

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JULY 2013

BACKGROUND:

The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) released State determinations on implementation of the Individuals with Disabilities Education Act (IDEA) for Part B and Part C for fiscal year 2011. The 2004 Amendments to the IDEA require each State to develop a State Performance Plan (SPP) that includes baseline data, measurable and rigorous targets, and improvement activities for 18 indicators such as graduation rate, participation and performance on assessments, and meeting evaluation timelines for Part B. 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, and provision of services in natural environments. The SPP also describes how the State will improve its implementation.

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.

DETERMINATIONS IN 2013:

OSERS is redesigning its IDEA accountability system to more directly support States in improving results for children with disabilities. As part of the redesign, OSERS is revising how it makes determinations. In 2013 OSERS evaluated State compliance data using a Compliance Matrix. The Compliance Matrix is helpful in simultaneously processing multiple sets of data and includes a color-coded system (green, yellow, red) that provides visual representation of a State's performance. We have also included a State Data Display for Part B which will be helpful for the public in getting a broader picture of State performance in key areas. OSERS plans to use results data in determinations in 2014 and will provide the public with an opportunity to comment on how we will use results when making determinations in 2014. For more detailed information about each State's IDEA determination for 2013, go to: www2.ed.gov/fund/data/report/IDEA/sppapr.html.

IDEA PART B

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, California, Connecticut, Federated States of Micronesia, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Republic of Palau, Republic of the Marshall Islands, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming

► **NEEDS ASSISTANCE (one year)**

Colorado, Commonwealth of the Northern Mariana Islands, Delaware, Maine, Massachusetts, Oklahoma, Puerto Rico, Texas, West Virginia

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

American Samoa, Guam, Illinois, Indiana, Iowa, Louisiana, New York

► **NEEDS INTERVENTION (one year)**

Virgin Islands

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

Bureau of Indian Education

► **NEEDS INTERVENTION (seven consecutive years)**

District of Columbia

IDEA PART C

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, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming

▶ **NEEDS ASSISTANCE (one year)**

Arizona, Commonwealth of the Northern Mariana Islands, Delaware, Georgia, Hawaii, Oklahoma

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

American Samoa, District of Columbia, Guam, Illinois, Maine, Nevada, New York, Virgin Islands, Wisconsin

▶ **NEEDS INTERVENTION (one year)**

None

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

North Dakota

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

California, South Carolina