



F3 Law

SPECIAL EDUCATION TIMELINES



IEP Meetings			
IL Code		Days	Type
226.220(c)	Respond to request for IEP meeting; either agree or deny in writing including an explanation why no meeting is necessary to ensure the provision of FAPE for the child (prior written notice)	10	Calendar
226.530	Advance notice to parent scheduling IEP meeting (may be waived by parent in writing)	10	Calendar
226.110(d)	Convene IEP meeting to determine eligibility after consent for evaluation is obtained	60	School
226.110(j)	Convene IEP meeting to determine placement after eligibility (must be within the 60 school-day timeframe)	30	Calendar
5/14-8.02f(c) 226.530	Provide parent with copies of written material to be considered by the IEP team, including evaluations, data, progress updates (excluding proposed related service minutes and educational placement) no later than 3 school days prior to the IEP meeting	3	School
5/14-8.02f(d) 226.310	Provide related service logs to parents upon request; the school district must inform parent within 20 school days from the beginning of the school year or at an initial IEP meeting of the ability to request service logs	20	School
226.110(f) 226.220(a)	Notice to parent of IEP recommendations provided to parent along with IEP paperwork unless a later date is agreed upon by the parent and documented in the IEP	At conclusion of meeting	
226.520	If an IEP contains a proposal or refusal to initiate or change a student's educational placement, the Conference recommendations must be provided in writing in the preferred language of the parent or other mode of communication used by the parent (such as orally if the parent is illiterate).	At conclusion of meeting	
226.220(a) 226.520	Waiting period before implementing IEP; can occur sooner if waived by parent OR at the beginning of the following school year if the IEP is developed or revised with fewer than 10 school days remaining in the school year	10	School
226.220(b)	If any service listed in an IEP is not implemented within 10 school days after the service was to be initiated, the school district must notify parent in writing within 3 school days after the service was to be initiated and inform parent of the right to request compensatory education	3	School
226.520 5/14-8.02a(j)	If parent disputes the IEP and files a due process complaint, the filing must occur within 10 school days after the IEP meeting is held in order to invoke the student's stay-put placement (i.e., midnight the night before the IEP is to go into effect)	10	School
226.520 225.560 5/14-8.02a(j)	If parent disputes the IEP and requests mediation prior to filing a due process complaint within 10 school days of the IEP meeting and the school district agrees to participate in mediation, parent has 10 calendar days after mediation concludes to file for due process and invoke stay-put.	10	Calendar
226.520 226.560 5/14-8.02a(j)	If parent disputes the IEP and requests mediation prior to filing a due process complaint within 10 school days of the IEP meeting and the school district declines to participate in mediation, parent has 10 calendar days after the school district declines to file for due process to invoke stay put	10	Calendar

226 refers to 23 Ill.Adm.Code § 226 et seq. (ISBE rules)

300 refers to 34 C.F.R. § 300 et seq. (U.S. Department of Education federal regulations)

5/14- refers to 105 ILCS 5/14- et seq. (The Illinois School Code)

THIS IS A GUIDE IS A SUMMARY ONLY AND NOT LEGAL ADVICE. WE RECOMMEND THAT YOU CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW THIS MAY APPLY TO YOUR SPECIFIC FACTS AND CIRCUMSTANCE

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Evaluations			
		Days	Type
226.110(c)	When referral for evaluation is made, decide whether an evaluation is warranted and notify parents. If an evaluation is warranted, parent notification must also include the request for parents' consent to conduct the needed assessment (domains).	14	School
226.110(d)	Complete evaluation and convene IEP meeting following the date "the parent signs the written consent" (really means the date the school district received written consent)	60	School
226.110(d)	If fewer than 60 school days remain in the school year, the eligibility determination and an IEP meeting shall be complete prior to the first day of the following school year	Prior to the first day of school	
226.110(f) 226.520	Provide written notice to parent concerning a student's eligibility after the IEP meeting is held	10	School
5/14-8.02(b) 300.502	When parent requests IEE, district must agree or request a due process hearing; otherwise the school district is required to pay for IEE	7	School
5/14-8.02(b)	IEE conducted at public expense must be completed unless the school district offers reasonable grounds to show that the period should be extended	60	School
226.180(d)	Within 10 days after receiving a report of an IEE conducted at either public or private expense, the school district must provide parent with written notice stating the date upon which the IEP team will meet to consider the results	10	Calendar
Revocation of Consent			
		Days	Type
225.540(b)	Revocation is effective immediately but does not negate any action that occurred after the consent was given and before it was revoked.	Immediately	
225.540(a)	If the revocation is communicated orally, SD shall commit the parent's request to writing and send to the parent	5	Calendar
300.300(b) 300.503(a) 226.520	Provide 'prior written notice' that conforms with 300.502 before ceasing special education and related services (see PWN section)	10	Calendar
Transition Services			
		Days	Type
5/14-1.02	Effective July 28, 2021, Illinois law was amended to provide that eligibility for IDEA services terminates on the day before the student's 22nd birthday, unless the 22nd birthday occurs during the school year (not including ESY), in which case the student is eligible for IDEA services through the end of that school year.		
Student Records			
		Days	Type
105 ILCS 10/5(c)	Respond to parent/student request to inspect/copy records after receipt of request (effective 9/22/17). The response may be extended by 5 business days if: 1. Records are stored at other locations 2. Collection of a substantial number of records 3. Couched in categorical terms requires extensive search 4. Have not been located in the course of routine search 5. Unduly burdening or interfering with the operations of the school district, or 6. Need for consultation with another public body or among school personnel	10 + 5	Business
105 ILCS 10/8.1	Forward a transferring student's records to the receiving school district, after written notice has been given to the parent at their last known address	10	Calendar
226.50(a)	Send notice convening IEP meeting if incoming transfer student's former IEP is not adopted	10	Calendar



