

## U.S. Department of Education Determination Letters on State Implementation of the IDEA

For the first time, the U.S. Department of Education has issued determination letters on implementation of the Individuals with Disabilities Education Act (IDEA) to each state education agency for Part B and to each lead agency for Part C. The determinations, required under the statute, are part of the on-going efforts to improve results for children and youth with disabilities.

As amended in 2004, the IDEA requires the Secretary of Education to make an annual determination as to whether each state is meeting the requirements of the statute. Under the IDEA each state is required to have in place a State Performance Plan (SPP) that evaluates the state's efforts to implement the requirements and purposes of Parts B or C of the IDEA, and describes how the state will improve its implementation of these programs. Each state must then submit an Annual Performance Report (APR) detailing its progress in meeting the targets it established in its SPP.

The Department approved states' SPPs in 2006 and States submitted their first APRs under the SPPs in February of 2007. The letters the Department issued announce and explain the first determinations made under these new requirements of the IDEA.

### **The IDEA details four categories for the Secretary's determination:**

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

### **Data and criteria used to make determinations:**

To make the determination for each Part B and Part C program, the Department considered the state's APR, information obtained through monitoring visits, and any other public information. The following factors were considered for each state's determination under each program:

- For each compliance indicator in the APR, whether the state:
  - Demonstrated compliance or that it corrected noncompliance in a timely manner, or

- If it did not demonstrate compliance, nonetheless had made progress in ensuring compliance over prior performance in that area.
  
- For all indicators in the SPP and APR, whether the state provided valid and reliable FFY 2005 data that reflected the measurement for the indicator.
- Whether the state had other IDEA compliance issues that had been identified in the Department's monitoring, audit or other activities, and the state's progress in resolving those problems.

The IDEA identifies specific technical assistance or enforcement actions aligned with each of the determinations, with the exception of "Meets Requirements" that the Department must take under specific circumstances. These actions are consistent with the level of concern signaled by the determination, however, consistent with the IDEA, none of the enforcement actions will be applied to states this year.

Copies of the determination letters for each state will be available on <http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.

Below is a summary of the State results:

## **Part B Determinations**

### **Meets**

#### **Requirements**

Alaska  
Connecticut  
Hawaii  
Michigan  
Oregon  
Pennsylvania  
Tennessee  
Virginia  
Wyoming

#### **Needs Assistance**

Alabama  
American Samoa  
Arizona  
Arkansas  
Bureau of Indian  
Education  
California  
Delaware  
Florida  
Georgia  
Guam  
Idaho  
Illinois  
Iowa  
Kansas  
Kentucky  
Louisiana  
Maine  
Maryland  
Massachusetts  
Minnesota  
Mississippi  
Missouri  
Montana  
Nebraska  
Nevada  
New Hampshire  
New Jersey  
New Mexico  
New York  
Ohio  
Oklahoma  
Palau  
Republic of the  
Marshall Islands  
Rhode Island  
South Carolina  
South Dakota  
Texas  
Utah  
Vermont

West Virginia

Wisconsin

#### **Needs Intervention**

Colorado  
Commonwealth of the  
Northern Marianas  
Islands  
Washington, DC  
Federated States of  
Micronesia  
Indiana  
North Carolina  
North Dakota  
Puerto Rico  
Virgin Islands  
Washington

**Needs Substantial  
Intervention**

**Part C Determinations**

**Meets  
Requirements**

Alabama  
Alaska  
Connecticut  
Commonwealth of  
the Northern  
Marianas Islands  
Iowa  
Maryland  
Montana  
Nebraska  
Oklahoma  
Oregon  
South Dakota  
Texas  
Utah  
WV  
WY

**Needs Assistance**

American Samoa  
Arkansas  
Delaware  
Florida  
Georgia  
Guam  
Hawaii  
Idaho  
Illinois  
Indiana  
Kansas  
Louisiana  
Massachusetts  
Mississippi  
Missouri  
New Hampshire  
New Jersey  
North Carolina  
Pennsylvania  
Puerto Rico  
Vermont  
Virginia  
Virgin Islands  
Washington  
Wisconsin

**Needs Intervention**

Arizona  
California  
Colorado  
Washington, DC  
Kentucky  
Maine  
Michigan  
Minnesota  
Nevada  
New Mexico  
New York  
North Dakota  
Ohio  
Rhode Island  
South Carolina  
Tennessee

**Needs Substantial  
Intervention**