

U.S. DEPARTMENT OF EDUCATION

# 2023 DETERMINATION LETTERS ON STATE IMPLEMENTATION OF IDEA

JUNE 26, 2023

The U.S. Department of Education (Department) issued its 2023 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 the 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, children and youth 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 2023 determinations, OSEP is providing States with its response to their FFY 2021 SPP/APRs. In 2023, the Department has continued using both compliance and results data to issue its determinations under both IDEA Parts B and C. For States that received a determination of "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 receives a determination of "needs intervention" for three or more consecutive years, the Department must take certain enforcement actions.

## 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

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Alabama	Kentucky	Republic of the Marshall Islands
Arkansas	Massachusetts	Rhode Island
Connecticut	Minnesota	South Dakota
Florida	Missouri	Washington
Idaho	Nebraska	West Virginia
Illinois	New Jersey	Wisconsin
Indiana	Ohio	Wyoming
Kansas	Pennsylvania	

### NEEDS ASSISTANCE (one year)

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Georgia	New Hampshire	Oregon
Maine	Oklahoma	Virginia

### NEEDS ASSISTANCE (two or more consecutive years)

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Alaska	Hawaii	North Dakota
American Samoa	Iowa	Puerto Rico
Arizona	Louisiana	Republic of Palau
California	Maryland	South Carolina
Colorado	Michigan	Tennessee
Commonwealth of the Northern Mariana Islands	Mississippi	Texas
Delaware	Montana	Utah
District Of Columbia	Nevada	Vermont
Guam	New Mexico	Virgin Islands
	New York	
	North Carolina	

### NEEDS INTERVENTION

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Bureau of Indian Education  
Federated States of Micronesia

## 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

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Alabama	New Mexico	Tennessee
Arizona	New York	Texas
Arkansas	North Dakota	Virginia
Connecticut	Ohio	Washington
Georgia	Oklahoma	West Virginia
Kansas	Oregon	Wisconsin
Nebraska	Puerto Rico	Wyoming
New Hampshire	South Carolina	
New Jersey	South Dakota	

### NEEDS ASSISTANCE (one year)

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Alaska	Kentucky	Minnesota
Colorado	Massachusetts	North Carolina
District of Columbia	Maryland	Nevada
Idaho	Maine	Pennsylvania

### NEEDS ASSISTANCE (two or more consecutive years)

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American Samoa	Guam	Missouri
California	Hawaii	Montana
Commonwealth of the Northern Mariana Islands	Illinois	Rhode Island
Delaware	Iowa	Utah
Florida	Louisiana	Vermont
	Michigan	Virgin Islands

### NEEDS INTERVENTION

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Indiana  
Mississippi