U.S. DEPARTMENT OF EDUCATION

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 2009

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 2007. 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 and hearings are resolved within required timelines. The Part C SPP includes baseline data, measurable and rigorous targets, and improvement activities for 14 indicators such at 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, 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 require a corrective action plan or compliance agreement, or withhold 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 REQUIREMENTS—**
  Alabama, Alaska, Arkansas, Arizona, California, Commonwealth of the Northern Mariana Islands, Connecticut, Hawaii, Idaho, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, New Jersey, Ohio, Oklahoma, Oregon, Republic of Marshall Islands, South Dakota, Utah, Virginia, Washington, Wisconsin and Wyoming

- **NEEDS ASSISTANCE—**
  Delaware, Guam, Pennsylvania, Puerto Rico, Texas, Virgin Islands and Vermont

  - **NEEDS ASSISTANCE (two consecutive years) —**
    American Samoa, Federated States of Micronesia, Florida, Georgia, Illinois, Kentucky, Massachusetts, Maine, Nebraska, New Hampshire, Nevada, New Mexico, New York, Palau, South Carolina, Tennessee and West Virginia

- **NEEDS INTERVENTION—**
  Bureau of Indian Education, Louisiana and Rhode Island

  - **NEEDS INTERVENTION (three consecutive years)—**
    Colorado, District of Columbia and Indiana

Following is a list of each state's performance under IDEA Part C, which serves infants and toddlers birth through age 2:

- **MEETS REQUIREMENTS—**
  Alabama, Arkansas, Commonwealth of the Northern Mariana Islands, Connecticut, Delaware, Iowa, Idaho, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Montana, North Carolina, Nebraska, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, West Virginia and Wisconsin

- **NEEDS ASSISTANCE—**
  Alaska, Maine, South Carolina, Tennessee, Texas and Wyoming

  - **NEEDS ASSISTANCE (two consecutive years)—**
    American Samoa, Arizona, California, Colorado, Florida, Guam, Hawaii, Louisiana, Michigan, Mississippi, New York, North Dakota, Ohio, Puerto Rico, Utah, Virginia, Virgin Islands, Vermont and Washington

- **NEEDS INTERVENTION—**
  Georgia, Kentucky, New Mexico and Nevada

  - **NEEDS INTERVENTION (three consecutive years)—**
    District of Columbia