

**Update on Vermont’s Needs Intervention Determination status with Office of Special Education Programs (OSEP)**

*Dr. Jacqueline Kelleher, State Director of Special Education*

*Vermont Agency of Education*

As State Director of Special Education, I will testify on why Vermont is currently identified by OSEP in the Needs Intervention category, what the Agency of Education has been doing to address areas of concern raised by this Determination, and what local education agencies (LEAs) can be doing to improve Vermont’s performance moving forward. For this testimony, the information below should be reviewed to understand the scoring process leading to OSEP’s June 26, 2020 Determination. Please refer to the chart below entitled RDA Percentage, Determination, Results and Compliance Overall Scoring.

**Annual OSEP Special Education Determinations**

Special education determinations are based upon the most recent data filed with the Office of Special Education Programs (OSEP) for Vermont’s State Performance Plan/Annual Performance Report (SPP/APR). OSEP uses an accountability system under the IDEA known as Results Driven Accountability (RDA), which shifts efforts for accountability from a primary emphasis on compliance to a framework that focuses on improved results for students with disabilities, while continuing to ensure compliance with the requirements found in IDEA.

**Calculating Determinations**

In making determinations, OSEP incorporates factors for compliance and results indicators as reported by the AOE to OSEP in the SPP/APR. OSEP’s State Determination FFY2018 criteria for state determinations is outlined in the table below.

<b>Determination</b>	<b>Meets Requirements</b>	<b>Needs Assistance</b>	<b>Needs Intervention</b>	<b>Needs Substantial Intervention</b>
OSEP criteria for State Determinations	> 80%	60-79%	40-59%	< 40%

The Part B compliance indicators measure LEA performance related to LEA data on suspension and expulsion, disproportionate representation, child find activities, and transitions of students with disabilities (both C to B and post-secondary transitions). The Part B results indicators measure SEA performance on APR indicators related to graduation rate, performance and participation on statewide assessments including the alternate assessment (grades 3-9), educational environment for both school age and preschool students (ages 3-21), and preschool

outcomes (ages 3-5). Vermont scored an overall 54.86% which placed us in Needs Intervention (NI). A State's 2020 RDA Determination is Needs Intervention if the RDA Percentage is less than 60%.

Based in part on the data submitted in the Annual Performance Report (APR), the OSEP determines annually whether or not Vermont has met the requirements and purposes of Part B of the IDEA for a given federal fiscal year (FFY). Each state submits data from multiple school years as part of reporting on sixteen (16) indicators and the State Systemic Improvement Plan (SSIP) as indicator 17. This year's APR is reported as FFY2018 and contains both data and targets from school years 2017-18 and 2018-2019.

### RDA Percentage, Determination, Results and Compliance Overall Scoring

	2016	2017	2018	2019	2020
<b>Percentage</b>	75%	67.92%	80.3%	63.13%	54.86%
<b>Determination</b>	<b>Needs Assistance</b>	<b>Needs Assistance</b>	<b>Meets Requirements</b>	<b>Needs Assistance</b>	<b>Needs Intervention</b>
<b>Results</b>	15/24	11/24	17/22	7/22	9/24
<b>%</b>	62.50%	45.83%	77.27%	31.82%	37.5%
<b>Compliance</b>	16/18	18/20	15/18	17/18	13/18
<b>%</b>	88.89%	90%	83.33%	94.44%	72.22%

### Results – a score of 2 is the highest

Element	2016	2017	2018	2019	2020
<b>Reading – 4<sup>th</sup> grade participation in statewide assessments</b>					
Performance	89.38	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Reading – 8<sup>th</sup> grade participation in statewide assessments</b>					
Performance	89.80	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Reading – 4<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	30	30	17	17	17
Score	1	1	0	0	0
<b>Reading – 4<sup>th</sup> grade included in NAEP testing*</b>					

