



## Timeline for Special Education Process

This describes the timeline **requirements** that the school district must follow, according to the federal *Individuals with Disabilities Education Act* (IDEA). There are a few that are specific to *Massachusetts law* instead, and these are noted.

Action	Timeline	Time Counted From	Notes or Exceptions
<b>Determination of eligibility (deciding if a child qualifies)</b>			
The school district sends "Notification of procedural safeguards" to parent.	5 school days	Parent or school formally refers child for special education evaluation	<ul style="list-style-type: none"> <li>This has a consent form for the evaluation.</li> </ul>
Initial evaluation	30 school days	School receives parent consent for evaluation	<ul style="list-style-type: none"> <li>If the district receives the consent within 30-45 school days of the end of the school year, they must ensure that the IEP team meets no later than 14 days after the end of the school year. (This meeting will be to discuss either a proposed IEP, or the finding that the child does not qualify.)</li> </ul>
School notifies parents if child qualifies	45 school days	School receives parent consent for evaluation	<ul style="list-style-type: none"> <li>This is called "Determination of eligibility"</li> <li>Team may consent to additional time if the evaluation is inconclusive.</li> </ul>
<b>Development and implementation of IEP</b>			
IEP team develops initial IEP and decides on placement at IEP meeting	45 school days	School receives parent consent for evaluation	<ul style="list-style-type: none"> <li>The district is required to give parents 2 copies of the proposed IEP and proposed placement at this meeting.</li> <li>Proposed placement options might be delayed if the district is considering out-of-district or initial placements.</li> </ul>



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<b>Development and implementation of IEP (cont'd)</b>			
Parents consent to IEP and placement	30 days	Initial IEP meeting	<ul style="list-style-type: none"> <li>• Parents have the option to accept, reject, reject in part, or request an independent educational evaluation (IEE).</li> <li>• Parents are not required to consent if they disagree with the proposed IEP and placement. They can request follow up meetings and submit notes to be attached to the IEP, outlining areas with which they disagree. (This is called a Parent Addendum.)</li> <li>• It is a good idea to submit a Parent Addendum if Parents reject the IEP or any part of it.</li> </ul>
District implements IEP	“Without delay”	School receives parent consent to proposed IEP and placement	
Parents receive progress reports in writing, stating child’s progress toward IEP goals	At least as often as the district sends progress reports to parents of students without disabilities		<ul style="list-style-type: none"> <li>• The district is required to send summaries of school evaluations to parents at least 2 days (48 hours) prior to the IEP team meeting.</li> </ul>
IEP Team reviews IEP and rewrites if necessary	At least every year	Prior year’s IEP meeting	<ul style="list-style-type: none"> <li>• Parents can request IEP meetings at any time; they don’t need to wait for the annual meeting. Districts must schedule a meeting within 30 days of that request.</li> <li>• Always request your meetings in writing! If you call to make the request, follow up with a written request as well.</li> </ul>
Notice of procedural safeguards	At IEP meeting		<ul style="list-style-type: none"> <li>• The district must inform parents of procedural safeguards at each IEP meeting and give a copy at least yearly.</li> </ul>
Parents receive copy of evaluation reports before IEP	At least 2 days before IEP meeting		



