



## IEP

### **What is the 5 Day Rule and how does it affect me?**

On July 1, 2010 a law was put into place that helps parents prepare for and participate in IEP meetings about their child age 3-21 receiving special education services. The schools must give parents a copy of any “assessment, report, data chart, draft IEP or any other document that the team plans to discuss at least **5 business days before** the scheduled meeting.” The law also allows the IEP team to discuss medical or psychological reports with parents before meeting.

The law states that parents are to receive a copy of the finalized IEP no more than **5 business days after** the meeting. If they cannot send the finalized IEP, they must send the draft IEP.

*What if I do not receive documents five business days before the meeting?*

The new law allows for “extenuating circumstances” if the school cannot send the information within the timeline. The law does not define “extenuating circumstances” but it says that the school has to tell the parent why they could not follow the law. It also says that it cannot be considered a violation of a child’s rights or a denial of FAPE (free appropriate public education) if the school does not give the parents the documents 5 business days before a meeting.

*What can I do if I do not receive the documents 5 business days before the meeting?*

- You can go to the meeting and participate as best you can. If you choose to do this, take the time to look at and try to understand the information they give you. Do not feel rushed to make decisions until you understand the information. You can ask for more time to read the information or stop the meeting at any time.
- You can request, **in writing**, to reschedule the meeting until you have the information.

*The law says information must be given in an “accessible format,” what does that mean?*

The law does not say what that means but other rules say that the schools do NOT have to give the information in the family’s native language. They are required to provide translators at IEP meetings if needed. “Accessible formats” probably means Braille, large print, and other options for the visually impaired. It will be important to ask for accommodations if you need supports.

#### RESOURCES

- Maryland State Department of Education  
[http://www.marylandpublicschools.org/NR/rdonlyres/5F4F5041-02EE-4F3A-B495-5E4B3C850D3E/33666/91912FINALTAB20\\_5DayRule\\_.pdf](http://www.marylandpublicschools.org/NR/rdonlyres/5F4F5041-02EE-4F3A-B495-5E4B3C850D3E/33666/91912FINALTAB20_5DayRule_.pdf)