

**Vermont Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 68.85%. These data represent slippage from the FFY 2008 data of 72%. The State did not meet its FFY 2009 target of 72%.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 3.61%. These data remain unchanged from the FFY 2008 data of 3.61%. The State did not meet its FFY 2009 target of 3.25%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the targets for FFY 2010, and improvement activities for FFY 2010, for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised FFY 2010 target and the FFY 2011 and FFY 2012 targets. The revised FFY 2010 target is more rigorous than the previously-established target.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data represent slippage from the FFY 2008 data of 2.86%. The State did not meet its FFY 2009 target of 15%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010</p>

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<p align="center"><b>Monitoring Priorities and Indicators</b></p>	<p align="center"><b>Status of APR Data/SPP Revision Issues</b></p>	<p align="center"><b>OSEP Analysis/Next Steps</b></p>
<p>B. Participation rate for children with IEPs. [Results Indicator]</p>	<p>The State’s FFY 2009 reported data for this indicator are 97.68% for reading and 96.95% for math. These data represent slippage from the FFY 2008 data of 99.01% for reading and 98.73% for math. The State did not meet its FFY 2009 targets of 99%.  The State provided a Web link to 2009 publicly-reported assessment results.</p>	<p>APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets for FFY 2011 and FFY 2012.  The State’s FFY 2009 reported data for this indicator are 26.62% for reading and 22.62% for math. These data represent progress from the FFY 2008 data of 25.65% for reading and 22.39% for math. The State did not meet its FFY 2009 targets of 27% for reading and 24% for math.  The State provided a Web link to 2009 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.  The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.  The State reported its definition of “significant discrepancy.”  The State reported that none of its 60 districts was excluded from the calculation due to minimum “n” size requirements.</p>	<p>OSEP appreciates the State’s efforts to improve performance.  The State must clarify in the FFY 2010 APR, due February 1, 2012, whether the State uses a minimum “n” size requirement for this indicator.</p>
<p>4. Rates of suspension and expulsion: B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator.  The State’s FFY 2009 reported baseline data for this indicator are 0%.  The State reported that no districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.  OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
<p>with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>a school year for children with IEPs.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that 13 of 60 districts did not meet the State-established minimum “n” size requirement of having four or more long-term suspensions and expulsions for a racial or ethnic category and were excluded from the calculation.</p>	<p>concerns.</p>																				
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets.</p> <p>The State’s reported FFY 2009 data for this indicator are:</p> <table border="1" data-bbox="552 862 1583 1338"> <thead> <tr> <th></th> <th><u>FFY 2008</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Data</u></th> <th><u>FFY 2009</u> <u>Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">68.82</td> <td align="center">72.21</td> <td align="center">79</td> <td align="center">3.39%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">8.90</td> <td align="center">8.14</td> <td align="center">7</td> <td align="center">0.76%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">6.88</td> <td align="center">6.28</td> <td align="center">3.85</td> <td align="center">0.60%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2008 data. The State did not meet any of its FFY 2009 targets for this indicator.</p>		<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	68.82	72.21	79	3.39%	B. % Inside the regular class less than 40% of the day	8.90	8.14	7	0.76%	C. % In separate schools, residential facilities, or homebound/hospital placements	6.88	6.28	3.85	0.60%	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
	<u>FFY 2008</u> <u>Data</u>	<u>FFY 2009</u> <u>Data</u>	<u>FFY 2009</u> <u>Target</u>	<u>Progress</u>																		
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<p>6. Percent of children aged 3</p>	<p>The State is not required to report on this indicator in the FFY 2009 APR.</p>	<p>The State is not required to report on this indicator in the FFY 2010</p>																				

