LEAs who have not adopted the [Vermont Special Education Procedures and Practices Manual](#), or have chosen to integrate the content provided by the AOE into their own LEA-specific policies and related documents, must submit a MS Word file containing links to the content correspondent to each heading and subheading found within the [Vermont Special Education Procedures and Practices Manual](#); this ensures an accurate assessment of the LEA's policies by the Monitoring Team.

Final Step: Monitoring Submission Attestation Form

The attestation form is not to be completed until all required submissions are finalized, and the terms of the attestation have been fulfilled in their entirety.

File Upload Audit

In the weeks leading up to the submission deadlines the Special Education Program Monitoring Team will maintain a record of all LEAs who have submitted a completed attestation form.

After receiving the attestation, Monitoring will look at the LEA's directory in Globalscapes EFT to determine if (a) all required submissions appear to have corresponding files present, (b) only some files appear to be present, or (c) no files appear to be present. Should any files appear to be missing prior to the deadline, a LEA will receive an email reminder. If a lack of files is found after the submission deadline, LEAs will receive an email notification and required actions.

⁸ 34 CFR §300.211, 300.207

Clarification Period

After the formal review of submissions made for Cyclic Monitoring is complete, a LEA may be contacted to provide a pre-finding clarification. This clarification period is an opportunity for LEAs to receive additional assistance and support in ensuring they are submitting accurate and complete data should potential errors be identified. Specific brief timelines for clarifications will be offered at that time.

The respective Monitoring Report will indicate any finding(s) of non-compliance based on the initial submission made by the LEA; should the LEA resolve all findings of non-compliance based on their work during the clarification period, the report will also include this information. This permits LEAs to be verified as corrected for a finding of non-compliance prior to the issuance of the Monitoring Report, while the initial finding of non-compliance is recorded for record keeping and use in other reports such as the [SPP / APR](#), [LEA Special Education Determination](#), and other areas as necessary.

Exiting Selective Monitoring

The Monitoring Team will review all submissions for timeliness, accuracy, and compliance with federal and state rules. Following the review, the Monitoring Team will notify the LEA whether the findings are compliant or that non-compliance has been identified and required next steps.

Contact

Any questions for technical assistance pertaining to monitoring activity should be addressed to AOE.SpecialEdMonitoringGroup@vermont.gov, so our team may provide accurate and timely support. Please use the reply-all function to include the Monitoring general mailbox in any communications with Monitoring. To request an appointment, please fill out the [Special Education Program Monitoring Technical Assistance Request Form](#).

Should you have any questions pertaining to the details contained within submissions (for example, components of a compliant transition plan, rules on the timing of initial evaluations, annual reviews or triennials), please contact the Technical Assistance and Professional Development team through [the Special Education Technical Assistance Requests and Professional Development website](#).

Appendix

Program Monitoring – Cyclic, Selective, and Targeted Monitoring

The table below describes the three monitoring statuses to which any LEA may be assigned, with a brief description illustrating their relationship to each other.

For additional information regarding Selective or Targeted Monitoring, please see the [Selective Monitoring Protocol](#) and [Targeted Monitoring Protocol](#).

Monitoring Status	Description
Cyclic Monitoring	Cyclic Monitoring includes reviewing LEA data for state and federal compliance requirements once during a three-year cycle. All Vermont LEAs encounter Cyclic Monitoring once every three years, regardless of performance, as part of the routine cycle through each of the three cohorts. Based on the reviewed submissions, Cyclic Monitoring may conclude with a closure of the process, if the district is fully compliant, or with the issuance of findings of non-compliance.
Selective Monitoring	Selective Monitoring is the first escalated monitoring status that occurs when submissions made during Cyclic Monitoring result in findings of non-compliance. For example, a district who, through the Cyclic Monitoring report, is notified of non-compliance for Indicator 11 will be in Selective Monitoring for the same indicator.
Targeted Monitoring	<p>Targeted Monitoring is the escalated monitoring status that occurs when submissions made during Selective Monitoring do not correct findings of non-compliance, or other sources reveal non-compliance requiring increased monitoring activity (e.g., dispute resolution request(s), administrative complaint(s), communication disclosing non-compliance, and/or critical and/or special investigative audits and findings related to special education).</p> <p>LEAs may also be placed in Targeted Monitoring to address issues pertaining to data integrity, accuracy, and the ethical requirements associated with data submission to a State Educational Agency.</p>

Progression from Cyclic, to Selective, to Targeted Monitoring

When findings of non-compliance are identified during Cyclic Monitoring, a LEA is assigned to the escalated status of Selective Monitoring. When findings remain unverified as corrected after Selective Monitoring, a LEA is then assigned to Targeted Monitoring. A LEA remains in Targeted Monitoring until all findings of non-compliance are verified as corrected.

