

U.S. DEPARTMENT OF EDUCATION

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 2011

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 2009. 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 their 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 for States that are not determined to "meet requirements," that the Department must take under specific circumstances. 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 receive 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 each State's performance in meeting the requirements of IDEA Part B, which serves students with disabilities, ages 3 through 21:

- **MEETS REQUIREMENTS¹**
Alabama, Alaska, Arizona, Connecticut, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Republic of Palau, South Carolina, South Dakota, Washington, Wisconsin
- **NEEDS ASSISTANCE (one year)**
California, Commonwealth of the Northern Mariana Islands, Delaware, Florida, Michigan, North Dakota, New Jersey, Ohio, Republic of the Marshall Islands, West Virginia
- **NEEDS ASSISTANCE (two or more consecutive years)**
American Samoa, Arkansas, Bureau of Indian Education, Colorado, Guam, Maine, Massachusetts, Federated States of Micronesia, New Hampshire, New York, Rhode Island, Tennessee, Texas, Vermont, Virginia, Wyoming
- **NEEDS INTERVENTION (one year)**
Illinois, Puerto Rico, Utah, Virgin Islands
- **NEEDS INTERVENTION (five consecutive years)**
District of Columbia

Following is a list of each State's performance under IDEA Part C, which serves infants and toddlers birth through age 2²:

- **MEETS REQUIREMENTS**
Alabama, Alaska, Arkansas, Commonwealth of the Northern Mariana Islands, Colorado, Connecticut, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia
- **NEEDS ASSISTANCE (one year)**
Delaware, District of Columbia, Illinois, Missouri, New Jersey, North Carolina, Virginia, Wyoming

¹ The Department notes that Kansas and South Carolina did not, for one or more fiscal years, meet the requirements in IDEA section 612(a)(18)(A) to maintain State financial support for special education and related services. In making determinations in 2011, the Department did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations.

² North Dakota's FFY 2009 Part C APR/SPP, due February 1, 2011, was not submitted to the Department until June 15, 2011. It is currently under review.

- **NEEDS ASSISTANCE (two or more consecutive years)**
Florida, Guam, Maine, Nevada, New York, Ohio, Oklahoma, Puerto Rico, Texas, Virgin Islands, Wisconsin
- **NEEDS INTERVENTION (one year)**
American Samoa, Arizona, California, Mississippi, South Carolina