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<p>through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>		<p>APR, due February 1, 2012.</p>																								
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets.</p> <p>The State's FFY 2009 reported data for this indicator are:</p> <table border="1" data-bbox="552 878 1583 1516"> <thead> <tr> <th><b><u>Summary Statement 1</u></b></th> <th><b><u>FFY 2008 Data</u></b></th> <th><b><u>FFY 2009 Data</u></b></th> <th><b><u>FFY 2009 Target</u></b></th> </tr> </thead> <tbody> <tr> <td><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td> <td align="center">92.38</td> <td align="center">89.91</td> <td align="center">92.88</td> </tr> <tr> <td><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td> <td align="center">90.71</td> <td align="center">89.32</td> <td align="center">91.21</td> </tr> <tr> <td><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td> <td align="center">92.77</td> <td align="center">91.30</td> <td align="center">93.27</td> </tr> <tr> <th><b><u>Summary Statement 2</u></b></th> <th><b><u>FFY 2008 Data</u></b></th> <th><b><u>FFY 2009 Data</u></b></th> <th><b><u>FFY 2009 Target</u></b></th> </tr> <tr> <td><b>Outcome A:</b></td> <td align="center">52.84</td> <td align="center">48.57</td> <td align="center">53.34</td> </tr> </tbody> </table>	<b><u>Summary Statement 1</u></b>	<b><u>FFY 2008 Data</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2009 Target</u></b>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	92.38	89.91	92.88	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	90.71	89.32	91.21	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	92.77	91.30	93.27	<b><u>Summary Statement 2</u></b>	<b><u>FFY 2008 Data</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2009 Target</u></b>	<b>Outcome A:</b>	52.84	48.57	53.34	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
<b><u>Summary Statement 1</u></b>	<b><u>FFY 2008 Data</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2009 Target</u></b>																							
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	Positive social-emotional skills (including social relationships) (%)				
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	49.53	46.36	50.03	
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	60.73	58.31	61.23	
	These data represent slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets for this indicator.				
<p>8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised its baseline and target for FFY 2010, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised FFY 2010 target and the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported revised baseline data for this indicator are 34.56%.</p> <p>The State provided revised baseline data, using FFY 2009 data. Therefore, OSEP is not comparing the FFY 2009 data to FFY 2008 data or the FFY 2009 target.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</p>				<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that two of 60 districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result</p>				<p>OSEP appreciates the State's efforts regarding this indicator.</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	<p>of inappropriate identification.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that 58 of 60 districts did not meet the State-established minimum “n” size requirement of ten IEP students in a racial and ethnic group and were excluded from the calculation for one or more racial and ethnic group.</p>	
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that none of its 60 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that 54 of 60 districts did not meet the State-established minimum “n” size requirement of ten IEP students in a racial and ethnic group and were excluded from the calculation for one or more racial and ethnic groups for one or more of the specific disability groups analyzed.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator.</p>
<p>11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 84.46%. These data represent progress from the FFY 2008 data of 82.50%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that it did not make findings of noncompliance based on FFY 2008 data until FFY 2009. Correction of noncompliance identified in FFY 2009 must be reported in the FFY 2010 APR, due February 1, 2012.</p> <p>The State reported on page 45 of the revised APR that it identified a total of 13 findings of noncompliance for this indicator in 13 LEAs in FFY 2008. OSEP cannot determine whether the 13 findings of noncompliance identified in FFY 2008 were based on FFY 2007 or FFY 2008 data. The State indicated on pages 45-46 of the revised APR that 12 of the 13 findings of noncompliance were corrected based on a review of subsequent</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the timely initial evaluation requirement in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must clarify the number of findings of noncompliance that were identified in FFY 2008</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>data indicating 100% compliance. The State does not address whether all child-specific noncompliance has been corrected. However, on page 49 of the revised APR, the State reported that it identified ten findings of noncompliance in FFY 2008 (based on FFY 2007 data). The State reported that all ten of the findings of noncompliance were not corrected because while all child-specific noncompliance has been verified as corrected, the ten LEAs have not yet submitted updated data that demonstrates that the LEAs are correctly implementing 34 CFR §300.301(c)(1). The State reported that the 10 LEAs will be required to submit updated data for this indicator by June 1, 2011.</p> <p>OSEP’s June 3, 2010 response table required that, when reporting on the correction of noncompliance in the FFY 2009 APR, the State must report that it has verified that each LEA with noncompliance identified in FFY 2008 (based on FFY 2007 data): (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). Based on the inconsistent information provided, OSEP cannot determine the number of findings of noncompliance that were identified in FFY 2008 based on FFY 2007 data, the number of findings that were corrected in a timely manner, or the number of findings that were subsequently corrected. OSEP also cannot determine whether the State verified correction consistent with the requirements of OSEP Memo 09-02. Therefore, the State has not demonstrated that it corrected the noncompliance.</p> <p>The State did not report on whether the 14 remaining findings of noncompliance related to this indicator identified in FFY 2007 (based on 2006 data) were corrected. OSEP’s June 3, 2010 response table required that, when reporting on the correction of noncompliance in the FFY 2009 APR, the State must report that it has verified that each LEA with the remaining 14 findings of noncompliance identified in FFY 2007 (based on FFY 2006 data): (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. OSEP agreed that because the State did not have the capacity to identify the individuals who did not receive a timely evaluation when it identified</p>	<p>based on FFY 2007 data, and the number of findings of noncompliance identified in FFY 2007 based on FFY 2006 data. The State must also demonstrate, in the FFY 2010 APR, that the remaining uncorrected noncompliance findings identified in FFY 2008 based on FFY 2007 data and the remaining uncorrected noncompliance findings identified in FFY 2007 based on FFY 2006 data were corrected.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator and each LEA with noncompliance identified in FFY 2008 based on FFY 2007 data: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer</p>