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<b>Reassessment</b>			
Every 3 years, they will do another evaluation to assess current needs and make sure child still qualifies	At least every 3 years	Date of the initial or last 3-year assessment and IEP	<ul style="list-style-type: none"> <li>District must receive parental consent before evaluating a student.</li> <li>If a child's needs or abilities change, you can request a new evaluation sooner than the 3 years.</li> </ul>
<b>Independent Educational Evaluation (IEE)</b>			
Request for IEE at public expense	16 months	Date of the evaluation with which parent disagrees	<ul style="list-style-type: none"> <li>You have 16 months under Massachusetts law to request funding for an IEE through the <i>income-based sliding-scale reimbursement system</i>. This system exists only in Massachusetts; it does not exist under federal law.</li> </ul>
District informs parents whether district will pay for IEE	5 days	Parents' request in writing to have an IEE at public expense (they're asking the district to pay)	<ul style="list-style-type: none"> <li>Parents must have requested <i>in writing</i> an IEE "at public expense".</li> <li>Parents can seek an IEE at their own expense at any time.</li> </ul>
IEP Team meets to review IEE	Within 10 school days	School receives report from IEE	
<b>Student Records and Transfers</b>			
Parent receives copies of student records	"as soon as practicable" and within 10 days	Parents' request student records (in person, by phone or in writing)	<ul style="list-style-type: none"> <li>Note that "a reasonable fee" may be charged for copies of the student record.</li> </ul>
Implementation of IEP after transfer to new district within MA	"Without delay"	Date of enrollment in new district	<ul style="list-style-type: none"> <li>The last IEP written by the former district and accepted by the parent must be provided in a comparable setting until a new IEP is developed and accepted.</li> </ul>



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<b>Transition Planning</b>			
Statement of needed transition services in IEP	Beginning at age 14 or earlier and reviewed annually		<ul style="list-style-type: none"> <li>This is often called an Individual Transition Plan (ITP).</li> </ul>
<b>Discipline</b>			
Notice of change of placement	Same day	The day a decision is made to remove student for disciplinary purposes for over 10 days	<ul style="list-style-type: none"> <li>This would include getting suspended or expelled.</li> <li>The district should also provide a copy of procedural safeguards.</li> </ul>
Manifestation determination review	Within 10 school days	Date decision was made to remove student for disciplinary purposes for over 10 school days	<ul style="list-style-type: none"> <li>The district will decide if your child's behavior was caused by, or related to, their disability, <b>or</b> if it was the direct result of the district's failure to implement the IEP.</li> </ul>
<b>Termination of services</b>			
Special education services end	When student turns 22 or graduates with a standard high school diploma, whichever is first		



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<b>Procedural deadlines</b>			
File for hearing	2 years*	The school or district violates state or federal law (in the parents' view)	<ul style="list-style-type: none"> <li>You have two (2) years to challenge whether your child has received a Free and Appropriate Public Education (FAPE). This limit is called the "Statute of Limitations".</li> <li>*The law is not completely clear about this 2-year limit.</li> </ul>
Mediation	30 days	Parents' request for mediation	<ul style="list-style-type: none"> <li>All discussions that occur during mediation are confidential and may not be used as evidence in a hearing.</li> <li>Parents are not required to go through mediation before requesting a hearing.</li> </ul>
Notification of hearing date	5 days	The Bureau of Special Education Appeals (BSEA) receives a written request for a hearing	<ul style="list-style-type: none"> <li>BSEA will notify parties in writing. They will tell you the name of the hearing officer, and either a date for the hearing or a statement of procedures to be followed before a date can be assigned.</li> </ul>
The hearing decision is implemented	"immediately"	The hearing officer makes a decision	<ul style="list-style-type: none"> <li>The decision is most often final. (It may not be subject to reconsideration by the BSEA.)</li> </ul>
Parents can file an appeal to the hearing decision	90 days	The hearing officer makes a decision	<ul style="list-style-type: none"> <li>Parents can appeal to the MA Superior Court or a US District Court within 90 days of the decision.</li> </ul>

**Citations**

Eligibility: 603 CMR 28.04(1)(a), 603 CMR 28.05(1)

Development and implementation of IEP: 603 CMR 28.06(2)(c), 603 CMR 28.05(7), 603 CMR 20.05(1), 34 CFR 300.504, 603 CMR 28.05(1)

Reassessment: 603 CMR 28.04(3),

IEE: 34 CFR 300.502(b), 603 CMR 28.04(5)(c), 603 CMR 28.04(5)(f)

Student records and transfers: 603 CMR 23.07(2), 603 CMR 28.03(1)(c)

Transition planning: MA SPED Advisory 2009-1

Discipline: 34 CFR 300.530

Termination of services: 603 CMR 28.02(9)

Procedural deadlines: 603 CMR 28.08