

**Table B – Part B**  
**Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 12:</b> OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE (Vermont Department of Education) to provide, in the SPP, data and analysis documenting progress toward compliance with the requirement in 34 CFR §300.132(b) to ensure that children participating in the early intervention program under Part C, who will participate in the preschool program under Part B, have an IEP or IFSP, if consistent with State policy, developed and implemented by their 3<sup>rd</sup> birthday and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than October 29, 2006.</p>	<p>On page 59 of the SPP, VDE reported that the 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 birthday is in a range of 62.8%-68.5%.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement regarding 34 CFR §300.132(b). The level of compliance reported was in a range of 62.8%-68.5%.</p>	<p>The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 13:</b> OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE to provide, in the SPP, data and analysis documenting progress toward compliance with the requirement regarding secondary transition at 34 CFR §300.347(b) and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than October 29, 2006.</p>	<p>On page 63 of the SPP, VDE stated, "its current data collection indicates the number of students who have identified transition needs and services. VDE indicated that it would provide data on the percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals."</p>	<p>OSEP is not able to determine if there is noncompliance specific to the requirement at 34 CFR §300.347(b)(2). (Changes made to the IDEA by the IDEA Amendments of 2004 that took effect on July 1, 2005 eliminated the requirement to include a statement of transition services needs for students by the age of 14.)</p>	<p>The State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p><b>Indicator 15:</b></p> <p>1. OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE to provide, in the SPP, data and analysis documenting progress toward compliance with the requirements in 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3) to identify and correct noncompliance in the Department of Corrections facilities and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than October 29, 2006.</p> <p>2. OSEP's September 29, 2005 response to the State's FFY 2003 APR also required VDE to provide, in the SPP, data and analysis documenting progress toward compliance with the requirements regarding secondary transition at 34 CFR §§300.344(b) and 300.345(b)(2) and provide a final report to OSEP, including data and analysis demonstrating compliance, no later than October 29, 2006.</p>	<p>1. On March 3, 2006, VDE submitted a Federal Compliance Monitoring Report for April 2005 through September 2005, which included the results of VDE's monitoring of the Community High School of Vermont, which includes nine Central &amp; Regional Learning Centers and eight Community Correctional Service Centers. The report demonstrates that VDE identifies and corrects noncompliance in the Community High School of Vermont.</p> <p>2. VDE did not submit data to demonstrate compliance with 34 CFR §§300.344(b) or 300.345(b)(2). In its April 27, 2005 plan for addressing noncompliance with these requirements, VDE stated it would provide data from the 2004-2005 and 2005-2006 monitoring cycle as evidence of correction.</p>	<p>1. The State reported data showing correction of the previously identified noncompliance with the requirement at 34 CFR §300.600 and 20 U.S.C. 1232d(b)(3) to identify and correct noncompliance at the Department of Corrections facilities. OSEP appreciates the State's efforts in ensuring compliance with this requirement.</p> <p>2. OSEP is not able to determine if there is noncompliance specific to the requirements at 34 CFR §§300.344(b) or 300.345(b)(2).</p>	<p>1. The State must, as part of the data it submits for Indicator 15, include data on the percent of noncompliance identified in the Community High School of Vermont corrected within one year of identification. OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p> <p>2. With its response to indicator 15 in the FFY 2005 APR due February 1, 2007, the State must submit documentation that it has ensured the correction of the noncompliance related to the requirements regarding: (1) transition service participants at IEP meetings (34 CFR §300.344(b)); and (2) notice regarding secondary transition (34 CFR §300.345(b)(2)). The State must ensure that it is implementing its improvement strategies to enable the state to include data in the APR that demonstrates correction of these specific areas of noncompliance. The State must include the</p>

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<p>3. OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE to clarify in the SPP whether it is ensuring correction in every instance where noncompliance is identified. (34 CFR §300.600 and 20 U.S.C. 1232d(b)(3)). The State was required to clarify whether, if 80% of the files are in compliance, it is ensuring correction in the remaining 20% of the files.</p> <p><b>Indicator 16:</b></p> <p>OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE to provide, in the SPP, updated data and analysis documenting progress toward compliance with the requirement in 34 CFR §300.661(a) and (b)(1) to</p>	<p>3. On page 69 of the SPP, Vermont indicated "the monitoring team requires 100% compliance from each supervisory union, and corrective actions are required if they do not reach that threshold. The actions provide documentation that indicates how supervisory unions will work toward 100% compliance."</p>	<p>3. VDE provided the clarification OSEP requested in the FFY 2003 APR.</p>	<p>number of findings of noncompliance related to these specific requirements made in 2004-2005 and the number of findings that were corrected as soon as possible but no later than one year from identification in 2005-2006. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>3. No further action required.</p>
<p><b>Indicator 16:</b></p> <p>OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE to provide, in the SPP, updated data and analysis documenting progress toward compliance with the requirement in 34 CFR §300.661(a) and (b)(1) to</p>	<p>On page 75 of the SPP, Vermont reported that 83.33% of signed written complaints with reports issued were resolved within either a 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirement to issue timely complaint decisions at 34 CFR §300.661(a) and (b)(1). The level of compliance reported was 83.3%.</p>	<p>The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time</p>

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<p>ensure that written complaint decisions are issued within 60 days of receipt of the complaint unless the timeline is extended due to exceptional circumstances exist with respect to a particular complaint, and if the data do not demonstrate compliance, provide a final report to OSEP, including data and analysis demonstrating compliance, no later than October 29, 2006.</p> <p><b>Indicator 17:</b></p> <p>OSEP's September 29, 2005 response to the State's FFY 2003 APR required VDE to provide, in the SPP, updated data and analysis documenting progress toward compliance with the requirement in 34 CFR §300.511(a) and (c) to ensure that no later than 45 days after the receipt of a request for a hearing, a final decision is reached and a copy of the decision is mailed to each of the parties, unless a specific extension of time is granted at the request of either party, and if the data do not demonstrate compliance, provide a final report to OSEP, including data and analysis demonstrating compliance, no later than October 29, 2006.</p>	<p>On page 81 of the SPP, VDE reported that 6 of 6 or 100% of fully adjudicated due process hearing requests were completed within the 45-day timeline or within a timeline properly extended by the hearing officer at the request of either party.</p>		<p>may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
		<p>The State reported data showing full correction of the previously identified noncompliance with the requirement at 34 CFR §300.511 (a) and (c). OSEP appreciates the State's efforts in ensuring compliance with this requirement</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p>