



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION PROGRAMS

DIRECTOR

July 24, 2023

Dear Colleague:

The U.S. Department of Education's (Department) Office of Special Education and Rehabilitative Services (OSERS) has received multiple requests from a diverse group of stakeholders for updated and consolidated guidance interpreting the general supervision requirements of States under the Individuals with Disabilities Education Act (IDEA). While the Federal government provides grants to States under IDEA to administer the law, the responsibility of implementing IDEA begins with States. The guidance accompanying this letter is intended to provide States with accessible and actionable information necessary to exercise their general supervision responsibilities to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; and that the rights of children with disabilities and their parents are protected. Likewise, this guidance provides States with information to support the implementation of a Statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families. Ensuring FAPE and providing access to early intervention services, are foundational to meeting the purposes of IDEA to improve educational results and functional outcomes for all children with disabilities and to enhance the access to developmental opportunities for infants and toddlers with disabilities.

Section 1412(a)(11)(A) of IDEA establishes that the State educational agency (SEA) is responsible for ensuring that all IDEA requirements are met; and that all educational programs for children with disabilities in the State, including all such programs administered by any other State agency or local agency, are under the general supervision of individuals in the State who are responsible for educational programs, improving outcomes for children with disabilities, and meet the educational standards of the SEA. These same responsibilities are established for the State lead agency (LA) responsible for IDEA Part C in Section 1435(a)(10). The LA is responsible for the general administration and supervision of all early intervention service (EIS) programs and providers<sup>1</sup> as well as activities to ensure the State complies with the requirements of IDEA Part C. In carrying out its responsibilities, States must monitor for compliance with, and enforce the implementation of IDEA by local educational agencies (LEAs)<sup>2</sup> for children with disabilities and by EIS programs

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<sup>1</sup> The term "EIS provider" is defined at 34 C.F.R. § 303.12 and "EIS program" is defined at 34 C.F.R. § 303.11.

<sup>2</sup> To make this document more user-friendly, OSEP has used the term "LEA" in place of "public agency." Public agency is defined in 34 C.F.R. § 300.33 to include the SEA, LEAs, educational services agencies (ESAs), nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

and providers for infants and toddlers with disabilities and their families.<sup>3</sup> These monitoring activities are referred to as “general supervision.” This guidance provides States with the information necessary to exercise such general supervision responsibilities and ensure compliance with IDEA requirements for all eligible infants, toddlers, and children with disabilities and their families. The Department, through the Office of Special Education Programs (OSEP), monitors State general supervision of IDEA. States report annually on their performance in implementing IDEA, and the Department makes annual IDEA compliance determinations based on State-reported data. OSEP has determined that many States have, over the past 15 years, not consistently met IDEA’s requirements. Further, in each of the years between 2014 and 2023, on average only seven Part B States and two Part C States have consistently received the “meets requirements” determination in accordance with 34 C.F.R. §§ 300.603(b) and 303.703(b). These data, along with OSEP’s other monitoring activities, indicate the need for improvement in State general supervision systems, to ensure their corresponding LEAs and EIS programs and providers comply with the requirements of IDEA. By strengthening its system of general supervision to improve compliance, the State can help facilitate improved educational results and functional outcomes for all infants, toddlers, and children with disabilities.

This general supervision guidance document will address requirements related to:

- State general supervision responsibilities;
- Identification and correction of noncompliance;
- The IDEA State performance plan and annual performance report;
- State annual determinations; and
- State enforcement through determinations and other methods.

Ultimately, this document underscores each State’s general supervision responsibility to ensure that all school age children, regardless of the nature or severity of their disability, can access FAPE in the least restrictive environment and that infants and toddlers with disabilities and their families receive appropriate early intervention services to the maximum extent appropriate.

OSEP is committed to supporting States in improving educational results and functional outcomes for all children with disabilities and to enhance the development of infants and toddlers with disabilities. With this information and continued guidance, support, and technical assistance, OSEP expects States to build robust general supervision systems to ensure Statewide accountability that swiftly identifies and corrects noncompliance; increases accountability through the collection of timely and accurate data; ensures the full implementation of IDEA; and realizes our shared commitment to support infants, toddlers and children with disabilities and their families.

Sincerely,

/s/

Valerie C. Williams

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<sup>3</sup> 20 U.S.C. §§ 1412(a)(11), 1416(a), 1435(a)(10) and 1442.