MEMORANDUM

TO: State Directors of Special Education

FROM: Patricia J. Guard, Acting Director
Office of Special Education Programs

SUBJECT: Implementing the Funding Formula Under the IDEA—Year of Age Cohorts for Which FAPE is Ensured

ACTION: Due March 25, 2005

The Individuals with Disabilities Education Act (IDEA) funding formula for Section 611 of Part B, first allocates base amounts to States that are equal to the amounts they received from Federal Fiscal Year 1999 funds. Then 85 percent of any remaining funds are allocated among the States on the basis of their relative populations of children aged 3 through 21, who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education (FAPE), and 15 percent of remaining funds are allocated on the basis of the relative populations of those children who are living in poverty. See Section 611(d)(3)(A) of Pub. L. No. 108-446; see also 34 CFR §300.707.

At this point, all States are providing FAPE to all children with disabilities aged 3 through 17. State practice varies for children aged 18 through 21. For example, some States ensure FAPE for all children with disabilities through age 21 (and in some cases, even beyond that age). Some States ensure FAPE for all children who have not reached 21 by a date certain, such as September 1, and continue to ensure FAPE for children who turn 21 after that date for the remainder of the school year. Other States ensure FAPE for all children with disabilities through age 18, but allow local education agencies to serve children with disabilities beyond that age.

In order to calculate State grants under Section 611 of Part B for Federal Fiscal Year 2005, we need to determine the age cohort for which each State ensures the availability of FAPE for school year 2005-2006. Our rule for establishing the age cohort is quite simple -- all children with disabilities, who are a particular number of years old, must be ensured the availability of FAPE in order for that age year to be included in the State’s relative population-age cohort. For example, if a State ensures FAPE to children through the end of a school term or school year in
which the child turns 21, the State is ensuring the availability of FAPE to all children with
disabilities through age 20 years old, but is not ensuring the availability of FAPE to all who are
21 years old. Therefore, the last age year to be included in their relative population-age cohort
would be 20.

The attached chart identifies, in the second column, the year of age cohorts for which each State
ensures FAPE. The third column provides a description, taken from State documents, of how
each State determines the upper age for which it ensures FAPE.

We ask you to carefully review this information. If there are any errors, we need to be notified
immediately. Any unresolved problems will affect the grants to all States. If we do not hear
from your State by March 25, 2005, we will assume you agree with our determination. Please
e-mail any responses to Ruth Ryder at Ruth.Ryder@ed.gov.

If you have any questions about this memorandum, please contact Ms. Ryder at (202) 245-7513.

Attachment
Age Cohort (for years of age 3 through 21) for which FAPE is Ensured (3-9-05)

