

# Massachusetts IEP Timelines

## Initial IEP

- Referral request made by parent, teacher, student or other concerned party
  - within 5 school days of referral: school sends N1 Evaluation Consent form and PNPS to parents<sup>1</sup>
- School receives consent
  - within 30 school days of receiving consent: evaluation and assessments completed<sup>2</sup>
  - within 45 school days of receiving consent: N1 Consent Form and two copies of the IEP are made available to parents<sup>3</sup>
- Notice of team meeting sent to parents early enough to ensure that they will have an opportunity to attend and that the meeting will occur at a mutually agreed upon time<sup>4</sup>
- 2 calendar days *prior* to team meeting
  - *upon request*: assessment summaries sent to parents<sup>5</sup>
- Team meeting and eligibility determination
  - **Not eligible**: within 10 calendar days: reasons and written notice of rights sent to parents<sup>6</sup>
  - **Eligible**: develop IEP at team meeting<sup>7</sup>
    - parents leave team meeting with summary of meeting decisions *in hand* which include: a completed service delivery grid and statement of the major goal areas<sup>8</sup>
    - within two calendar weeks of the team meeting<sup>9</sup> and within 45 school days of receiving consent to evaluate<sup>3</sup>: N1 Consent Form and two copies of the IEP are made available to parents
      - parents may ask the district for the complete IEP immediately and the district must provide a complete IEP within 3-5 school days of the team meeting*<sup>10</sup>
- Parent receives the IEP
  - within 30 days of receipt of the IEP: Parent accepts IEP fully in writing
    - IEP is implemented immediately<sup>12</sup>
  - within 30 days of receipt of the IEP: Parent partially or fully rejects IEP in writing
    - within 5 calendar days: districts submits IEP to BSEA. The BSEA will give written notice to the parties including the rights of the parents and school district to request mediation and a hearing<sup>13</sup>

## Annual IEP

- IEP's will be reviewed annually <sup>19</sup>
  - notice of team meeting sent to parents early enough to ensure that they will have an opportunity to attend and that the meeting will occur at a mutually agreed upon time <sup>4</sup>
  - at least 2 calendar weeks prior to the start of the new IEP service delivery date: IEP development team meeting will occur <sup>11</sup>
- Annual team meeting
  - develop IEP at team meeting <sup>7</sup>
    - parents leave team meeting with summary of meeting decisions *in hand* which include: a completed service delivery grid and statement of the major goal areas <sup>8</sup>
    - within two calendar weeks of the team meeting <sup>9</sup>: N1 Consent Form and two copies of the IEP are made available to parents
      - parents may ask the district for the complete IEP immediately and the district must provide a complete IEP within 3-5 school days of the team meeting* <sup>10</sup>
- Parent receives the IEP
  - within 30 days of receipt of the IEP: Parent accepts IEP fully in writing
    - IEP is implemented immediately <sup>12</sup>
  - within 30 days of receipt of the IEP: Parent partially or fully rejects IEP in writing
    - within 5 calendar days: districts submits IEP to BSEA. The BSEA will give written notice to the parties including the rights of the parents and school district to request mediation and a hearing <sup>13</sup>

## Three year reevaluation

- Students will be re-evaluated every three years or sooner if necessary <sup>19</sup>
  - more than 45 school days prior to the start of the new IEP service delivery date: school sends N1 Evaluation Consent form and PNPS to parents <sup>1</sup>
- School receives consent
  - within 30 school days of receiving consent: evaluation and assessments completed <sup>2</sup>
  - within 45 school days of receiving consent: N1 Consent Form and two copies of the IEP are made available to parents <sup>3</sup>
- Notice of team meeting sent to parents early enough to ensure that they will have an opportunity to attend and that the meeting will occur at a mutually agreed upon time <sup>4</sup>
- 2 calendar days *prior* to team meeting
  - *upon request*: assessment summaries sent to parents <sup>5</sup>
- Team meeting and eligibility determination
  - **Not eligible**: within 10 calendar days: reasons and written notice of rights sent to parents <sup>6</sup>
  - **Eligible**: develop IEP at team meeting <sup>7</sup>
    - parents leave team meeting with summary of meeting decisions *in hand* which include: a completed service delivery grid and statement of the major goal areas <sup>8</sup>
    - within two calendar weeks of the team meeting <sup>9</sup> and within 45 school days of receiving consent to evaluate <sup>3</sup>: N1 Consent Form and two copies of the IEP are made available to parents