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	<p>findings in FFY 2007 based on FFY 2006 data, the State was not required to report in the FFY 2009 APR that each LEA with the remaining 14 findings of noncompliance identified in FFY 2007 (based on FFY 2006 data) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA. However, the State must report that each LEA with the remaining 14 findings of noncompliance identified in FFY 2007 (based on FFY 2006 data) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system. The State reported in its FFY 2008 APR that there were 14 findings of noncompliance identified in FFY 2007 based on FFY 2006 data that were not corrected. However, on page 49 of the revised APR, the State reported that the “13 LEAs that did not meet this target of 100% compliance in FFY 2006, will be required to resubmit indicator 11 data for the FY 2010 school year.” OSEP cannot determine if these are the findings of noncompliance that were identified in FFY 2007 based on FFY 2006 data and the State has now determined that there were 13 findings of noncompliance identified in FFY 2007 based on FFY 2006 data.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>When reporting on the correction of the noncompliance identified in FFY 2007 based on FFY 2006 data, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance identified in FFY 2007 based on FFY 2006 data is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.</p> <p>In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p> <p>If the State does not report 100% compliance in the FFY 2010</p>

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		APR, the State must review its improvement activities and revise them, if necessary.
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99.7%. These data represent progress from the FFY 2008 data of 98.80%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that it does not make findings of noncompliance based on FFY 2008 data until FFY 2009. Correction of noncompliance identified in FFY 2009 must be reported in the FFY 2010 APR due February 1, 2012.</p> <p>The State reported on page 55 of its revised FFY 2009 APR that it identified six findings of noncompliance in six LEAs in FFY 2008 and that all six findings were corrected in a timely manner. OSEP cannot determine whether the six findings of noncompliance identified in FFY 2008 were based on FFY 2007 or FFY 2008 data. The State reported that all individual instances of noncompliance were verified as corrected and that four LEAs submitted data demonstrating 100% compliance with the early childhood transition requirements. OSEP cannot determine whether the State verified correction for four of six LEAs with findings of noncompliance identified in FFY 2008 or for all six LEAs with findings of noncompliance identified in FFY 2008. Therefore, the State has not demonstrated that it corrected the noncompliance.</p> <p>The State reported that the 14 remaining findings of noncompliance related to this indicator identified in FFY 2007 (based on FFY 2006 data) were corrected based on a review of updated data demonstrating 100% compliance with the early childhood transition requirements. OSEP agreed that because the State did not have the capacity to identify the individuals who did not have an IEP developed and implemented by their third birthdays when it identified findings in FFY 2007 based on FFY 2006 data, the State was not required to report in the FFY 2009 APR that each LEA with remaining 14 findings of noncompliance identified in FFY 2007 (based on FFY 2006 data) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>The State must also clarify whether each of the six LEAs with noncompliance identified in FFY 2008 is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.</p> <p>In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 22.6%.</p> <p>The State reported that four of 17 findings of noncompliance identified in FFY 2007 (based on FFY 2006 data) for this indicator were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>Although OSEP did not consider data for Indicator 13 in its determinations for FFY 2009, OSEP is concerned about Vermont's very low FFY 2009 data (below 75%) for this indicator. In 2012, OSEP will consider States' FFY 2010 data for Indicator 13 determinations.</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

<p align="center"><b>Monitoring Priorities and Indicators</b></p>	<p align="center"><b>Status of APR Data/SPP Revision Issues</b></p>	<p align="center"><b>OSEP Analysis/Next Steps</b></p>
<p>meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>		<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>The State must demonstrate in the FFY 2010 APR that the remaining</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

