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TIMELINES FOR SPECIAL EDUCATION AND SCHOOL LAW

<i>Evaluations</i>		
Required Action	Statute/Regulation	Timeframe for Completion
Decision and notification of whether an evaluation is warranted after referral or request for evaluation is made: If no... school must provide written explanation of decision not to evaluate complaint with 34 CFR 300.504(b) If yes... School must convene domain meeting, identify necessary assessments, and provide informed consent on a domain review form connect to conduct assessments	23 IAC §226.110(c)(3)	14 school days of receipt of request
Timeframe for conducting domain meeting	23 IAC §226.110(c)(3)	Within 14 <i>same</i> school days of receipt of referral request
Send notice of proposed case study and consent form	23 IAC §226.110(c)(3)	Within 14 <i>same</i> school days of receipt of request
Completion of case study evaluation (CSE) and eligibility determination following the date the parent signs written consent	23 IAC §226.110(d) 105 ILCS 5/14-8.02(b)	Within 60 school days, if fewer than 60 days remain of school year then before first day of new school year
Written notice of student eligibility decision provided to parents	23 IAC §226.110(f)	Within 10 school days after the meeting
Parent may make written request for an IEE at public expense if parent disagrees with evaluation conducted by public agency	105 ILCS 5/14-8.02(b) 34 CFR §300.502(b)	Any time after the evaluation



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	23 IAC §226.180	
School district may either ensure IEE is provided OR file a due process complaint to request hearing to show IEE is appropriate	105 ILCS 5/14-8.02(b) 34 CFR §300.502(b)	Within 5 calendar days of receipt of written request
An IEE must be completed at the public expense when the district or hearing officer agrees one should be performed	105 ILCS 5/14-8.02(b)	Within 30 calendar days of request OR IHO decision. Note: May be extended if either parent or school shows reasonable grounds to extend period
Completion of IEE	105 ILCS 5/14-8.02(b)	Within 30 calendar days of parents written request
Written notice of IEP meeting to discuss results of IEE, whether privately or publicly funded	105 ILCS 5/14-8.02(d)	10 calendar days of receipt of IEE
Revocation of consent for evaluation is effective immediately but does not negate acts performed before consent was revoked	23 IAC §225.540(b)	Immediately effective
If the revocation is oral, school district must put the request in writing and send to the parent	23 IAC §225.540(b)	5 calendar days

IEP Procedure & Special Education

Required Action	Statute/Regulation	Timeframe for Completion
Notice of school's districts proposal or refusal to initiate or change the identification, evaluation, or educational placement of a child or the provision of FAPE ("PWN")	23 IAC §226.520	10 calendar days before changes to the



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		recommended educational program
Request for an IEP meeting (by family or teacher)	23 IAC §226.220(b)	Any time
Response to request for IEP meeting	23 IAC §226.220(b)	10 calendar days after request was made
Notice to parent of upcoming IEP meeting	23 IAC §226.530	10 calendar days prior to meeting
Written notice of IEP meeting to discuss results of IEE, whether privately or publicly funded	105 ILC 5/14-8.02(d)	10 calendar days of receipt of IEE
IEP meeting to determine eligibility	23 IAC §226.110(d)	Within 60 school days after obtaining written consent for evaluation
Initial IEP based on eligibility determination	23 IAC §226.110(j)	Within 30 calendar days after eligibility determination
School must provide parents with copy of written materials the IEP team will consider (evaluations, data, progress updates) except proposed related service minutes and placement	105 ILC 5/14-8.02f(c)	No later than 3 school days prior to a meeting to determine a child's eligibility for special education
Upon request, school must provide service logs to parents	105 ILC 5/14-8.02f(d)	Upon request
Notice to parents of IEP recommendations	23 IAC §226.110(f) 23 IAC §226.220(a)	At conclusion of IEP meeting
Completion of IEP	23 IAC §226.110(j)	Within 30 calendar days after determining eligibility