Student Transfers			
		Days	Type
226.50(a)	If the SD receives the previous IEP summary: before or at the time the student is enrolled, and the school does not adopt the previous IEP, the new school must schedule an IEP meeting within 10 calendar days (schedule, not hold) with proper notice to parent. While the new IEP is being developed, the SD shall implement services comparable to the previous IEP.	10	Calendar
226.50(a)	If the SD does not receive the previous IEP summary: or a verbal or written confirmation of the requirements of that IEP from the previous school, the new school must request the student's records from the previous school within 1 business day. The new school may enroll and serve the student in the setting that it believes will meet the student's needs until a former IEP is obtained or a new IEP is developed.	1	Business
Student Discipline			
		Days	Type
300.530(a)	Suspend special education student without need for MDR or provision of services	10	School
226.400 300.530	Convene MDR, draft or review/revise FBA/BIP after student is suspended over 10 school days	10	School
300.530(g)	Maximum length of placement in an interim alternative educational setting IAES (per offense) see IAES section	45	School
300.530(g)	Convene IEP meeting after school personnel make the decision to place a student in an IAES placement	10	Business
ISBE Complaint Procedures			
		Days	Type
200.570(b)	Statute of limitations (timeline to file a complaint)	1 calendar year	
200.570(c)	Timeline for investigation and issuance of decision (an extension of time shall be allowed if exceptional circumstances exist and/or the parties agree)	60	Calendar
200.570(c)(3)	Require the district to submit a written response	45	Calendar
Due Process			
		Days	Type
226.520 5/14-08.02a(j)	If parents dispute the IEP and file a due process complaint, the filing must occur within 10 school days after the IEP meeting is held to invoke the student's stay-put placement If the filing occurs after the parties have agreed to participate in mediation, and mediation is unsuccessful, parents have 10 calendar days after mediation to file to invoke stay-put	10 school days if due process if filed before mediation	
		10 calendar days after mediation occurs	
226.615	Send letter requesting appointment of ISBE hearing officer after receipt of request for due process	5	Calendar
226.635	Request substitution of ISBE hearing officer	5	Calendar
300.508(e)	Non-requesting party response to due process (considered prior written notice)	10	Calendar
300.508(d)	Request dismissal of due process complaint due to lack of sufficiency	15	Calendar
300.510	Convene resolution session or mediation	15	Calendar
300.510(e)	Revoke resolution session agreement (in writing)	3	Business
226.670	Request clarification of hearing officer's decision	5	Calendar



Time Out & Restraint (RTO)			
		Days	Type
1.285(f)(2)	When RTO is used, the designated school official shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred	End of same day	
1.285(g)(2)	When RTO is used, make a reasonable attempt to notify the parent/guardian on the same day RTO was used	End of same day	
1.285(g)(3)	ISBE form must be provided to the parent along with a copy of the following: • A copy of the standards for when RTO can be used; • Information about the rights of parents and students; • Information about the right to file a complaint; and Description of the State complaint, mediation, and due process procedures for students eligible to receive special education services	1	Business
1.285(g)(4)	Notify the parent that they may request a meeting to discuss the incident. This meeting shall be held separate and apart from the IEP or 504 meeting	2	School
23 IAC 1.285(g)(4)	If parent/guardian requests a meeting to discuss the incident, it shall be convened within 2 school days after the request (or extended if requested by parent)	2	School
1.285(h)(1)	Report use of RTO to ISBE	2	School
1.285(f)(4)	When a student experiences instances of RTO on any 3 days within a 30-day period, the school shall initiate a review of the effectiveness of the procedures and prepare an individual behavior plan that provides for continued use of these interventions or use of other specified interventions.	10	Calendar
1.285(d)(5)(G)	If the student is restrained in a supine physical restraint in at least 2 separate instances within a 30-school day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a Restraint Review, which is a review of the effectiveness of the procedures used.	Not defined	



