

# *Tips from the Special Education*

## *Division*

**August 2023**

**Question:** *As the new school year begins, when must students eligible for special education and related services start receiving services?*

### **Answer:**

Each school district must have in effect an individualized education program (IEP) for every student within its jurisdiction who is eligible to receive special education services at the beginning of the school year (WAC 392-172A-03105). The beginning of a new school year, however, often brings questions about when students eligible for special education will start receiving services.

School districts are reminded that they cannot arbitrarily determine when special education and related services will begin or schedule them to begin after the start of the school year for some providers (SECC 16-29 (2016)). Furthermore, a school district policy mandating that services for all students eligible for special education will begin at a specific time after the beginning of the school year (e.g., the third week of the school year) would not be consistent with the IDEA and its implementing regulations (*Letter to Ackerhalt*, 60 IDELR 21 (OSEP 2012)).

The IEP team, which includes the parent(s) and school district officials, determines the projected date for the start of a service based on the individual needs of the student. The IEP team, on a case-by-case basis, may determine that the individual needs of the student require that the start date of a service should occur the first week of school or some other time after the beginning of the school year. Any decision by an IEP team regarding the anticipated start date for services must be documented within the IEP (WAC 392-172A-03090). The expectation, however, absent any other documented decision from an IEP team, is that students eligible for special education start receiving services at the beginning of each school year. School districts may want to remind school leaders and providers of these requirements and encourage them to proactively address questions and concerns prior to the start of school to ensure each student accesses an appropriate education.