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School must provide copy of IEP summary to parent	23 IAC §226. 110(f)	At conclusion of IEP meeting
Provide parent with copies of evaluation reports	105 ILC 5/14-8.02f(c) 23 IAC §226.110(f)	No later than 3 school days prior to a meeting to determine a child's eligibility for special education and upon request
Notice of a developed/revised IEP	23 IAC §226.220(a)	Immediately
Waiting period before implementing new or revised IEP (note: may occur sooner if waived by parent OR there are fewer than 10 days left in the school year)	23 IAC §226.220(a) 23 IAC§226.520	No later than 10 school days after parental notice
Revocation of consent for special education services is effective immediately but does not negate acts performed before consent was revoked	23 IAC §225.540(b)	Immediately effective
If the revocation is oral, school district must put the request in writing and send to the parent	23 IAC §225.54(a)	5 calendar days
If parent disputes IEP and files due process complaint, in order to invoke the student's "stay-put" placement they must do so within 10 school days	23 IAC §226.220(a) 23 IAC §226.520	10 school days
If parent disputes IEP and requests mediation prior to filing a due process complaint, in order to invoke the student's stay-put placement they must do so within 10 calendar days of the unsuccessful mediation	23 IAC §226.520 23 IAC §226.560 105 ILC 5/14-8.02a(j)	10 calendar days after unsuccessful mediation
School must give prior written notice ("PWN") that conforms with 34 CFR 300.502 before ceasing special education and related services	34 CFR §300.300(b) 34 CFR §300.503(a) 23 IAC §530.300(b)	10 calendar days
Notice of unilateral placement where parents are seeking public funding for a private placement	34 CFR §300.148(d)(1)	At least 10 business days prior to the placement, including holidays



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The school district must ensure that an IEP or IFSP is in effect for children transitioning from Early Intervention into special education program,	23 IAC 226.260 34 CFR §300.101	On the child's third birthday
An eligible student must continue to receive special education services from the public school district	23 IAC 226.50(c)(1) 34 CFR §300.101 105 ILCS 5/14-1.02	Through the child's 22 nd birthday, unless the birthday occurs during the school year, then through that school year

<i>Due Process</i>		
Required Action	Statute/Regulation	Timeframe for Completion
A parent, guardian, or public agency may file a due process complaint regarding a violation related to the identification, evaluation, or educational placement of a child with a disability	34 CFR §300.507(a) 105 ILCS 5/14-8.02a(f)	Not more than 2 years after the parent/public agency should have known of the violation
The school district superintendent shall forward the due process request to ISBE to request appointment of a hearing officer	34 CFR §300.508(a)(2) 105 ILCS 5/14-8.02a(f) 23 IAC 226.615	Within 5 calendar days of receipt of request
ISBE shall appoint a hearing officer and notify the hearing officer of their appointment	23 IAC 226.635 105 ILCS 5/14-8.02a(f-5)	Within 3 calendar days of receipt of request
Request for a substitute hearing officer	23 IAC 226.635 105 ILCS 5/14-8.02(f-5)	Within 5 calendar days of notice of the IHO appointment
A school district must provide a written response to the parent or student unless the school district provided prior writing notice regarding the subject matter of the hearing request	34 CFR §300.508(e) 105 ILCS 5/14-8.02(g-5)	Within 10 calendar days of receipt of the hearing request



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Challenging sufficiency of other party's due process hearing request	34 CFR §300.508(d)(1) 105 ILCS 5/14-8.02(g-15)	Within 15 calendar days of the hearing request
Determination of sufficiency in writing by IHO	34 CFR §300.508(d)(2) 105 ILCS 5/14-8.02a(g-15)	Within 5 calendar days of receipt of challenge
Convene resolution session (or waive resolution session or request mediation if mutually agreed upon in writing)	34 CFR §300.510(a)(1) 105 ILCS 5/14-8.02a(g-20) 105 ILCS 5/14-8.02a(g-25) 105 ILCS 5/14-8.02a(g-25)	Within 15 calendar days of receipt of hearing request (if resolution session waived, the waiver must be forwarded to the IHO within 2 business days following the signing of the waiver.
Resolution period	34 CFR §300.510(b) 105 ILCS 5/14-8.02a(g-20)	Within 30 calendar days of receipt of hearing request
Revocation of written resolution agreement	34 CFR §300.510(e)	Within 3 business days of execution
Notice of prehearing conference	105 ILCS 5/14-8.02a(g-40)	7 calendar days in advance of the prehearing conference
Prehearing conference	105 ILCS 5/14-8.02a(g-40)	At least 14 calendar days before scheduled date of due process hearing
Due process hearing	34 CFR §300.515(a) 105 ILCS 5/14.02a(h)	Within 45 days after the expiration of the 30-day



