

U.S. DEPARTMENT OF EDUCATION

DETERMINATION LETTERS ON STATE IMPLEMENTATION OF *IDEA*

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 2006. Under the act, the Education Department 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. The state:

- 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 aligned with each of the determinations, with the exception of "**meets 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—**
Alaska, Arkansas, Delaware, Hawaii, Iowa, Kansas, Missouri, Oklahoma, Pennsylvania, Republic of Marshall Islands, South Dakota, Utah, Vermont and Virginia.
- **NEEDS ASSISTANCE—**
Commonwealth of Northern Mariana Islands, Connecticut, Federated States of Micronesia, Michigan, North Carolina, North Dakota, Oregon, Tennessee, Washington and Wyoming.

- **NEEDS ASSISTANCE (second consecutive year)*—**
Alabama, American Samoa, Arizona, California, Florida, Georgia, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, Palau, South Carolina, West Virginia and Wisconsin.
- **NEEDS INTERVENTION—**
Bureau of Indian Affairs, Guam, Mississippi, New Mexico, Rhode Island and Texas.
- **NEEDS INTERVENTION (second consecutive year)—**
Colorado, District of Columbia, Indiana, Puerto Rico and Virgin Islands.

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, Alaska, Arkansas, Commonwealth of Northern Mariana Islands, Connecticut, Idaho, Iowa, Kansas, Maryland, Massachusetts, Missouri, Montana, Nebraska, New Hampshire, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, West Virginia and Wyoming
- **NEEDS ASSISTANCE—**
Arizona, California, Colorado, Kentucky, Michigan, Minnesota, Nevada, New Mexico, North Dakota, Ohio, Rhode Island and Utah
 - **NEEDS ASSISTANCE (2 consecutive years)*—**
American Samoa, Delaware, Florida, Guam, Hawaii, Illinois, Indiana, Louisiana, Mississippi, New York, North Carolina, Puerto Rico, Vermont, Virginia, Virgin Islands, Washington and Wisconsin
- **NEEDS INTERVENTION—**
Georgia
 - **NEEDS INTERVENTION (2 consecutive years)—**
Maine, South Carolina and Tennessee

Copies of the determination letters for each state are available on:

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

* The letter to states in this category will require the state to report in its FY 2007 Annual Performance Report (APR), due February 1, 2009, the technical assistance (TA) it received and actions it took as a result. Some of these states may also have special conditions on their grant awards.