<table>
<thead>
<tr>
<th>State</th>
<th>Years of Age Cohort</th>
<th>Description of Upper Age Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>AL</td>
<td>3 through 20</td>
<td>Can complete school year in which turn 21 unless received a high school diploma.</td>
</tr>
<tr>
<td>AK</td>
<td>3 through 21</td>
<td>At least 3 but less than 22 years of age.</td>
</tr>
<tr>
<td>A Sam</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>AZ</td>
<td>3 through 21</td>
<td>At least 3 but less than 22.</td>
</tr>
<tr>
<td>AR</td>
<td>3 through 20</td>
<td>Aged 3 to 21.</td>
</tr>
<tr>
<td>BIA</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
| CA    | 3 through 18        | ▪ Between 19 & 21 if enrolled in special ed PRIOR to age 19.  
▪ Turns 22 Jan-June inclusive can continue for remainder of fiscal year including ESY.  
▪ If turns 22 during Oct, Nov, or Dec can go until Dec 31.  
▪ If 22 during July, Aug or Sept not allowed to begin a new fiscal year unless in a year round program can complete the term that crosses the fiscal year. |
<p>| CO    | 3 through 20        | Between ages of 3 and 21. If turn 21 during school year can complete that semester. |
| CT    | 3 through 20        | 3 to end of school year when turns 21. |
| CNMI  | N/A                 |                                  |
| DE    | 3 through 20        | DB, HI, VI &amp; autistic: 0 through 20. Other categories: 3 through 20. |
| DC    | 3 through 21        | End of semester in which turns 22. |
| FL    | 3 through 21        | Between the ages of 3 and 21, inclusive. |
| GA    | 3 through 21        | 3 through 21 years of age.       |
| Guam  | N/A                 |                                  |
| HI    | 3 through 19        | Under 20 on the first instructional day. If turn 20 during school year can complete year. |
| ID    | 3 through 20        | 3 through semester turns 21.     |
| IL    | 3 through 20        | Between the ages of 3 and 21. If turns 21 after beginning of school year can complete year and following summer if specified in the IEP. |
| IN    | 3 through 21        | 3 through 21 (less than 22).     |</p>
<table>
<thead>
<tr>
<th>State</th>
<th>Years of Age Cohort</th>
<th>Description of Upper Age Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>IA</td>
<td>3 through 20</td>
<td>Under 21 years of age. LEAs can request to serve to 24.</td>
</tr>
<tr>
<td>KS</td>
<td>3 through 20</td>
<td>Through school year in which reaches 21.</td>
</tr>
<tr>
<td>KY</td>
<td>3 through 20</td>
<td>Under 21 years of age.</td>
</tr>
<tr>
<td>LA</td>
<td>3 through 21</td>
<td>3 to not more than 21 years, inclusive.</td>
</tr>
<tr>
<td>ME</td>
<td>3 through 19</td>
<td>Has not reached 20 at the start of the school year.</td>
</tr>
<tr>
<td>MD</td>
<td>3 through 20</td>
<td>As of October 1, 2000 end of school year in which child turns 21.</td>
</tr>
<tr>
<td>MA</td>
<td>3 through 21</td>
<td>3 through 21.</td>
</tr>
<tr>
<td>MI</td>
<td>3 through 21</td>
<td>Birth to 22. State law to 26.</td>
</tr>
<tr>
<td>MN</td>
<td>3 through 20</td>
<td>Birth until July 1 after child turns 21. (Effective July 1, 2002.)</td>
</tr>
<tr>
<td>MS</td>
<td>3 through 20</td>
<td>Not yet reached 21 years by September 1. If turns 21 during school year, finishes the year.</td>
</tr>
<tr>
<td>MO</td>
<td>3 through 20</td>
<td>Between 3 and 21 years.</td>
</tr>
<tr>
<td>MT</td>
<td>3 through 18</td>
<td>Between ages of 3 and 18, inclusive. Districts may serve through school year child turns 21.</td>
</tr>
<tr>
<td>NE</td>
<td>3 through 20</td>
<td>0 through school year reaches 21.</td>
</tr>
<tr>
<td>NV</td>
<td>3 through 21</td>
<td>Under the age of 22.</td>
</tr>
<tr>
<td>NH</td>
<td>3 through 20</td>
<td>3 years of age or older, but less than 21 years of age.</td>
</tr>
<tr>
<td>NJ</td>
<td>3 through 20</td>
<td>3 through 20.</td>
</tr>
<tr>
<td>NM</td>
<td>3 through 21</td>
<td>Serves 2 if turns 3 during school year and will serve if turns 22 during school year.</td>
</tr>
<tr>
<td>NY</td>
<td>3 through 20</td>
<td>Can complete school year in which turn 21, unless received high school diploma.</td>
</tr>
<tr>
<td>NC</td>
<td>3 through 20</td>
<td>2 through 20; permissive 0-2 and 21.</td>
</tr>
<tr>
<td>ND</td>
<td>3 through 20</td>
<td>Has not reached 21 by midnight of August 31st. Can complete school year in which turn 21 unless received a high school diploma.</td>
</tr>
<tr>
<td>OH</td>
<td>3 through 21</td>
<td>Below age 22.</td>
</tr>
<tr>
<td>OK</td>
<td>3 through 21</td>
<td>Aged 3 through 21.</td>
</tr>
<tr>
<td>OR</td>
<td>3 through 20</td>
<td>Not yet reached 21 years by Sept. 1. If turns 21 during school year finishes year.</td>
</tr>
<tr>
<td>State</td>
<td>Years of Age Cohort</td>
<td>Description of Upper Age Limit</td>
</tr>
<tr>
<td>-------</td>
<td>---------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>PA</td>
<td>3 through 20</td>
<td>Age 3 to 21, or earlier graduation.</td>
</tr>
<tr>
<td>PR</td>
<td>3 through 21</td>
<td>3 through 21 years.</td>
</tr>
<tr>
<td>RI</td>
<td>3 through 20</td>
<td>If turns 21 during last semester of school year can finish the balance of the school year; however, LEAs are able to terminate services as soon as 21 is attained.</td>
</tr>
<tr>
<td>SC</td>
<td>3 through 21</td>
<td>Ages 3 through 21.</td>
</tr>
<tr>
<td>SD</td>
<td>3 through 20</td>
<td>Can complete school year during fiscal year in which turns 21. Fiscal year begins July 1.</td>
</tr>
<tr>
<td>TN</td>
<td>3 through 21</td>
<td>3 through 21. If turns 22 during school year can complete that school year.</td>
</tr>
<tr>
<td>TX</td>
<td>3 through 21</td>
<td>3 through 21 (birth for VI and AI).</td>
</tr>
<tr>
<td>UT</td>
<td>3 through 21</td>
<td>(b) . . . . if a student with a disability turns 22 during the school year, the entitlement extends to the: (i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and (ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.</td>
</tr>
<tr>
<td>VT</td>
<td>3 through 21</td>
<td>3 up to 22nd birthday.</td>
</tr>
<tr>
<td>VA</td>
<td>3 through 21</td>
<td>Children whose second birthday falls on or before Sept 30 and who have not reached their 22nd birthday on or before Sept 30.</td>
</tr>
<tr>
<td>VI</td>
<td>N/A</td>
<td>Between 3 and 21. If turns 21 after August 31 eligible for remainder of school year.</td>
</tr>
<tr>
<td>WA</td>
<td>3 through 20</td>
<td>Between 3 and 21 years of age prior to Sept. 1 of the school year.</td>
</tr>
<tr>
<td>WV</td>
<td>3 through 20</td>
<td>3 to 21 unless turns 21 during school term (i.e., school year) then can finish the term. If 21 in Oct remains until June.</td>
</tr>
<tr>
<td>WI</td>
<td>3 through 20</td>
<td>Under the age of 21.</td>
</tr>
</tbody>
</table>