*parents may ask the district for the complete IEP immediately and the district must provide a complete IEP within 3-5 school days of the team meeting <sup>10</sup>*
- Parent receives the IEP
  - within 30 days of receipt of the IEP: Parent accepts IEP fully in writing
    - IEP is implemented immediately <sup>12</sup>
  - within 30 days of receipt of the IEP: Parent partially or fully rejects IEP in writing
    - within 5 calendar days: districts submits IEP to BSEA. The BSEA will give written notice to the parties including the rights of the parents and school district to request mediation and a hearing <sup>13</sup>

## Special Circumstances

- End of school year evaluations
  - consent to evaluate received within 30 to 45 school days before the end of the school year: school district shall ensure that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year <sup>38</sup>
- Extended evaluations
  - within 1 to 8 school weeks of decision to extend evaluation: extended evaluation will be completed <sup>14</sup>
- Independent educational evaluations
  - for 16 months from the date of the evaluation with which the parent disagrees: the parents have the right to request a publicly funded IEE <sup>16</sup>
  - within 5 school days of request: the district shall either agree to pay for the IEE or proceed to BSEA to show that its evaluation was comprehensive and appropriate <sup>15</sup>
  - within 30 calendar days of request: IEE will be completed and a written report sent <sup>17</sup>
  - within 10 school days of the district receiving the IEE report: the team shall reconvene and consider the IEE and whether a new or amended IEP is appropriate <sup>18</sup>
- Home or hospital
  - upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year: principal shall arrange for provision of educational services in the home or hospital <sup>36</sup>
- Unscheduled evaluations for medical reasons
  - upon receipt of a physician's written order verifying that any student is likely to remain at home, in a hospital, or in a pediatric nursing home for medical reasons and for more than 60 school days in any school year: Administrator of Special Education shall, *without undue delay*, convene a Team to consider evaluation needs and, if appropriate, to amend the existing IEP or develop a new IEP suited to the student's unique circumstances <sup>37</sup>
- Placement meetings
  - within 10 school days of the team meeting where the IEP was developed: the placement meeting will be held (unless parents request the placement meeting be held at a later date) <sup>20</sup>
  - 5 school days prior to placement meeting: any other school district that is financially or programmatically responsible for the student will be invited to participate in the placement meeting <sup>21</sup>

- Placements
  - prior to placement: Administrator shall notify the Department of the intent to place the student and the name and location of the proposed placement and pricing forms
  - within 10 days of receiving placement details: the department will notify the district if there are any objections to such placement
- School choice
  - 5 school days prior team meetings: the program school shall invite the school district where the student resides to participate as a member of the student's Team
- Transition planning for post-secondary school
  - beginning at age 14 or sooner if determined appropriate by IEP team but no later than age 17: the team will invite the student to the team meeting <sup>22</sup>, complete the Transition Planning Form <sup>23</sup>, and provide transition services with measurable postsecondary goals <sup>24</sup>
- Age of majority transition
  - at least one year prior to turning 18: parents and students must be informed about the rights that will transfer upon the child's 18th birthday <sup>25</sup>
- Access to record
  - within 10 calendar days of request: parent or student are entitled access to the student record <sup>26</sup>
- Due Process
  - any time: parents or school districts may request mediation and/or a hearing on any matter concerning the eligibility, evaluation, placement, IEP, or provision of special education of state and federal law <sup>27</sup>
  - within 5 calendar days of receipt of a request for hearing or notice that an IEP, or proposed placement, or finding of no eligibility has been rejected by the parent: district will send a copy of such request or notice to the BSEA. The BSEA will give written notice to the parties including the rights of the parents and school district to request mediation and a hearing <sup>13</sup>
- Program Quality Assurance (PQA) and Problem Resolution System (PRS)
  - within 30 calendar days of the department sending the intake form: intake form must be completed and returned to the PQA <sup>29</sup>
  - within 60 calendar days from receiving the signed complaint: the department will make a decision on the districts compliance <sup>29</sup>

