



Docket No. 08-0203-1508
IDAPA 08.02.03.109
Compliance with IDEA/IEP Timelines

SHERRI YBARRA
SUPERINTENDENT OF
PUBLIC INSTRUCTION

650 W. STATE STREET
P.O. BOX 83720
BOISE, IDAHO 83720-0027

OFFICE: 208-332-6800
FAX: 208-334-2228
SPEECH/HEARING
IMPAIRED: 1-800-377-3529
WWW.SDE.IDAHO.GOV

BACKGROUND

The Individuals with Disabilities Education Act (IDEA) requires that states and districts establish policies, procedures and criteria for special education that is consistent with federal regulations. Idaho has incorrectly revised the timeline in 08.02.03.109.04 in violation with IDEA. The change brings the department into compliance with IDEA.

RULE CHANGE DETAILS

- The passage was removed to bring the SDE into compliance by noting that the total timeline from the determination that the student needs special education and related services to the date of implementation of the initial IEP shall not exceed thirty (30) calendar days. (Figure 1.)

04. Individualized Education Programs. Each education agency shall develop an individualized education program (IEP) for each student who is eligible for special education. The IEP shall be implemented as soon as possible after it is developed. The total timeline from the determination that the student needs special education and related services to the date of implementation of the initial IEP shall not exceed thirty (30) calendar days, *excluding periods when regular school is not in session for five (5) or more consecutive school days, unless all parties agree to an extension.* A new IEP shall be developed at least annually, on or before the date the previous IEP was developed. ~~(4-7-11)()~~

Figure 1. Text from DOCKET NO. 08-0203-1508.