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		resolution period or the adjusted time period
Written decision by IHO, including facts and conclusions of law, sent by certified mail to the parents or student, the school district, the director of special education, legal representatives of the parents, and the State Board of Education	105 ILCS 5/14-8.02a(h) 23 IAC 226.670	Within 10 calendar days after the conclusion of the hearing
Request for clarification of the hearing officer's decision	105 ILCS 5/14-8.02a(h) 23 IAC 226.670	Within 5 calendar days of receipt of decision
Response to request for clarification	105 ILCS 5/14-8.02a(h)	Within 10 calendar days of receipt of request
Appeal	34 CFR §300.516(a) 105 ILCS 5/14-8.02a(i)	Within 120 calendar days after the IHO decision is mailed to the parties. receiving a copy of the IHO's decision

State Complaint Procedures

Required Action	Statute/Regulation	Timeframe for Completion
Statute of limitations to file a complaint	23 IAC 200.570(b)	1 calendar year
investigation and decision, except under exceptional circumstances requiring an extension	23 IAC 200.570(c)	60 calendar days
The public entity subject to the complaint must submit a written response, including corrective action compliance documentation.	23 IAC 200.570(c)(3)	45 calendar days



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<i>Student Discipline Generally</i>		
Required Action	Statute/Regulation	Timeframe for Completion
Student may be suspended for a serious act of misconduct	105 ILCS 5/10-22.6(b)	Up to 10 consecutive school days per suspension
Notice of suspension including reason for and length of the suspension and notice of the parent/guardian's right to review the school's decision	105 ILCS 5/10-22.6(b)	Immediately
Student may be expelled from the school for gross disobedience or misconduct	105 ILCS 5/10-22.6(a) 105 ILCS 5/10-22.6(d)	More than 10 school days but no more than 2 school years
Discipline of Students Receiving Special Education Services		
Required Action	Statute/Regulation	Timeframe for Completion
A student receiving special education services may be suspended without need for a MDR, parental consent, or provision of special education services	34 CFR §300.530(a)	No more than 10 school days
If a special education student is expelled or there is a change of placement (suspension longer than 10 days) the school district must convene an MDR to determine whether the conduct in question was caused by or had a substantial relationship to the student's disability and whether the conduct was the result of the school districts failure to implement the IEP and draft or review FBA/BIP.	23 IAC 226.400 34 CFR §300.530	Within 10 school days of the decision to expel or change the placement of the student
Maximum length of placement in an interim alternative educational setting (IAES) per infraction	34 CFR §300.530(g)	45 school days
School must convene IEP meeting after school decides to place a student in an IAES	34 CFR §300.530(g)	10 business days
Student may be placed in IAES independent of MDR results if the student while at school, on school premises, or at a school function: <ul style="list-style-type: none"> • Carries or possesses a weapon 	34 CFR §300.530(g)	Up to 45 school days



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<ul style="list-style-type: none"> • Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance • Inflicts serious bodily injury upon another person 		
<p>An expedited due process hearing must take place upon either:</p> <ul style="list-style-type: none"> • A parent or guardian’s request for a due process hearing to challenge any decision regarding the MDR, placement resulting from the MDR, or alternative 45-day placement. • A schools district’s request for a hearing to place a student in an alternative 45-day placement. 	<p>20 U.S.C. §1415(k) 105 ILCS 5/14-8.02b</p>	<p>Within 20 school days of the request</p>
<p>Timeframe for a decision in an expedited due process hearing.</p>	<p>20 U.S.C. §1415(k)(4)(b)</p>	<p>Within 10 school days of the hearing</p>

