

# MEMORANDUM

**TO:** Danielle Howes, MSW  
Part C Administrator  
Children's Integrated Services  
280 State Road, NOB 2  
Waterbury, Vermont 05671

**THROUGH:** Al Jones, Associate Division Director, *A.J.*  
Division of Monitoring and State Improvement Planning (MSIP),  
Office of Special Education Programs (OSEP)

**FROM:** Curtis Kinnard, OSEP State Lead Vermont Part C *CK*

**SUBJECT:** OSEP Approval of Vermont Part C Post DMS Required Actions  
Responses, dated November 12, 2019

**DATE:** December 12, 2019

The purpose of this memo is to respond to the Vermont Agency of Human Services' (AHS) November 12, 2019 letter to OSEP outlining Vermont's response to address the two findings identified in OSEP's August 9, 2019, letter to Vermont Agency of Human Services (AHS). Specifically, OSEP found that AHS did not comply with these two requirements of Part C of the Individuals with Disabilities Education Act (IDEA):

- **OSEP Finding #1:** The State does not have a central directory.
- **OSEP Finding #2:** Vermont does not have formal written policies and procedures to issue findings of noncompliance when Vermont identifies noncompliance through State monitoring or data collection procedures.

**OSEP Finding 1: The State does not have a central directory.**

**State Response:** Vermont provided documentation that the State:

- Established and is maintaining a central directory accessible to the general public in accordance with IDEA requirements in IDEA Section 635(a)(7) at 20 U.S.C. 1437(a)(7) and 34 C.F.R. §303.117. The State indicated its central directory includes accurate, up-to-date information about:
  - Public and private early intervention services, resources, and experts available in the State;
  - Professional and other groups including parent support, and training and information centers, that provide assistance to infants and toddlers with disabilities and their families; and
  - Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities.

- Provided a link to Vermont’s website that includes a central directory that is accessible to the general public and meets IDEA requirements under Part C Section 635(a)(7) at 20 U.S.C. 1437(a)(7) and 34 C.F.R. § 303.117. Vermont’s central directory is available on the following links:
  - <https://cispartners.vermont.gov>
  - <https://dcf.vermont.gov/partners/ei>
  - <https://dcf.vermont.gov>

**OSEP Response:** No further action is required.

**Finding 2: Vermont does not have formal written policies and procedures to issue findings of noncompliance when Vermont identifies noncompliance through State monitoring or data collection procedures.**

**State Response:** Vermont provided documentation that the State has created and implemented policies and procedures for:

- Data collection procedures to identify early intervention service (EIS) programs’ compliance with the requirements under IDEA Part C State Performance Plan/Annual Performance Report (SPP/APR) for timely service provision (SPP/APR Indicator 1), timely initial IFSP meetings (SPP/APR Indicator 7), and transition planning, notification and conferences (SPP/APR Indicators 8A, 8B, and 8C);
- Monitoring the data for a specific period, including a process for pre-finding correction;
- Formal notification to early intervention service (EIS) programs of each instance of noncompliance;
- Verification by the State lead agency of correction of each identified noncompliance within one year based on OSEP’s Memo 09/02 standard; and
- Verification by the State lead agency that any EIS program with identified noncompliance has updated data reflecting IDEA requirements as evidenced by 100% compliance on a review of subsequent data based on OSEP’s 09/02 standard. Vermont also submitted a sample of the State’s letter of findings to an EIS program.

**OSEP Response:** No further action required.

**Conclusion**

OSEP appreciates the State’s efforts to correct the two findings of noncompliance identified in OSEP’s August 9, 2019 letter. OSEP will continue to monitor the State’s progress using the State’s 2018 State Performance Plan/ Annual Performance Report and subsequent annual performance report data submissions.

Thank you for your support and your continued interest in improving results and ensuring equal access to educational services for infants and toddlers with disabilities. If you have any questions, please contact Curtis J. Kinnard, your OSEP State Lead, at 202-245-7472 or email, [Curtis.Kinnard@ed.gov](mailto:Curtis.Kinnard@ed.gov).

cc: Gregg Corr, Division Director, OSEP  
Al Jones, Associate Division Director, OSEP  
Kala Surprenant, Senior Counsel, Office of the General Counsel