

U.S. DEPARTMENT OF EDUCATION

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 2012

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 2010. 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 20 indicators such as graduation rate, dropout rate, participation and performance on assessments, meeting evaluation timelines, and ensuring that complaints are resolved and hearings are adjudicated within required timelines. The Part C SPP includes baseline data, measurable and rigorous targets, and improvement activities for 14 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.

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.

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**
Alabama, Alaska, Arizona, Arkansas, Commonwealth of the Northern Mariana Islands, Colorado, Connecticut, Delaware, Florida, Hawaii, Kansas, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Republic of Palau, Rhode Island, Republic of the Marshall Islands, South Carolina, South Dakota, Virginia, Washington, West Virginia, Wyoming
- **NEEDS ASSISTANCE (one year)**
Illinois, Indiana, Iowa, Louisiana, Minnesota, Montana, Utah, Virgin Islands, Wisconsin
- **NEEDS ASSISTANCE (two or more consecutive years)**
American Samoa, Federated States of Micronesia, Guam, Michigan, New Hampshire, New Jersey, New York, Tennessee, Vermont
- **NEEDS INTERVENTION (one year)**
Bureau of Indian Education, California, Georgia, Idaho, Maine, Oklahoma, Texas
- **NEEDS INTERVENTION (two consecutive years)**
Puerto Rico
- **NEEDS INTERVENTION (six consecutive years)**
District of Columbia

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, Commonwealth of the Northern Mariana Islands, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wyoming
- **NEEDS ASSISTANCE (one year)**
American Samoa
- **NEEDS ASSISTANCE (two or more consecutive years)**
District of Columbia, Guam, Illinois, Maine, Nevada, New York, Ohio, Virgin Islands, Virginia, Wisconsin
- **NEEDS INTERVENTION (one year)**
Kansas, North Dakota, Texas
- **NEEDS INTERVENTION (two consecutive years)**
Arizona, California, Mississippi, South Carolina