



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JAN 13 2010

Honorable Armando Vilaseca  
Commissioner  
Vermont Dept. of Education  
120 State Street  
Montpelier, VT 05620-2501

Dear Commissioner Vilaseca:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Vermont Department of Education during the week of August 31, 2009. As indicated in OSEP's letter to you dated July 2, 2009, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Parts B and C of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B and C<sup>1</sup> of the IDEA in accordance with 20 U.S.C. 1416 and 1442. Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving early intervention and educational results for children with disabilities.

The purpose of the verification visit is to review the State's systems for general supervision, collection of State-reported data, and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. During the verification visit, OSEP: (1) analyzed the components of the State's general supervision, data and fiscal systems to determine the extent to which they are effective in ensuring compliance and improving performance; and (2) reviewed the accuracy of the data the State submitted for selected indicators in the State's Federal Fiscal Year (FFY) 2007 Annual Performance Report (APR)/State Performance Plan (SPP).

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<sup>1</sup> During the week of August 31, 2009, OSEP also conducted its Part C verification visit to the Vermont Agency of Human Services, and OSEP will be issuing a letter describing the results of that visit under separate cover. The Vermont Department of Education is a co-lead agency for Part C with the Vermont Agency of Human Services and will receive a copy of the Part C verification visit letter as well.

As part of the verification visit to Vermont, OSEP staff met with Karin Edwards, State Director of Special Education and State personnel responsible for implementing the general supervision, data or fiscal systems OSEP staff interviewed a panel of six local special education directors during their visit to the State. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Vermont's FFY 2007 APR submitted to OSEP in February 2009; (2) Vermont's SPP submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Vermont's eligibility document submissions under Part B of the IDEA for FFY 2009; (4) OSEP's Verification Visit letter to Vermont dated February 8, 2005; (5) the Vermont Department of Education's website; and (6) other pertinent information<sup>2</sup>. OSEP also collected and reviewed stakeholder input from the State's Parent Training and Information Center (PTI) and the State Advisory Panel (SAP).

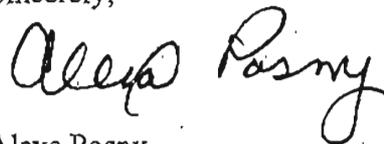
OSEP developed critical elements that were used to guide its evaluation of Vermont's general supervision, data, and fiscal systems. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the Enclosure to this letter. If OSEP identifies noncompliance during the verification visit, the Enclosure also includes an explanation of the noncompliance with applicable Part B or Part C requirements and the required actions OSEP has determined the State must take to address the noncompliance. As further detailed in the Enclosure to this letter, OSEP found noncompliance with the requirements of Part B of IDEA, and has required corrective action in the following areas: (1) the requirements for timely identification of noncompliance in IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(E); (2) the requirements for correction of noncompliance in IDEA sections 612(a)(11) and 616, 34 CFR §§300.149 and 300.600, and 20 U.S.C. 1232d(b)(3)(F); (3) the requirements regarding the State's annual determination process in IDEA section 616(a) and (e), 34 CFR §§300.600(a)(3) and 300.604; (4) the requirement for written policies and procedures for determining whether significant disproportionality on the basis of race and ethnicity is occurring in the State or in the LEAs in the State consistent with section 618(d) of the IDEA and 34 CFR §300.646; (5) the requirements for public reporting on the participation and performance of children with disabilities on Statewide assessments at the district and school level in accordance with 34 CFR §300.160(f); (6) the requirements in 34 CFR §300.160 that are applicable to districtwide assessments, unless the State can demonstrate to OSEP that its local assessments are not subject to these requirements; and (7) the requirements for State-level maintenance of effort in 20 U.S.C. 1412(a)(18) and 34 CFR §300.163.

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<sup>2</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.

We appreciate the cooperation and assistance provided by PFI staff, SAP members and parents in providing feedback and input on the State's systems for special education during our visit. We look forward to collaborating with all stakeholders and actively working with the State to improve results for infants, toddlers, and children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact Matthew Schneer, at 202-245-6755.

Sincerely,

A handwritten signature in black ink that reads "Alexa Posny". The signature is written in a cursive style with a large initial 'A'.

Alexa Posny  
Acting Director  
Office of Special Education Programs

Enclosure

cc: Karin Edwards  
Director of Student Support Services