226.220(b) 300.503	Prior Written Notice Depending on the situation, an IEP summary itself may serve as the PWN
MUST be provided to parents:	● When the SD proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student When the SD refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of FAPE to the student
STRONGLY recommended:	● When a parent's request to convene an IEP meeting is denied ● When a request (by anyone) for an evaluation/reevaluation is denied ● When a request for an IEE is denied (which usually also requires the filing of a due process complaint with ISBE) ● When a parent/student revokes consent for IDEA eligibility Prior to a student's anticipated graduation from high school with a regulation high school diploma [which is considered a change in placement pursuant to 23 Ill.Admin.Code 226.50(c)(3)(B)]
A PWN letter must contain:	● A description of the action proposed or refused by the SD ● An explanation of why the agency proposes or refuses to take the action ● A description of each evaluation procedure, assessment, records or report used as a basis for the proposed or refused action ● A statement that the parents have protections pursuant to their procedural safeguards and how a copy of their procedural safeguards may be obtained ● Sources for parents to contact for assistance in understanding their rights ● A description of other options that the IEP team considered and the reasons why those options were rejected A description of other factors that are relevant to the SD's proposal or refusal
A PWN letter must be:	● Written in a language understandable to the general public ● Written in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so ● If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication The SD must ensure that the parent understands the content of the notice and that there is written evidence that the parent understood the notice

Special Education Discipline Chart	
Suspension	● Interview student; provide opportunity for student to respond ● Notify parent verbally and in writing (must meet SB 100 requirements) ● Offer parent opportunity to request a hearing to appeal issuance of the suspension ● Ten (10) consecutive school days maximum for each infraction ● Related services / special education minutes need not be provided to student during days 1-10 ○ If over 10 days cumulative in school year or constitutes a change in placement: ■ Conduct MDR (manifestation determination) ■ Draft FBA/BIP (or review/revise existing FBA/BIP) Provide related and instructional services (full day)
Expulsion	● Suspend student for 10 school days (see above) ● Place student in 45-day IAES (if conduct meets requirements, see below) ● Conduct MDR ● Draft FBA/BIP ● IEP team determines placement during expulsion (typically a therapeutic day school) in the event board expels student from school (services are required – full time) ● Letter to parent scheduling expulsion hearing (must meet SB 100 requirements) ● Conduct expulsion hearing (before hearing officer or board) ● Board meeting to consider hearing officer's report/board action Letter to parent summarizing board action and expulsion period
45-Day IAES Placement	● Weapon on school grounds or at a school function: "A weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 ½ inches." ● Drug offense: Knowingly possessing or using an illegal drug or selling or soliciting the sale of a controlled substance while at school or a school function. "Illegal drug" is defined as a controlled substance, but it does not include a substance that is legally possessed or used under the supervision of a licensed healthcare professional. ● Serious bodily injury: Substantial risk or death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty. Danger to self or others: A hearing officer must determine that the district has demonstrated by substantial evidence (more than a preponderance of evidence, i.e., more than 51%) that maintaining the current placement of the student is substantially likely to result in injury to the student or others
Knowledge	● The parent has expressed concern in writing to supervisory personnel or a teacher that the child is in need of special education prior to the misconduct ● The parent has requested an evaluation prior to the misconduct ● The child's teacher, or other personnel has expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or other supervisory personnel (child find process) If a SD has knowledge, the light for expulsion turns red temporarily until the SD conducts an expedited case study evaluation to determine the student's eligibility under IDEA or Section 504. If not eligible, the expulsion light turns green and expulsion proceedings can continue. If eligible, MDR must be conducted, FBA/BIP drafted and IEP or Section 504 Plan developed. Expulsion is still a possibility, but IDEA services must be provided (typically in a therapeutic day school setting). A Section 504 student may generally be expelled from school without services for misconduct that is not related to his/her disabling condition.



Due Process Chart	
Hearing Request	School district must file "District Request for an Impartial Due Process Hearing Officer" form. If parent requests hearing, form must be sent to ISBE within 5 calendar days of parent's request
Written Response 10 Calendar Days	<u>If the school district files</u>, the parent must transmit a written response to the school district and the hearing officer that specifically addresses the issues raised in the due process request. <u>If the parent files</u>, the school district must transmit a copy of any "prior written notice" of its decision, including all supporting documentation to the parent and the hearing officer. If no "prior written notice" exists, the school district must submit a written response that includes: • An explanation of why the district proposed or refused to take the action raised in the due process request; • A description of other options the IEP team considered and the reasons why those options were rejected; A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and A description of the factors that are relevant to the school district's proposal or refusal
Notice of Dismissal 15 Calendar Days	<u>If the school district files</u>, the parent may seek dismissal of the due process request if the school district fails to provide the following information: • 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; and • The remedy being sought <u>If the parent files</u>, the school district may seek dismissal of the due process request if the parent failed to provide the following information: • The child's name, address, name of the school attended; • A description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem; • A proposed resolution to the problem, to the extent known; or Whether the parents will be represented by legal counsel
Resolution Session 15 Calendar Days	The parties are required to convene a resolution session to discuss resolution of the issues (or alternatively participate in mediation). The parties may agree to waive the resolution session in writing. The resolution session must include: • Parents • Student, at the request of the parent • 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 School district's attorney may not attend unless the parent brings an attorney. If agreement is reached, it must be committed to writing. Either party may void the agreement within 3 business days. Parties must contact the hearing officer within 3 business days with a status report.
Mediation 15 Calendar Days	Mediation may be convened as an alternative to the Resolution Session. Either party may bring an attorney. The mediation agreement may not be revoked or otherwise voided. Parties must contact the hearing officer within 3 business days with a status report.

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