

## IEP Delivery Timelines

On December 1, 2006, the Massachusetts Department of Elementary and Secondary Education (MDESE) issued a memo to all school districts changing its expectation for how quickly a school must deliver a completed IEP to parents following a Team meeting. The memo itself is rather confusing, so we offer a clearer "translation" for our readers.

Current regulations regarding delivery of IEPs to parents read:

“Immediately following the development of the IEP, and within 45 school working days after receipt of the parent's written consent to an initial evaluation or reevaluation, the district shall provide the parents with two copies of the proposed IEP.” 603 CMR 28.05(7)

When this regulation was released, parents and schools were predictably confused about what the word “immediately” was supposed to mean. So, in July 2002, MDESE issued the following communication clarifying its interpretation of “immediately”:

“Where a district does not provide a fully completed IEP at the conclusion of an IEP meeting, as a best practice the district should provide the parent with a written summary of the decisions and agreements reached during the Team meeting which include (1) a completed IEP service delivery grid describing the types and amounts of special education and/or related services proposed by the district, and (2) a statement of the major goal areas associated with these services.

“No later than three calendar days from the conclusion of the Team meeting (and five calendar days where weekend days intervene) the district should issue the fully developed IEP.” MDESE Letter to New Bedford Public Schools, July 25, 2002

So, MDESE made it clear that IEPs should be delivered to parents between 3-5 days after the Team meeting. But now, MDESE has changed its interpretation of the term “immediately.” The MDESE memo issued to school districts on December 1, 2006 instructs schools to maintain the practice of providing parents with the same written summary of the decisions and agreements reached during the Team meeting, if a completed IEP is not available at the conclusion of the meeting.

However, **MDESE now allows schools up to two calendar weeks to deliver a completed IEP to the parent**, as follows:

“The district may then take no more than two calendar weeks (this reflects the former ten school working days standard) to prepare the complete IEP for the parent's signature and for the student's records (both home and school).” Memorandum on the Implementation of 603 CMR 28.05(7): Parent response to proposed IEP and proposed placement December 1, 2006

Finally, MDESE also requires that delivery of an IEP up to two calendar weeks after the Team meeting must be acceptable to the parent. **Parents may still ask the district to deliver the IEP within 3-5 days of the Team meeting at which it was developed and the district *must* comply with such a request.**

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