

U.S. Department of Education

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 2014 (revised April 2015)

The U.S. Department of Education's Office of Special Education and Rehabilitative Services released State determinations on implementation of the Individuals with Disabilities Education Act (IDEA) for Part B and Part C for fiscal year 2012. The 2004 Amendments to the IDEA require each State to develop a State Performance Plan (SPP) that evaluates the State's efforts to implement the requirements and purposes of the IDEA, and describes how the State will improve its implementation. The Part B SPP includes baseline data, measurable and rigorous targets, and improvement activities for 18 indicators such as graduation rate, dropout rate, participation and performance on assessments, and meeting evaluation timelines. The Part C SPP includes baseline data, measurable and rigorous targets, and improvement activities for 12 indicators such as ensuring positive outcomes for infants and toddlers with disabilities, timely provision of services, meeting evaluation timelines, and provision of services in natural environments.

The IDEA also requires each State to report annually to the Secretary on its performance under the SPP. Specifically, the State must report in its Annual Performance Report (APR), the progress it has made in meeting the measurable and rigorous targets established in its SPP. The Secretary is required to issue annual determination letters to each State on its progress in meeting the requirements of the statute. The determinations are part of the ongoing efforts to improve education for America's 7 million children with disabilities.

IDEA details four categories for the Secretary's determination. A State's determination may be:

- Meets the requirements and purposes of IDEA;
- Needs assistance in implementing the requirements of IDEA;
- Needs intervention in implementing the requirements of IDEA; or
- Needs substantial intervention in implementing the requirements of IDEA.

For the first time in 2014, in making Part B determinations the Department used both compliance and results data, giving each equal weight in making each State's determination. OSEP's previous accountability system placed a heavy emphasis on compliance and we have seen an improvement in State's compliance over the seven years of determinations. OSEP's new accountability framework, called Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of State educational agencies (SEAs) and local educational agencies (LEAs), but it is not sufficient if children are not attaining the knowledge and skills necessary to accomplish the ideals of IDEA: equality of opportunity, full

participation, independent living, and economic self-sufficiency. In 2014, the Department used only compliance data in making determinations under Part C, but plans to also use results data in making Part C determinations in 2015.

IDEA identifies specific technical assistance or enforcement actions that the Department must take under specific circumstances for States that are not determined to “meet requirements.” If a State “needs assistance” for two consecutive years, the Department must take one or more enforcement actions, including, among others, requiring the State to access technical assistance, designating the State as a high-risk grantee, or directing the use of State set-aside funds to the area(s) where the State needs assistance. If a State “needs intervention” for three consecutive years, the Department must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding further payments to the State. Any time a State “needs substantial intervention” the Department must take immediate enforcement action, such as withholding funds or referring the matter to the Department’s inspector general or to the Department of Justice.

IDEA PART B DETERMINATIONS: Following is a list of each State’s performance in meeting the requirements of IDEA Part B, which serves students with disabilities, ages 3 through 21:

- **MEETS REQUIREMENTS**

Federated States of Micronesia, Florida, Georgia, Indiana, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, Ohio, Pennsylvania, Republic of Palau, Republic of the Marshall Islands, Vermont, Virginia, Wisconsin, Wyoming

- **NEEDS ASSISTANCE (one year)**

Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Hawaii, Idaho, Maryland, Michigan, Mississippi, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Washington,

- **NEEDS ASSISTANCE (two or more consecutive years)**

American Samoa, Colorado, Commonwealth of the Northern Mariana Islands, Guam, Illinois, Iowa, Louisiana, Maine, New York, Oklahoma, Puerto Rico, West Virginia

- **NEEDS INTERVENTION (one year)**

Delaware, Texas

- **NEEDS INTERVENTION (two consecutive years)**

Virgin Islands

- **NEEDS INTERVENTION (three consecutive years)**

Bureau of Indian Education

- **NEEDS INTERVENTION (eight consecutive years)**

District of Columbia

IDEA PART C DETERMINATIONS: Following is a list of each State's performance in meeting the requirements of IDEA Part C, which serves infants and toddlers birth through age 2:

- **MEETS REQUIREMENTS**

Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming

- **NEEDS ASSISTANCE (one year)**

Florida, Georgia, Massachusetts, North Dakota, Texas

- **NEEDS ASSISTANCE (two or more consecutive years)**

American Samoa, Commonwealth of the Northern Mariana Islands, District of Columbia, Guam, Hawaii, Illinois, Maine, Nevada, New York, Oklahoma, Virgin Islands

- **NEEDS INTERVENTION (one year)**

Arizona, Missouri

- **NEEDS INTERVENTION (four consecutive years)**

California, South Carolina