- Mediation
  - within 30 days of receipt of request for mediation: mediator shall schedule a mediation session that is convenient for both parties <sup>28</sup>
- Hearings
  - within 5 calendar days of receipt of a written request for hearing: BSEA will send written notification to involved parties stating the name of the assigned hearing officer and as appropriate, will provide either a date for the hearing or a statement of federally required procedures to be followed before a hearing date can be assigned <sup>30</sup>
  - within 10 days of the receipt of the parent's hearing request: district must send the parent and hearing officer a response that specially addresses the issues raised in the hearing request unless the school district has sent a prior written notice to the parent regarding the issue raised in the request <sup>31</sup>
  - within 15 days of receipt of the hearing request: challenge sufficiency of hearing request must occur <sup>32</sup>
  - within 15 days of receipt of the hearing request: school district must convene a meeting with parent, IEP members with knowledge of relevant facts in hearing request, and a district representative with decision making authority to attempt to resolve the hearing request (unless parties waive meeting in writing) <sup>33</sup>
  - within 30 days of receipt of the hearing request: if the school district has not resolved the complain to the satisfaction of the parent, due process hearing may occur and all applicable timelines for a due process hearing under this part shall commence <sup>34</sup>
  - immediately after hearing: the decision of the BSEA hearing officer will be implemented and will not be reconsidered by the BSEA or the department but may be appealed to a court of competent jurisdiction <sup>35</sup>
- Parent requests to discontinue special education services
  - within 10 school days from parent's written notice to revoke consent: district shall send a written notice to the parent of the district's intention to discontinue all special education and related services to the student <sup>39</sup>

## Citations

- 1 603 CMR §28.04 (1)(a)

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- 2 603 CMR §28.04 (2)

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- 3 603 CMR §28.05 (1) or 603 CMR 28.05 (7)

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- 4 IDEA 34 CFR §300.322(a)

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- 5 603 CMR §28.04 (2)(c), 603 CMR §28.05(1)

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- 6 603 CMR §28.05 (2)(a)(2)

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- 7 603 CMR §28.05 (4)

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- 8 MA DOE Memorandum on the implementation of 603 CMR 28.05(7): Parent response to proposed IEP and proposed placement  

“Most districts have the technology or resources that make it possible to present at least the key service components of an IEP to the parents as they leave the IEP development team meeting. This is referred to as a “summary”. At a minimum, this summary of the decisions and agreements reached during the team meeting must include:

  - (a) A completed IEP service delivery grid describing the types and amounts of special education and/or related services proposed by the district, and
  - (b) A statement of the major goal areas associated with these services”

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- 9 MA DOE Memorandum on the implementation of 603 CMR 28.05(7): Parent response to proposed IEP and proposed placement  

“The district may then take no more than two calendar weeks to prepare the complete IEP for the parent’s signature and for the student’s record (both home and school)”

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- 10 MA DOE Memorandum on the implementation of 603 CMR 28.05(7): Parent response to proposed IEP and proposed placement  

“There may be circumstances when the parent is ready to accept the IEP immediately in order to begin services for the student. In this case, parents may ask the district for the complete IEP in order to begin implementation of the IEP services as soon as possible. Districts must respond to such requests with a complete IEP within 5 days of the team meeting at which it was developed”

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- 11 MA DOE Memorandum on the implementation of 603 CMR 28.05(7): Parent response to proposed IEP and proposed placement  

“We encourage districts and parents to schedule IEP development meetings in advance of the time period of the proposed IEP service delivery”

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- 12 603 CMR §28.05(7)(b)

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- 13 603 CMR §28.08(3)(b)

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- 14 603 CMR §28.05(2)(b)(4)

15	603 CMR §28.04(5)(d)
16	603 CMR §28.04(5)(c) (6)
17	603 CMR §28.04(5)(e)
18	603 CMR §28.04(5)(f)
19	603 CMR §28.04(3)
20	603 CMR §28.06(2)(e)
21	603 CMR §28.06(2)(e)(1)
22	MA DOE Technical Assistance Advisory SPED 2009-1: Transition Planning to Begin at Age 14
23	MA DOE Technical Assistance Advisory SPED 2013-1: Postsecondary Goals and Annual IEP Goals in the Transition Planning Process
24	IDEA 20 USC sec. 1400
25	34 CFR §300.320(c) and §300.520, and MA DESE Administrative Advisory SPED 2011-1: Age of Majority
26	603 CMR §23.07 (5)
27	603 CMR §28.08(3)(a)
28	603 CMR §28.08(4)(a)
29	<a href="http://www.doe.mass.edu/prs/guide/english.docx">http://www.doe.mass.edu/prs/guide/english.docx</a>
30	603 CMR §28.08(5)
31	IDEA §615(c)(2)(B)
32	IDEA §615(c)(2)(A) and (C)
33	IDEA §615(f)(1)(B)(i)
34	IDEA §615(f)(1) (B)(ii)
35	603 CMR §28.08(6))
36	603 CMR §28.03(3)(c)
37	603 CMR §28.04(4)
38	603 CMR §28.05(1)
39	603 CMR §28.07(1)(a)(4)
40	603 CMR §28.10 (6)(b)