The following date ranges illustrate the progression of monitoring statuses, should non-compliance remain unverified as corrected:

School Year	Cyclic Monitoring	Selective Monitoring	Targeted Monitoring
SY2024 - 2025	September 1, 2024 – February 15, 2025	September 1, 2025 – November 30, 2025	January 1, 2026 until all findings of non-compliance are verified as corrected
SY2025 - 2026	September 1, 2025 – February 15, 2026	September 1, 2026 – November 30, 2026	January 1, 2027 until all findings of non-compliance are verified as corrected
SY2026 - 2027	September 1, 2026 – February 15, 2027	September 1, 2027 – November 30, 2027	January 1, 2028 until all findings of non-compliance are verified as corrected

Findings of non-compliance identified during Cyclic Monitoring remain unresolved until both individual (Prong 1) and systemic (Prong 2) compliance have been verified (please see [OSEP QA 23-01](#) for details regarding Prong 1 and Prong 2).

Improvement, Correction, Incentives, and Sanctions

According to [OSEP QA 23-01](#), an SEA ensures that LEAs correct each case of non-compliance, unless the child is no longer within the jurisdiction of the LEA (in cases such as this, please contact the [AOE Special Education Monitoring Team](#) for guidance). 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, in no case later than one year from the initial finding(s). The Special Education Program Monitoring system described in this document provides each LEA with two opportunities to correct findings of non-compliance: Selective Monitoring, and the LEA's first cycle in Targeted Monitoring.

All findings of non-compliance must be verified as corrected along two distinct prongs:

Prong 1: Verification that each individual instance (student specific) of non-compliance has been corrected.

Prong 2: Verification that systemic non-compliance has been corrected.

These prongs are satisfied through each indicator's unique context; for example: Should a LEA receive findings of non-compliance in their Post-Secondary Transition Plans, they are then required to submit (1) corrections to all Transition Plans identified with non-compliance and (2) 10 additional, not previously submitted student plans, demonstrating systemic compliance. Specific details as to how a LEA is required to demonstrate correction and compliance are found in the sections pertaining to each specific indicator in the Selective and Targeted Monitoring Protocol documents. Correction does not apply to the Cyclic Monitoring Protocol.

Concurrent Monitoring Statuses

Should findings of non-compliance remain unverified as corrected for a long enough period of time, the LEA may find itself returning to Cyclic Monitoring while simultaneously in Targeted Monitoring. Should Cyclic Monitoring result in additional findings of non-compliance, the district is then placed in Selective Monitoring and Targeted Monitoring simultaneously.

Exiting a monitoring status requires the submission of data found to be at or above the compliance threshold for each indicator, and in the case of Selective and Targeted Monitoring, submission of corrections to each individual finding of non-compliance and demonstration of a lack of systemic non-compliance.

In some unique cases a district may be assigned to multiple monitoring statuses, during which they may submit compliant data fulfilling prongs 1 and 2 per [OSEP QA 23-01](#). Some of these cases may present an opportunity to close-out finding(s) of non-compliance in both monitoring statuses simultaneously. The Special Education Program Monitoring Team will evaluate such situations during the review process and will contact a LEA to discuss this possibility should it be available.

Long Standing Non-Compliance

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, and requiring the use of funds for specific actions.

In case of egregious and/or ongoing long-standing non-compliance (defined as non-compliance that remains uncorrected for greater than one year), the AOE is empowered by its statutory authority to

- Delay or withholding payments, in part or in full;
- Making payments on a reimbursement basis only;
- Placing additional reporting requirements on the award;
- Disallowing costs and/or offsetting or requesting repayment if funds had been advanced;
- Conducting or arranging for an independent audit;
- Cancelling the award;
- Classifying the grantee as “high-risk”; and
- Withholding future awards.

Districts with non-compliance that remain unverified as corrected within one year of notification are placed in Targeted Monitoring continuously until all findings of non-compliance are corrected.

