



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

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MEMORANDUM

TO : State Directors of Special Education

FROM : Stephanie Smith Lee, Director *Patricia J. Board for*
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 19, 2004

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(e)(3)(A); 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 2004, we need to determine the age cohort for which each State ensures the availability of FAPE for school year 2004-2005. 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

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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 19, 2004, 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) 205-5547.

Attachment

Age Cohort (for years of age 3 through 21) for which FAPE is Ensured (2/23/04)

State	Years of Age Cohort	Description of Upper Age Limit
AL	3 through 20	Can complete school year in which turn 21 unless received a high school diploma.
AK	3 through 21	At least 3 but less than 22 years of age.
A Sam	N/A	
AZ	3 through 21	At least 3 but less than 22.
AR	3 through 20	Aged 3 to 21.
BIA	N/A	
CA	3 through 18	<ul style="list-style-type: none"> ▪ 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.
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 & 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).

State	Years of Age Cohort	Description of Upper Age Limit
IA	3 through 20	Under 21 years of age. LEAs can request to serve to 24.
KS	3 through 20	Through school year in which reaches 21.
KY	3 through 20	Under 21 years of age.
LA	3 through 21	3 to not more than 21 years, inclusive.
ME	3 through 19	Has not reached 20 at the start of the school year.
MD	3 through 20	As of October 1, 2000 end of school year in which child turns 21
MA	3 through 21	3 through 21.
MI	3 through 21	Birth to 22. State law to 26.
MN	3 through 20	Birth until July 1 after child turns 21. (Effective July 1, 2002.)
MS	3 through 20	Not yet reached 21 years by September 1. If turns 21 during school year, finishes the year.
MO	3 through 20	Between 3 and 21 years.
MT	3 through 18	Between ages of 3 and 18, inclusive. Districts may serve through school year child turns 21.
NE	3 through 20	0 through school year reaches 21.
NV	3 through 21	Under the age of 22.
NH	3 through 20	3 years of age or older, but less than 21 years of age.
NJ	3 through 20	3 through 20.
NM	3 through 21	Serves 2 if turns 3 during school year and will serve if turns 22 during school year.
NY	3 through 20	Who has not attained the age of 21 prior to September 1.
NC	3 through 20	2 through 20; permissive 0-2 and 21.
ND	3 through 20	Has not reached 21 by midnight of August 31st.
OH	3 through 21	Below age 22.
OK	3 through 21	Aged 3 through 21.
OR	3 through 20	Not yet reached 21 years by Sept. 1. If turns 21 during school year finishes year.

State	Years of Age Cohort	Description of Upper Age Limit
PA	3 through 20	Age 3 to 21, or earlier graduation.
PR	3 through 21	3 through 21 years.
RI	3 through 20	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.
SC	3 through 21	Ages 3 through 21.
SD	3 through 20	Can complete school year during fiscal year in which turns 21. Fiscal year begins July 1.
TN	3 through 21	3 through 21. If turns 22 during school year can complete that school year.
TX	3 through 21	3 through 21 (birth for VI and AI).
UT	3 through 21	(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.
VT	3 through 21	3 up to 22nd birthday.
VA	3 through 21	Children whose second birthday falls on or before Sept 30 and who have not reached their 22nd birthday on or before Sept 30.
VI	N/A	
WA	3 through 20	Between 3 and 21. If turns 21 after August 31 eligible for remainder of school year.
WV	3 through 20	Between 3 and 21 years of age prior to Sept. 1 of the school year.
WI	3 through 20	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.
WY	3 through 20	Under the age of 21.