

## 2016 DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

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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 2014. The 2004 Amendments to the IDEA require each State to develop a State Performance Plan (SPP) and Annual Performance Report (APR) 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/APR and Part C SPP/APR include Indicators that measure child and family results, and other indicators that measure compliance with the requirements of the IDEA. Beginning in 2015, the Part B SPP/APR and Part C SPP/APR include a State Systemic Improvement Plan through which each State focuses its efforts on improving a State-selected child or family outcome.

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 APR, the progress it has made in meeting the measurable and rigorous targets established in its SPP. The Secretary is required to issue an annual determination 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 determinations. 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, and again in 2015 and 2016, the Department made Part B determinations using both compliance and results data, giving each equal weight in making a State's determination. For the first time in 2015 and again in 2016, the Department made Part C determinations using both compliance and results data, giving each equal weight in making a State's determination. OSEP's 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) for Part B, and Lead Agencies and early intervention service programs for Part C, 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.

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**

Alabama, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Pennsylvania, Republic of Palau, Republic of the Marshall Islands, South Dakota, Virginia, West Virginia, Wisconsin, Wyoming

- **NEEDS ASSISTANCE (one year)**

Maryland, Rhode Island, Texas, Vermont

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

Alaska, American Samoa, Arkansas, Arizona, California, Colorado, Commonwealth of the Northern Mariana Islands, Delaware, Federated States of Micronesia, Georgia, Guam, Hawaii, Idaho, Louisiana, Maine, Michigan, Mississippi, New Mexico, New York, Ohio, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Virgin Islands, Washington

- **NEEDS INTERVENTION (one year)**

Nevada

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

Bureau of Indian Education

- **NEEDS INTERVENTION (ten 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, Arkansas, Colorado, Connecticut, District of Columbia, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, Nevada, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming

- **NEEDS ASSISTANCE (one year)**

Delaware, New Jersey, Oklahoma

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

Alaska, American Samoa, Arizona, California, Commonwealth of the Northern Mariana Islands, Florida, Guam, Hawaii, Illinois, Louisiana, Maine, Massachusetts, Michigan, New York, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Vermont, Virgin Islands, Virginia

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

South Carolina