<p align="center"><b>Monitoring Priorities and Indicators</b></p>	<p align="center"><b>Status of APR Data/SPP Revision Issues</b></p>	<p align="center"><b>OSEP Analysis/Next Steps</b></p>
		<p>13 uncorrected findings of noncompliance identified in FFY 2007 based on FFY 2006 data were corrected.</p> <p>When reporting on the correction of the noncompliance identified in FFY 2007 based on FFY 2006 data, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance identified in FFY 2007 based on FFY 2006 data is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system.</p> <p>In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State’s failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State’s general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2010 APR, that it has corrected this noncompliance.</p> <p>If the State does not report 100%</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State’s submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s reported FFY 2009 baseline data for this indicator are:</p> <p>A. 24.22% enrolled in higher education within one year of leaving high school;</p> <p>B. 56.40% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 71.97% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are 36.3%. These data represent slippage from the FFY 2008 data of 84.34%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 65 of 179 findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>In a table on pages 87-88 of the FFY 2009 APR, the State reported that noncompliance identified in FFY 2006 and FFY 2007 under Indicators 11 and 13 had not been</p>	<p>The State must demonstrate in the FFY 2010 APR, due February 1, 2012, that the remaining 114 findings of noncompliance identified in FFY 2008 and the remaining findings of noncompliance identified in the table on pages 87-88 of the FFY 2009 APR that were not reported as corrected in the FFY 2009 APR were corrected.</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>															
	<p>corrected.</p> <table border="1" data-bbox="550 363 1579 763"> <thead> <tr> <th data-bbox="550 363 894 496"><b>Year</b></th> <th data-bbox="894 363 1236 496"><b>Indicator</b></th> <th data-bbox="1236 363 1579 496"><b># of LEAs with uncorrected noncompliance</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="550 496 894 565">FFY 2006</td> <td data-bbox="894 496 1236 565">11</td> <td data-bbox="1236 496 1579 565">14</td> </tr> <tr> <td data-bbox="550 565 894 633">FFY 2007</td> <td data-bbox="894 565 1236 633">11</td> <td data-bbox="1236 565 1579 633">10</td> </tr> <tr> <td data-bbox="550 633 894 701">FFY 2006</td> <td data-bbox="894 633 1236 701">13</td> <td data-bbox="1236 633 1579 701">13</td> </tr> <tr> <td data-bbox="550 701 894 763">FFY 2007</td> <td data-bbox="894 701 1236 763">13</td> <td data-bbox="1236 701 1579 763">9</td> </tr> </tbody> </table> <p>The State reported on the actions it planned to take ensures that this noncompliance will be corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<b>Year</b>	<b>Indicator</b>	<b># of LEAs with uncorrected noncompliance</b>	FFY 2006	11	14	FFY 2007	11	10	FFY 2006	13	13	FFY 2007	13	9	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data, in the FFY 2010 APR, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>In reporting on Indicator 15 in the</p>
<b>Year</b>	<b>Indicator</b>	<b># of LEAs with uncorrected noncompliance</b>															
FFY 2006	11	14															
FFY 2007	11	10															
FFY 2006	13	13															
FFY 2007	13	9															

**Vermont Part B FFY 2009 SPP/APR Response Table**

<p align="center"><b>Monitoring Priorities and Indicators</b></p>	<p align="center"><b>Status of APR Data/SPP Revision Issues</b></p>	<p align="center"><b>OSEP Analysis/Next Steps</b></p>
		<p>FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 11, 12, and 13 in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on two due process hearings. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 66.67%. The State reported that two of three resolution sessions resulted in settlement agreements. The State met its FFY 2009 target of 59%.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2009. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten resolution sessions were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 87.5%. These data represent progress from the FFY 2008 data of 80%. The State met its FFY 2009 target of 79%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2009 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 97.37%. These data represent progress from the FFY 2008 data of 90%. OSEP has attached a copy of the Indicator B20 Data Rubric.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Data Rubric. If the State does not report 100% compliance in the FFY 2010 APR, the State must review its</p>

**Vermont Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>improvement activities and revise them, if necessary.</p> <p>In reporting on Indicator 20 in the FFY 2010 APR, the State must use the Indicator 20 Data Rubric.</p>