



Technical Assistance for Timely Individualized Education Programs (IEPs)

March 2016





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This document is organized into five sections. The first section discusses key concepts for completing and improving district reporting of Individualized Education Programs (IEPs) on an annual basis to comply with the *Individuals with Disabilities Education Act* (IDEA) requirements. The second section provides probe questions that district personnel should consider prior to submission to the Michigan Student Data System (MSDS) and analysis recommended after receiving Timely IEP reports. The third section provides the how, when, and what of data collection information. The fourth section provides resources to guide local districts' submission of Timely IEP data. Finally, the appendix contains the pertinent state and federal regulations related to Timely IEPs.

For questions about Timely IEPs procedural requirements related to the *Michigan Administrative Rules for Special Education* (MARSE) and the *Individuals with Disabilities Education Act* (IDEA), contact Joanne Winkleman, Supervisor, Program Accountability, Office of Special Education (OSE) at winklemanj@michigan.gov. For technical questions about reporting special education data to the MSDS, contact the Center for Educational Performance and Information (CEPI) Help Desk at cepi@michigan.gov. For questions about Timely IEP reports, contact John Robertson, at robertsonj@michigan.gov.

Part I: Key Concepts for Timely IEPs

General

- The Michigan Department of Education (MDE) is required by the *Individuals with Disabilities Education Act* (IDEA) 2004 to make annual determinations for every local district in the state. The U.S. Department of Education (USED), Office of Special Education Programs (OSEP) instructions require that states must consider, as part of determinations, whether data submitted by local districts are timely, valid, and reliable.
- The implementing regulations for the IDEA clearly state at § 300.323(a) that each public agency must have in effect an IEP for each child with a disability within its jurisdiction. The requirement to have a current, or active, IEP is a federal requirement and must be immediately addressed by the district that is now responsible for the student. The provision of a free appropriate public education (FAPE), at § 300.17(d), is predicated on a student having a current IEP. The overdue IEP issue must, therefore, be corrected immediately.
- Additionally, IDEA (§ 300.324(6)(b)(i)) requires that public agencies, at minimum, reviews the child'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.
 - ◇ Multiple IEPs occurring within one MSDS collection period. Only the latest one can be coded in the MSDS, sometimes causing an appearance of more than one year between IEPs.
- If 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 do an 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, the district will receive a finding of noncompliance.

Example of a Timely IEP date:

An IEP is held on 4/2/2013 and a new IEP is held on or before 4/1/2014. Any IEP held beyond 4/1/2014 (for this example) will be considered late.

Part II: Probe Questions for Timely IEPs

The primary concern of the Timely IEPs report is ensuring local districts are in compliance with the IDEA requirement that students receive their annual IEP. Completing the actual IEP is the most important part of the process, but proper documentation is an important part, also. Some say if you didn't document it, it didn't happen. Consistent application of data collection and reporting procedures results in timely, accurate, and complete data. These procedures also enable policymakers to trust and use the data to guide efforts to assess and improve student outcomes.

Key Method Questions

There are key methods involved in the submission of timely data for Timely IEP. Each method is introduced below using a probe question, which data entry teams may consider when making improvements to data entry processes and procedures. A discussion of the key method follows each probe question.

1. Do the data edits utilized by my data collection program precisely match those used in the MSDS?

A key method for achieving valid and reliable data involves the development and use of data edits. Data edits are automatic checks that detect and alert the user to potentially erroneous data. The edits are based on rules that define what data "values" are allowable and if there is any dependency between fields. For example, exit categories entered into a data system must match one or more predefined exit codes found in the MSDS.

2. Is there a report in the MSDS that local districts can run to check for late IEPs?

Local districts can run the "District Special Education Report" and/or the "District Special Education Report for Download" in either the Staging Reports before the collection is certified or with the Certified Data Reports after certification. It is not as detailed as the dataset used to create the Timely IEP report, but districts will be able to tell which IEPs are late as of the collection count date.

3. Where does Timely IEP data come from and can we change the data?

The data are MSDS data from the prior school year. It is historical data that is already used in reports and cannot be changed. Districts are recommended to:

- a. Run a District Special Education Report and verify that all IEPs are up-to-date.
- b. Analyze the Timely IEP report for systemic errors that can be corrected to improve future submissions.

Data Collection Questions

- What is your local district's process for identifying and scheduling an annual IEP?
- What is your local district's process for recording annual IEPs? In other words, who handles the documentation and submission to the MSDS?
- What is the process for gathering and reporting these data at the local district level?
 - ◊ Who at the local district level **enters** the data into the MSDS—or into the system that feeds the data into the MSDS?
 - ◊ Does anyone (or any data system) keep an exact copy of the data at the local level **after** data are submitted into the MSDS?
 - ◊ Do special education personnel receive a copy of the submitted data?
- Who verifies the data (a) before data are submitted into the MSDS, (b) during data entry into the MSDS, and (c) once data are entered into the MSDS, who confirms the data in the final spreadsheet? In other words, is someone (or something) checking the data before, during, and after processing?
- Does the district have a system to (a) collect the initial data and (b) systematically (or regularly) review the data that are collected for timeliness and accuracy?