Performance	91	91	92	92	92
Score	1	1	1	1	1
<b>Reading – 8<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	44	44	38	38	32
Score	2	2	2	2	2
<b>Reading – 8<sup>th</sup> grade included in NAEP testing*</b>					
Performance	94	94	91	91	93
Score	1	1	1	1	1
<b>Math – 4<sup>th</sup> grade participation in statewide assessments</b>					
Performance	89.28	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Math – 8<sup>th</sup> grade participation in statewide assessments</b>					
Performance	87.94	NVR	91	DNR	DNR
Score	1	0	2	0	0
<b>Math – 4<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	52	52	37	37	40
Score	1	1	0	0	1
<b>Math – 4<sup>th</sup> grade included in NAEP testing*</b>					
Performance	91	91	94	94	95
Score	1	1	1	1	1
<b>Math – 8<sup>th</sup> grade at or above Basic on NAEP</b>					
Performance	24	24	27	27	28
Score	1	1	1	1	2
<b>Math – 8<sup>th</sup> grade included in NAEP testing*</b>					
Performance	94	94	94	94	92
Score	1	1	1	1	1

#### EXITING DATA ELEMENTS

	2016	2017	2018	2019	2020
<b>Percentage of Children with Disabilities who Dropped Out</b>					
Performance	21	23	14	24	DNR
Score	1	1	2	0	0
<b>Percentage of Children with Disabilities who Graduated with a Regular High School Diploma</b>					
Performance	75	73	N/A	N/A	DNR
Score	1	1	N/A	N/A	0

DNR – Did Not Report

NVR – Not Valid and Reliable

## Compliance– a score of 2 is the highest

	2016	2017	2018	2019	2020
Indicator 4B: Significant Discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.					
Performance	0	0	0	0	0
Score	2	2	2	2	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.					
Performance	0	0	0	0	0
Score	2	2	2	2	2
Indicator 10: Disproportionate representation of racial and ethnic groups in in specific disability categories due to inappropriate identification.					
Performance	0	0	0	0	0
Score	2	2	2	2	2
Indicator 11: Timely initial evaluation					
Performance	98.48	97.89%	97.74%	97.58%	97.13%
Score	2	2	2	2	2
Indicator 12: IEP developed and implemented by third birthday					
Performance	100%	100%	100%	100%	100%
Score	2	2	2	2	2
Indicator 13: Secondary Transition					
Performance	74.34%	91.49%	88.03%	100%	71.25%
Score	0	1	1	2	0
Timely and Accurate State-Reported Data					
Performance	95.35%	86.93%	90.77%	80.15%	82.57%
Score	2	1	1	1	1
Timely State Complaint Decisions					
Performance	100%	100%	100%	100%	60%
Score	2	2	2	2	0
Timely Due Process Hearing Decisions					
Performance	N/A	100%	N/A	N/A	N/A
Score	N/A	2	N/A	N/A	N/A

+ = A State's NAEP inclusion rate was assigned a score of either '0' or '1' based on whether the State's NAEP inclusion rate for CWD was "higher than or not significantly different from the National Assessment Governing Board [NAGB] goal of 85 percent." "Standard error estimates" were reported with the inclusion rates of CWD and taken into account in determining if a State's inclusion rate was higher than or not significantly different from the NAGB goal of 85 percent.

It is important to note that a large part of the scores Vermont received from the federal scores are based on data reported from 20017-18 and 2018-19 – I came on board as State Director May 28, 2019 and my Team and I have made it a top priority to monitor the indicators we are evaluated on, collaborate with our AOE Data Team (who have made great strides in ensuring we have timely/accurate data), and direct my Special Education Team to work with the school districts to improve in these areas identified by their own individual Determination ratings. I look forward to informing you about what we have implemented and what we need to do to improve our Determination status over the coming years. Our Vermont Annual Performance report used for the June 26, 2020 OSEP determinations is called Vermont Annual Performance Report Part B FY 2018 (as noted, data are a couple of years behind – hence, the title FY 2018) and is found here: <https://education.vermont.gov/data-and-reporting/school-reports/special-education-reports>

In addition to the state-wide data available in the APR, the AOE provides Local Annual Performance Reports for each supervisory union and supervisory district for 14 of the indicators contained in the SPP. These reports are published annually each May (after the previous school year) and have been designed to meet the local reporting requirements of Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

- [Local Annual Performance Report for 2018-2019](#)
- [Local Annual Performance Report for 2017-2018](#)
- [Local Annual Performance Report for 2015-2016](#)
- [Local Annual Performance Report for 2014-2015](#)