

Technical Assistance for Timely Individualized Education Programs (IEPs)

Michigan Department of Education Office of Special Education
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Key Concepts for Timely Individualized Education Programs (IEPs)

- The implementing regulations for the *Individuals with Disabilities Education Act* (IDEA) state at 34 CFR §300.323(a) that each public agency must have in effect an IEP for each student with a disability within its jurisdiction. The provision of a free appropriate public education (FAPE), at 34 CFR §300.17(d), is predicated on a student having a current IEP.
- Additionally, IDEA (34 CFR §300.324(6)(b)(i)) requires that public agencies, at minimum, review the student's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.
- This document addresses only issues regarding timeliness of the IEP based on the IEP Dates on record in the Michigan Student Data System (MSDS) which include:
 - IEPs that were actually late.
 - IEPs that occurred on time but were delayed in being reported in the MSDS affecting some state and federal calculations.
- When a student with a disability moves/transfers into a new district with an overdue IEP, the receiving district must immediately address the fact that the IEP is overdue. The district does NOT have 30 days to develop, adopt, and implement a new IEP.
- Timely IEP data will be collected at each of the three count periods. If a district has late IEPs occurring during any of the count periods, then the district will receive a finding of non-compliance.

Example of a Timely IEP Date

An IEP meeting is held on 4/2/2023 and a new IEP meeting is held on or before 4/1/2024. Any IEP meeting held beyond 4/1/2024 (for this example) is considered late.

Data Collection for Timely IEPs

What does the Timely IEP rate measure and what is the formula?

- The Timely IEP rate measures the percentage of IEPs that are compliant (i.e. completed within 365 days or 366 days during a leap year).
- The formula $Rate = [(b) \text{ divided by } (a)]$ is used to calculate the Timely IEP rate.
 - The letter "a" represents the total number of all active IEPs within the district.
 - The letter "b" represents the number of compliant IEPs (completed within 365 days or 366 during a leap year) that are still active IEPs within the district.

How are Timely IEP data collected (Date of IEP)?

Data are submitted by the local districts into the Michigan Student Data System (MSDS) in the Plan Date characteristic within the Special Education Component.

When are Timely IEP data collected?

Data are required three times per year (fall, spring, and end-of-year). Data can also be submitted in the Student Record Maintenance (SRM) within the MSDS.

When are data quality alerts issued?

The following data quality alert message and report have been added to MSDS in the event that a local district is in violation of Timely IEP data submission:

"The Center for Educational Performance and Information (CEPI) is sending this message on behalf of the Michigan Department of Education Office of Special Education (OSE). The purpose is to notify you that a review of the Michigan Student Data System (MSDS) <Count> General collection indicates at least one (1) of your annual reviews of individualized education programs (IEPs) occurred or was reported late. More specifically, at least one (1) of your IEPs reported (IEP Data Characteristic) is older than one year. Noting this problematic pattern, the OSE asks you to verify <Count> MSDS IEP Date data that has been submitted or will be submitted for your district, to ensure that your Timely IEP data are completed and correct for the next MSDS General Collection."

Report of Timely IEP Data

The Special Education Component is used to report the submission of accurate information regarding students with an IEP, including whether IEP meetings are held at least annually. Students with an IEP may have more than one IEP held within a school year that is entered into MSDS. Please enter the date of each IEP into the Plan Date Characteristic in the collection in which the IEP was completed. If more than one IEP is held ***within a count cycle***, then the district must include the dates of the additional IEPs in the Additional Plan Date Characteristic. This will ensure accurate reporting of IEP data and prevent an IEP from appearing to be out of compliance with the IDEA.

The Office of Special Education uses these data to:

- Ensure that all eligible students are receiving a free appropriate public education.
- Identify eligible students for analysis of discipline and other data.
- Issue findings of noncompliance.

If a district wishes to see information pertaining to IEP dates, MSDS users from the district can run the "District Special Education Report" and/or "District Special Education Report for Download" in either the Staging Reports before the collection is certified or in the Certified Data Reports after certification. The district should then look for information in the column labeled "Plan Date Over 1 Year" to determine if any IEPs have been reported which are more than one year old.

For questions specific to reporting Timely IEP data that cannot be answered by district or ISD special education personnel, please contact [Jeanne Anderson Tippett](mailto:jeanne.anderson.tippett@michigan.gov) (andersonstippettj@michigan.gov) with the Office of Special Education. If you have any questions about data collections, please contact [CEPI customer support](mailto:cepi@michigan.gov) (CEPI@michigan.gov) or call 517-335-0505 and follow the prompts.