

WHAT IS THE 5 DAY RULE AND HOW DOES IT AFFECT ME?



Since July 1, 2019, Maryland enacted a law that helps parents prepare for and participate in their child's Individualized Education Program (IEP) meetings. Schools must provide 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." This law does NOT apply to the development and review of an Individualized Family Service Plan (IFSP).

Further, the law states that parents are to receive a copy of the finalized IEP no more than 5 business days after the meeting. The draft IEP must be sent if the finalized IEP can't be.

Is a business day the same as a calendar day?

"No. A business day is defined as "Monday through Friday, except for federal or State holidays, when a local school system or public agency is open for business whether or not students are required to be in attendance for instruction [34 C.F.R. § 300.11; COMAR 13A.05.01.03B(9)]."

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

The law allows for "extenuating circumstances" if the school cannot send the information within the timeline. "Extenuating Circumstance" is defined in the statute as "a death in the family, a personal emergency, a natural disaster, or any other similar situation defined by the Department" [Md. Code Ann., Educ., §8-405(a)(3)].

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 attend the meeting and request that the information you have not received be discussed at a later date.

You can also request, in writing, to reschedule the meeting to allow you time to prepare.

Source

- Maryland State Department of Education. Retrieved from http://archives.marylandpublicschools.org/MSDE/divisions/earlyinterv/commission/docs/09302013/Materials/6a%2091912%20FINAL%20TAB%2020%20_5%20Day%20Rule_.pdf