

U.S. DEPARTMENT OF EDUCATION

2022 DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 24, 2022

The U.S. Department of Education (Department) issued its 2022 determinations for States on their implementation of the Individuals with Disabilities Education Act (IDEA) for Part B and Part C. The IDEA requires the Department to issue an annual determination, based on State Performance Plan (SPP) and Annual Performance Report (APR), which 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/APR and Part C SPP/APR include indicators that measure child and family results, and other indicators that measure compliance with the requirements of the IDEA. Since 2015, the Part B SPP/APR and Part C SPP/APR have included a State Systemic Improvement Plan through which each State focuses its efforts on improving a State-selected child or family outcome.

In the APR, each State reports annually to the Secretary on its performance under the SPP. Specifically, the State must report in its APR, the progress it has made in meeting the measurable and rigorous targets established in its SPP. The Secretary is required to issue an annual determination to each State on its progress in meeting the requirements of the statute. The IDEA determinations are part of the ongoing efforts to improve education for America's 7.5 million infants, toddlers and children with disabilities.

OSEP's accountability framework, called Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of State educational agencies (SEAs) and local educational agencies (LEAs) for Part B, and State Lead Agencies and early intervention service programs and providers for Part C, but it is not sufficient if children are not attaining the knowledge

and skills necessary to accomplish the ideals of IDEA: equality of opportunity, full participation, independent living, and economic self-sufficiency.

IDEA details four categories for the Secretary's determinations. 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.

Since 2005 through 2022, States have submitted three SPPs as follows. States submitted SPPs initially in December 2005 under Part B and under Part C (one year after the 2004 IDEA amendments). The original SPP that each State submitted in 2005 covered a period of six years for Federal fiscal years (FFYs) 2005 through 2010 and was made up of quantifiable indicators (20 under Part B and 14 under Part C). These indicators measured either compliance with specific IDEA requirements (compliance indicators) or results and outcomes for children with disabilities and their families (results indicators). The original SPP was extended for two years for FFYs 2011 and 2012. In 2015, States submitted a second SPP that covered the six-year period for FFYs 2013 through 2018 and included a new results qualitative indicator under Part B and Part C, the State Systemic Improvement Plan (SSIP). The second SPP was extended for one year for FFY 2019. On February 1, 2022, States submitted their third SPP, which includes compliance and results indicators (including the SSIP). With the 2022 determinations, OSEP is providing States with its response to their SPPs.

The Department issued its first annual IDEA determinations in 2007 for Parts B and C based on compliance data. Since 2014 for Part B States (and 2018 for Part B entities) and 2015 for all Part C States and entities, the Department made IDEA determinations using both compliance and results data. In 2022, the Department is continuing using both compliance and results data to issue its determinations. For its 2021 and 2022 determinations, the Department did not issue a determination of "Needs Intervention" to any State because States' SPP/APR data collections for FFY 2019 and FFY 2020 were impacted by COVID-19. For the Department's 2023 determinations, OSEP is considering, but has not yet determined, whether and how to consider a State's FFY 2021 SPP/APR data collection that was affected by COVID-19.

Additionally, for the Department's 2023 determinations, the Department is reviewing and considering whether and how to use existing indicators and/or other available data in making its determinations as part of its continuing effort to prioritize equity and improve results for infants, toddlers and children with disabilities. In April 2022, the Department released an equity action plan as part of its efforts to advance racial equity and support underserved communities. Examples of existing indicators that could be considered and/or weighted differently include indicators on child find (for Part C) and/or significant discrepancy and disproportionate representation (for Part B). We will offer opportunities for input from the public, including parents, agencies that implement

IDEA and other stakeholders, to provide feedback in the coming months starting with the OSEP Leadership Conference in July 2022.

IDEA identifies technical assistance or enforcement actions that the Department must take under specific circumstances for States that are not determined to “meet requirements.” If a State “needs assistance” for two or more consecutive years, the Department must take one or more enforcement actions, including, among others, requiring the State to access 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 or more consecutive years, the Department must take one or more enforcement actions, including among others, requiring a corrective action plan or compliance agreement, or withholding 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.

IDEA PART B DETERMINATIONS

Following is a list of each State's performance in meeting the requirements of IDEA Part B, which serves students with disabilities, ages 3 through 21:

MEETS REQUIREMENTS

Connecticut	Massachusetts	Pennsylvania
Florida	Minnesota	Republic of the Marshall Islands
Georgia	Missouri	South Dakota
Illinois	Nebraska	Virginia
Indiana	New Hampshire	Wisconsin
Kansas	New Jersey	Wyoming
Kentucky	Oklahoma	
Maine	Oregon	

NEEDS ASSISTANCE (one year)

North Dakota	Tennessee	Utah
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NEEDS ASSISTANCE (two or more consecutive years)

Alabama	Federated States of Micronesia	New York
Alaska	Guam	North Carolina
American Samoa	Hawaii	Ohio
Arizona	Iowa	Puerto Rico
Arkansas	Idaho	Republic of Palau
Bureau of Indian Education	Louisiana	Rhode Island
California	Maryland	South Carolina
Colorado	Michigan	Texas
Commonwealth of Northern Mariana Islands	Mississippi	Vermont
Delaware	Montana	Virgin Islands
District of Columbia	Nevada	Washington
	New Mexico	West Virginia

NEEDS INTERVENTION

None

IDEA PART C DETERMINATIONS

Following is a list of each State's performance in meeting the requirements of IDEA Part C, which serves infants and toddlers birth through age 2:

MEETS REQUIREMENTS

Alaska	Maryland	Oklahoma
Arizona	Massachusetts	Pennsylvania
Colorado	Minnesota	South Dakota
Connecticut	Nebraska	Tennessee
District of Columbia	Nevada	Texas
Idaho	New Hampshire	Virginia
Indiana	New York	Washington
Kansas	North Carolina	West Virginia
Kentucky	North Dakota	Wisconsin
Maine	Ohio	Wyoming

NEEDS ASSISTANCE (one year)

Alabama	Michigan	Rhode Island
Delaware	New Mexico	Utah
Georgia	Oregon	Vermont

NEEDS ASSISTANCE (two or more consecutive years)

American Samoa	Guam	Mississippi
Arkansas	Hawaii	Montana
California	Iowa	New Jersey
Commonwealth of Northern Mariana Islands	Illinois	Puerto Rico
Florida	Louisiana	South Carolina
	Missouri	Virgin Islands

NEEDS INTERVENTION

None