

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

June 2007

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 Part B at:

<http://www.ed.gov/fund/data/report/idea/partbspap/index.html>

and, for Part C:

<http://www.ed.gov/fund/data/report/idea/partcspap/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
Affairs
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
West Virginia
Wyoming

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