



# FRANCZEK RADELET

Attorneys and Counselors

300 South Wacker Drive | Suite 3400 | Chicago, IL 60606  
Phone 312.986.0300 | Fax 312.986.9192 | franczek.com

DARCY L. KRIHA  
312.786.6569  
dlk@franczek.com

## SPECIAL EDUCATION TIMELINES

IEP Meetings				
Law <sup>1</sup>	Action	Timeline		
		School	Calendar	Business
226.220(b)	Respond to teacher or parent request to convene IEP meeting		10 days	
226.530	Advance notice to parent scheduling IEP meeting (may be waived by parent in writing)		10 days	
226.110(d)	Convene IEP meeting to determine eligibility after consent for evaluation is obtained	60 days		
226.110(j)	Convene IEP meeting to determine placement after determination of eligibility (must occur within 60-day timeframe)		30 days	
226.220(a)	Notice to parent of district's recommended action	Immediately after IEP mt		
226.110(f)	Provide copy of IEP summary to parent	Immediately after IEP mt		
226.220(a) 226.520	Waiting period before implementing IEP (sooner if waived by parent)		10 days	

Evaluations				
Law	Action	Timeline		
		School	Calendar	Business
226.110(c)	When referral for evaluation is made, make a decision and notify parents	14 days		
226.110(d)	Complete evaluation and convene IEP meeting	60 days		
226.110(f)	Provide written notice to parent concerning a student's eligibility after decision is made	10 days		
105 ILCS 5/14-8.02(b), 300.502	When parent requests IEE, district must agree or file for due process		5 days	
226.180(d)	Send notice convening IEP meeting to consider parent's IEE (after parents request a meeting to consider the results)		10 days	

<sup>1</sup> References to 226 refers to 23 Ill. Adm. Code §226 et seq.; 300 refers to 34 C.F.R. §300. et seq.



Revocation of Consent				
Law	Action	Timeline		
		School	Calendar	Business
300.300(b) 300.503(a) 226.520	Provide 'prior written notice' that conforms with 300.503 before ceasing special education and related services		10 days	

Student Records				
Law	Action	Timeline		
		School	Calendar	Business
105 ILCS 10/5(c)	Respond to parent/student request to inspect/copy records after receipt of request	15 days		
105 ILCS 10/8.1	Forward a transferring student's records to the receiving district, after notice has been given		10 days	
226.50(a)	Send notice convening IEP meeting if incoming transfer student's old IEP is not adopted		10 days	
226.50(a)	Request transfer student's records from old district (in the event old IEP is not received)			1 day

Student Discipline				
Law	Action	Timeline		
		School	Calendar	Business
300.530(a)	Suspend special education student without need for MDR or provision of services	10 days		
226.400 300.530	Convene MDR, draft or review/revise FBA/BIP after student is suspended over 10 school days	10 days		
300.530(g)	Maximum length of placement in an interim alternative educational setting (per offense)	45 days		
300.530(g)	Convene IEP meeting after making decision to place student in interim alternative setting			10 days

Due Process				
Law	Action	Timeline		
		School	Calendar	Business
226.615	Send letter requesting appointment of hearing officer after receipt of request for due process		5 days	
226.635	Request substitution of hearing officer		5 days	
300.508(e)	Non-requesting party response to due process (prior written notice from district)		10 days	
300.508(d)	Request for dismissal due to lack of sufficiency		15 days	
300.510	Convene resolution session or mediation		15 days	
300.510(e)	Revoke resolution session agreement			3 days
226.670	Request clarification of hearing officer's decision		5 days	



**Special Education Discipline Chart**

<p><b>Suspension</b></p>	<p>___ Interview student; provide opportunity for student to respond</p> <p>___ Notify parent verbally and in writing</p> <p>___ Offer parent opportunity to request a hearing to appeal issuance of the suspension</p> <p>___ Ten (10) consecutive school days maximum for each infraction</p> <p>___ Services need not be provided to student during days 1-10</p> <p style="padding-left: 20px;">→ <i>If over 10 days cumulative in school year:</i></p> <p>___ Conduct MDR (manifestation determination)</p> <p>___ Draft FBA/BIP (or review/revise existing FBA/BIP)</p> <p>___ Provide services</p>
<p><b>Expulsion</b></p>	<p>___ Suspend student for 10 school days (see above)</p> <p>___ Place student in 45-day IAES (if conduct meets requirements, see below)</p> <p>___ Conduct MDR</p> <p>___ Draft FBA/BIP (or review/revise existing FBA/BIP)</p> <p>___ IEP team determines placement during expulsion (therapeutic day school), in event board expels student from school (services are required)</p> <p>___ Letter to parent scheduling expulsion hearing</p> <p>___ Conduct expulsion hearing (before hearing officer or board)</p> <p>___ Board meeting to consider hearing officer's report/board action</p> <p>___ Letter to parent summarizing board action and expulsion period</p>
<p><b>45-School Day IAES Placement</b></p>	<p>___ <b>Weapon on school grounds or at a school function:</b> "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 pocket knife with a blade of less than 2½ inches."</p> <p>___ <b>Drug offense:</b> 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.</p> <p>___ <b>Serious bodily injury:</b> substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or faculty.</p> <p>___ <b>Dangerous student:</b> a hearing officer must determine that the district has demonstrated by substantial evidence (more than a preponderance of evidence, <i>i.e.</i>, more than 51%) that maintaining the current placement of the student is substantially likely to result in injury to the student or others.</p>
<p><b>Knowledge</b></p>	<p>___ 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; or</p> <p>___ The parent has requested an evaluation prior to the misconduct; or</p> <p>___ 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).</p>



### Due Process Chart

<b>Hearing Request</b>	School district must file “District Request for an Impartial Due Process Hearing Officer” form (19-86 revised 8/06). If parent requests hearing, form must be sent to ISBE within 5 calendar days of parent’s request
<b>Written Response</b> 10 calendar days	<p><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.</p> <p><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:</p> <ul style="list-style-type: none"> <li>• An explanation of why the district proposed or refused to take the action raised in the due process request;</li> <li>• A description of other options the IEP team considered and the reasons why those options were rejected;</li> <li>• A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and</li> <li>• A description of the factors that are relevant to the school district’s proposal or refusal.</li> </ul>
<b>Notice of Dismissal</b> 15 calendar days	<p><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:</p> <ul style="list-style-type: none"> <li>• The name, address, and telephone number of the student/parent, and of the person making the request on behalf of the school district;</li> <li>• The nature of the controversy to be resolved; and</li> <li>• The remedy being sought.</li> </ul> <p><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:</p> <ul style="list-style-type: none"> <li>• The child’s name, address, name of the school attended;</li> <li>• A description of the nature of the problem relating to the proposed ore refused initiation or change, including facts relating to the problem;</li> <li>• A proposed resolution of the problem, to the extent known; and</li> <li>• Whether the parents will be represented by legal counsel.</li> </ul>
<b>Resolution Session</b> 15 calendar days	<p>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:</p> <ul style="list-style-type: none"> <li>• Parents</li> <li>• Student, at the request of the parent</li> <li>• A school district representative with full decision-making authority, and</li> <li>• Members of the IEP team who have specific knowledge of the facts identified in the due process hearing request</li> </ul> <p>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</p>
<b>Mediation</b> 15 calendar days	<p>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</p>