Correcting Long-Standing Non-Compliance

Long standing non-compliance is corrected by completing the required actions and related instructions found on the most recent Monitoring Report and submitting data demonstrating compliance at or above the required target for each applicable indicator.

In some instances, a LEA may be in Cyclic Monitoring while also in Targeted Monitoring. This is the result of findings of non-compliance remaining unverified as corrected since the previous time their cohort was in Cyclic Monitoring.

In these infrequent cases, Special Education Program Monitoring may at their discretion permit a LEA to resolve earlier findings of non-compliance through their Cyclic Monitoring submissions. This is dependent upon several factors, including but not limited to: The need to submit corrections to individual cases of non-compliance (e.g., Post-Secondary Transition Plan), details pertaining to long-standing non-compliance and progress, and other factors.

State Performance Plan / Annual Performance Report

The following is provided to describe aspects of Indicator 11 and Indicator 13 as they pertain to the State Performance Plan / Annual Performance Report.

Indicator 11

Method Used to Collect Data

In alignment with Vermont state policy, data is collected on a 3-year cycle through a state developed spreadsheet for LEA self-reporting of completed initial evaluations. One of three defined cohorts of LEAs are mandated to participate in Cyclic Monitoring once

every three years. LEAs submit data capturing all completed initial evaluations from February 1, of the previous school year to January 31 of the current school year.

Data submissions occur via a secure online file transfer system provided to the AOE by the State of Vermont Agency of Digital services. The AOE facilitates access to the system and provides related technical support for LEAs.

Submitted LEA Indicator 11 data are collated by the monitoring team using a spreadsheet where, for every initial evaluation for which consent to evaluate was given by a parent or guardian during the period of interest specified by the monitoring cycle, LEAs list the following: name of school, type of enrollment (public, private, independent school, or home study), student perm number, date of request of evaluation, date of EPT meeting, date in which parent consent was received, date of eligibility determination meeting, date of eligibility report provided to the parents, eligibility decision (eligible/not eligible for special education), type of evaluation for out of state transfer (initial or records review only), referral to IEP team, referral to 504 or EST team, use of Form 4, reason for delay related to student or family (if applicable), reasons for delay, date of denial, and reasons for denial. The entries are confirmed by an attestation signed by the special education director and superintendent as the final step of data submission.

Verification of Submitted Data

The Vermont AOE reviews submissions as part of our state developed state monitoring system. The monitoring team reviews all data, including supporting documentation when applicable (e.g., Special Education Form 4), and maintains a record of the ratio of compliant to evaluations for which consent is received to be used in the subsequent results reports to LEAs.

VT AOE verifies that each individual case of non-compliance was corrected through a review of data submitted as part of escalated monitoring status, which is assigned when findings of non-compliance are issued following routine Cyclic Monitoring. The review of data confirms that the family of each student or adult student is issued a finalized evaluation within 60 days of consent or referral, per VT 2362.2.1 (c).

Indicator 11 submissions by LEAs are not correctable on an individual basis in the sense that once the deadline for an initial evaluation has passed, it cannot be corrected. Rather, an initial evaluation may only be performed on a date past the deadline. The VT AOE verifies through a review of submitted data that each student received an evaluation, including instances where a late evaluation was identified.

To confirm correction of systemic non-compliance, VT AOE verifies that each LEA ensures that all eligible students receive their initial evaluation prior to their respective deadline by analyzing additional data from each LEA previously found with any non-compliant timelines. Any LEA with non-compliance identified in Indicator 11 is required

to submit updated data during the subsequent year, demonstrating correction to each individual case, and in turn, systemic correction as well.

Each LEA receives a written Monitoring Report following a review of submissions which includes a description of any identified non-compliance, the statutory and regulatory requirements for which the LEA is in non-compliance, a statement informing the LEA that all findings of non-compliance must be corrected as soon as possible and in no case later than one year from the date of notification, required corrective actions, and a timeline for submission of evidence of correction.

Student-level non-compliance is detailed in review sheets which accompany the monitoring reports, providing detailed information regarding each individual finding of non-compliance. Opportunities for differentiated technical assistance are provided in both the monitoring report and review sheets.

