



CDE Policy Related to ECEA Funding and December IEP Completion Deadline for the 2020-21 Academic Year

Introduction

Under the Individuals with Disabilities Education Act (IDEA), districts are required to annually renew and update a special education student's individualized education plan (IEP) [See 20 U.S.C. § 1414 (d)(4)(A)(i)]. Currently, districts receive funding under the Exceptional Children's Educational Act (ECEA) for students with disabilities who are receiving special education services and have a current IEP (i.e., a plan that has been established or renewed within the preceding 365 days). Districts report that information to the Colorado Department of Education (CDE) for funding purposes during the [Special Education December Count](#). The December collection includes codes for both those students who are receiving special education services and have a current IEP (Funding Status Code 50), as well as those students who are receiving special education services, but do not have a current IEP on file with the district (Funding Status Code 51).

Due to the COVID-19 pandemic and the disruptions to school calendars and schedules, there are a larger number of students who are still receiving special education services, but for whom districts have not been able to complete the annual IEP review by the December 1 count deadline. Accordingly, CDE wants to provide districts with flexibility in completing the annual IEP reviews for these students without jeopardizing funding so that districts can continue to provide special education services for these students.

Policy for the 2020-21 Academic Year

For the 2020-21 academic year only, CDE will continue to provide ECEA funding for students who are receiving special education services, but do not have a current IEP on file with their district by the December 1 count deadline (Funding Status Code 51). Districts will be required to complete the annual IEP review for these students as soon as practicable, but no later than March 1, 2021.

CDE will identify those students who are receiving services, but who do not have a current IEP, from the Special Education December Count data collection. CDE will then provide a list of students meeting these criteria to districts. Each district with at least one student meeting these criteria will be required to submit to CDE the date of the annual IEP meeting and the date the IEP was finalized for each student meeting these criteria in their district. Failure to submit this information to CDE or to ensure that identified students receiving special education services have a current IEP in place by March 1, 2021 may result in further monitoring, including potential corrective action.

It is important to remember that even though districts may still receive ECEA funding for those students who do not have a current IEP as of December 1, 2021, under IDEA they are still responsible for ensuring a free and appropriate public education (FAPE) for students with



disabilities. Districts may still face liability (including compensatory services) for a delay in completing the annual IEP. CDE encourages districts to explore ways to review the instructional plans and curriculum for those students who do not have a current IEP as of December 1, 2021. While not a substitute for the formal IEP meeting required to annually review and revise the IEP, districts should communicate with families and educators to ensure that instructional content is rigorous and aligned with any additional needs that students may have, such as those for English language learners.

If you have questions about this policy or how it might affect your district, please contact Paul Foster (foster_p@cde.state.co.us).