Timely IEP Questions

- Has the district had any formal complaints related to Timely IEPs? If so, what are the patterns?
- Are there policies, procedures, and/or practices in the local district that prohibit—or make more difficult—the timely completion of annual IEPs? (For example, is there a district practice of holding annual IEP data entry until the end-of-year submission?)
- Are there any patterns in the completion of annual IEPs that are based on the lack of available diagnostic personnel, including the ability to communicate with non-English-speaking children or parents/guardians?

Part IV: Resources 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 (or completed within 365 days).
- The following formula is used to calculate the Timely IEP rate:
 - ◇ Rate = [(b) divided by (a)]
 - » 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) that are still active IEPs within the district.
- Calculation Notes: Timely IEP rate is used in district level determinations and to issue findings of noncompliance.

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 IEP 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. This *may* be necessary when you have multiple IEPs within one collection period.

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 indicate 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) are 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 IEP Date Characteristic in the collection in which the IEP was completed. If more than one IEP is held *within a count cycle*, please be sure to update the Student Record Maintenance (SRM) in addition to the

Part IV: Resources for Timely IEPs

MSDS. 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 use these data to:

- Calculate local district determination
- 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 you wish to see information pertaining to your IEP data information, you 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.

For questions specific to reporting Timely IEP data that cannot be answered by district or ISD special education personnel, please contact Kathleen Hoehne with the Office of Special Education at hoehnek@michigan.gov or 517-335-5609. If you have any questions about data collections, please contact CEPI customer support at CEPI@michigan.gov or call 517-335-0505 and follow the prompts.

We appreciate your cooperation and look forward to your participation in this effort to ensure compliance with the IDEA and improve Michigan’s programs and services for students with an IEP.

Part IV: Resources for Timely IEPs

State Resources

[MSDS Collection Details Manual](#) [HTML]

Within "Resources" box, select the MSDS Collection Details Manual with the desired school year.

[MSDS District User Training Manual v2.23](#) [PDF]

A training manual for new district users.

[Michigan Student Data System \(MSDS\) Listserv](#) [HTML]

A listserv for users to receive updates on changes to data reporting requirements, to troubleshoot problems, or to ask other users for assistance in reporting student data.

[Mischooldata.org](#)

Public reporting website that provides information on Special Education Indicator Reports for each local school district.

[Continuous Improvement and Monitoring System \(CIMS\)](#) [HTML]

Provides information in the Reports tab on State Performance Plan (SPP) Part B and Part C compliance indicators and a single location where local districts can keep track of all monitoring activities.

[Memos Released by the Office of Special Education \(OSE\)](#) [HTML]

A website where users can go to view memos released by the Office of Special Education. Memos address changes to data reporting requirements and common problems districts are having when reporting accurate and/or complete data on students with disabilities.

Appendix: Legal Foundations for Timely IEPs

Applicable *Individuals with Disabilities Education Act (IDEA) 34 CFR Regulations*

§ 300.324 Development, review, and revision of IEP.

§300.320(a) (6). *Amendments.* Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a) (4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

(b) *Review and revision of IEPs—*

(1) *General.* Each public agency must ensure that, subject to paragraphs (b) (2) and (b) (3) of this section, the IEP Team—

(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(ii) Revises the IEP, as appropriate, to address—

(A) Any lack of expected progress toward the annual goals described in § 300.320(a) (2), and in the general education curriculum, if appropriate;

(B) The results of any reevaluation conducted under § 300.303.

Applicable *Michigan Administrative Rules for Special Education (MARSE)*

R 340.1721e Individualized education program team meeting; determination of eligibility for special education programs and services; individualized education program.

(1) The superintendent or his or her designee shall convene an individualized education program team meeting.

(2) An individualized education program shall be based on all diagnostic, medical, and other evaluative information requested by the team, or provided by the parent or student who is disabled and shall include all of the following information, in writing:

(a) A statement of the student's present level of academic achievement and functional performance.

(b) A statement of annual goals, including short-term objectives.

(c) Appropriate objective criteria and evaluation procedures and schedules for determining whether the objectives are being achieved.

Applicable Michigan Student Data System (MSDS) Information

Characteristic System Name: IEP Date

Definition: The date of the notice/offer of a free appropriate public education (FAPE) associated with the student's most recent Individualized Education Program (IEP).

When a student moves from one district to another, use the date of the most recent IEP until the new district develops a new IEP (if a new IEP is developed).

Please refer to the Michigan Department of Education (MDE), Office of Special Education (OSE) website at www.michigan.gov/ose-eis for further information.

Use: These data are used for *No Child Left Behind (NCLB)* and the *Individuals with Disabilities Education Act (IDEA)* reporting. An IEP is required by the U.S. Department of Education.

Citation: *Michigan Administrative Rules for Special Education (MARSE)* R 340.1721e and the *IDEA 34 CFR regulations* § 300.323.