Additionally, at the end of each monitoring cycle, the Vermont AOE notifies LEAs of compliance and performance standings in a LEA Special Education Determination (LSED) report that details the non-compliance with citations and a list of action steps necessary to correct noncompliance. Depending on the LEA's LSED status, they may be required to submit a Corrective Action Plan whereby the LEA demonstrates (a) a plan to implement continuous improvement processes in order to identify source(s) of systemic noncompliance and then (b) develop and implement data-driven processes to create systems level change, followed by (c) data demonstrating the effects of the changes implemented during that school year.

Actions Taken if Non-Compliance is Not Corrected

Districts who do not meet 100% compliance during Cyclic Monitoring are placed in mandatory Selective Monitoring as part of the monitoring activities for this indicator from September 1 through November 30 the following school year, and the results are factored into the LEA's special education determination status. Districts who continue to not meet 100% compliance during Selective Monitoring are then assigned to mandatory Targeted Monitoring from January 1 to May 17 during the same school year as the preceding Selective Monitoring period. This provides LEAs with two distinct monitoring cycles during which they have opportunities to correct findings of non-compliance within one year following initial notification.

Districts who continue to not meet 100% compliance during Targeted Monitoring are entered into Targeted Monitoring twice per year until all findings of non-compliance are verified as corrected.

Additional Notes

If an initial evaluation is provided more than sixty days after consent for the evaluation is received:

- these individual cases will not be included in the SPP/APR alongside data pertaining to completed evaluations.
- findings of non-compliance will be reported in Indicator 18 for the respective SPP/APR.
- Students with a valid Form 4 are not included in SPP/APR calculations.
- Students who moved out of district are not included in SPP/APR calculations.

Indicator 13

Method Used to Collect Data

Ten sample plans are collected from each LEA in the three-year cyclic monitoring cohort through a secure electronic platform. The plans are then reviewed for compliance against the NTACT Indicator 13 Checklist in 16 single areas within the 8 elements of indicator 13. During the review process, VT AOE staff provide inter-rater reliability to ensure fidelity between the review criteria and standards set forth in the NTACT checklist.

Submissions for Cyclic Monitoring are due by February 15 and immediately reviewed. These results are the sole source of Indicator 13 compliance data for federal reporting. The reviews are communicated to the districts, offering an opportunity for the correction of individual non-compliance during a brief window prior to the issuance of written notification of findings to the districts. This ensures more timely corrections and prevents our state from falling into continued long-standing non-compliance. Both the results of the first submissions and of their corrections, if any, are noted in the reports the VT AOE issues to the districts. Non-compliance that is resolved during the pre-finding window is reported as “non-compliance verified as corrected within one year” in our federal report.

Submissions for Selective and Targeted Monitoring are collected as described above and are also subject to findings of non-compliance not yet verified as corrected, resulting in a LEA being placed in the next stage of escalated monitoring until all findings of non-compliance are verified as corrected.

Verification of Submitted Data

When findings of non-compliance are identified:

1. LEAs must submit previously non-compliant transition plans with corrections (prong 1).
 - a. If a student with a non-compliant plan has exited the district’s special education system (graduated, moved, transferred to 504 plan...), the correspondent plan is supplanted by another student’s plan.

2. Additionally, LEAs must submit 10 additional transition plans (prong 2).
3. All plans are submitted through the state's established means of collecting data.
4. Submitted transition plans are verified by the VT AOE for correction of non-compliance against the NTACTION Indicator 13 Checklist.
5. When each transition plan submitted by an LEA is reviewed and found to be 100% compliant against the indicator 13 Checklist, the LEA is closed out via written notification.
6. The VT AOE maintains written documentation of the verification of correction.

Actions Taken if Non-Compliance is Not Corrected

Selective monitoring status, the first escalated status after findings are made during cyclic monitoring, occupies September through the end of November. Submission of corrected data described previously is due no later than November 30. This allows the VT AOE to report on the close-outs of any findings by OSEP's April SPP/APR clarification period. Should a LEA not correct previous findings during selective monitoring, it is then placed in targeted monitoring, due in June.

As a result of ongoing non-compliance, the VT AOE will continue to impose additional corrective actions on the LEAs that did not correct non-compliance in a timely manner (within one year from identification). The VT AOE continues to collect and review data to verify child-specific and systemic correction of non-compliance through selective and targeted monitoring. If a LEA is not yet correctly implementing the statutory/regulatory requirements for this indicator by June 1, the LEA will then return again to targeted monitoring status, with mandatory technical assistance and increased reporting requirements until the correction of noncompliance is verified.