Student Records

Required Action	Statute/Regulation	Timeframe for Completion
<p>School must respond to parent/representative/student request to inspect or copy records. Deadline may be extended 5 business days if:</p> <ol style="list-style-type: none"> 1. The records are stored in whole or in part at other locations; 2. The request requires the collection of a substantial number of specified records; 3. The request is couched in categorical terms and requires an extensive search; 4. The requested records have not been located in the course of routine search; 5. The request for records cannot be complied without unduly burdening or interfering with the operations of the school district; or 6. There is a need for consultation with another public body 	<p>105 ICLS 10/5(c)</p>	<p>10 business days + 5 business days if applicable</p>



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<i>Transfer Students</i>		
Required Action	Statute/Regulation	Timeframe for Completion
If the new school does not receive previous IEP or written/verbal confirmation of the requirements of the IEP, the new school must request a transfer student's school records from sending school/district	23 IAC 226.50(a)(2)(B)	End of next business day after enrollment
Former school must forward records of a transfer student to the new school	105 ILC 10/8.1(b) 105 ILC 5/2-3.13a	Within 10 calendar days of receipt of request
If the new school elects not to adopt transfer students IEP, it must schedule an IEP meeting (Until the new IEP is complete, school must offer comparable services to those in the former IEP).	23 IAC 226.50(a)	10 calendar days after enrollment



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Due Process Procedure for Clients

Stage	What is going to happen?		How long does it last?
	If the school district files....	If parent(s) request a due process hearing....	
Hearing Request	The school will file a "District Request for an Impartial Due Process Hearing Officer" form	The school must send a "District Request for an Impartial Due Process Hearing Officer" form to ISBE within 5 calendar days of parents request	N/A
Written Response	The parent must transmit a written response to the independent hearing officer (IHO) and the school district which specifically addresses the issues raised in the due process request	<p>The school district must transmit a copy of any prior written notice of it's decision, including all supporting documentation, to the parent(s) and independent hearing officer (IHO).</p> <p><i>What if there is no prior written notice?</i> Then the school must submit a written response that includes</p> <ul style="list-style-type: none"> • An explanation of why the district proposed or refused to take the action raised the due process request • A description of the other options the IEP team considered and the reasons those options were rejected 	10 Calendar Days



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		<ul style="list-style-type: none"> • A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action • A description of the factors that are relevant to the school district's proposal or refusal 	
Notice of Dismissal	<p>The parent may seek dismissal of the due process request if the school district failed to provide information regarding:</p> <ul style="list-style-type: none"> • The name, address, and telephone number of the student/parent, and of the person making the request on behalf of the school district • The nature of the controversy to be resolved • The remedy being sought 	<p>The school may seek dismissal of the due process request if the parents failed to provide information regarding:</p> <ul style="list-style-type: none"> • The child's name, address, and name of the school attended • A description of the nature of the problem relating to the propose or refused initiation or change, including facts related to the problem • A proposed resolution of the problem, to the extent known • Whether the parents will be represented by legal counsel 	15 Calendar Days
Resolution Session	<p>The parties are required to convene a resolution session to discuss the resolution of the issues or, alternatively, engage in mediation. The parties may agree to waive the resolution setting in writing. The resolution session must include:</p>		15 Calendar Days



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	<ul style="list-style-type: none"> • Parents • Student, at the request of parent(s) • A school district representative with full decision-making authority • Member(s) of the IEP team who have specific knowledge of the facts identified in the due process hearing request <p>The school district attorney may not attend unless the parent brings an attorney If an agreement is reached, it must be committed to writing. Either party may void this agreement within 3 business days. Parties must contact the independent hearing officer (IHO) within 3 business days with a status report.</p>	
Mediation	Mediation may be convened as an alternative to the Resolution Session . Either party may bring an attorney to mediation and a resulting agreement may not be revoked or otherwise voided. The parties must contact the hearing officer within 3 business days with a status report.	15 Calendar Days

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