

SPECIAL EDUCATION TIMELINES IN CALIFORNIA

5

DAYS

PROVIDE NEW LEA WITH SPECIAL EDUCATION RECORDS

Within 5 business days after request from new LEA for records.

EC 56043(o)

PROVIDE ACCESS TO COPIES OF STUDENT RECORDS

Within 5 business days of oral or written request from parent(s).

EC 56043(n) & EC 56504

10

DAYS

CONDUCT A MANIFESTATION DETERMINATION REVIEW

Within 10 schooldays after the decision is made for disciplinary change of placement.

34 C.F.R. 300.530(e)

SEND PARENTS IEP MEETING NOTICE

"Early enough to ensure an opportunity to attend" the IEP meeting.

10 days is generally considered reasonable and best practice.

EC 56043(e) & EC 56341.5(b)

15

DAYS

NEED PARENT CONSENT TO A PROPOSED ASSESSMENT PLAN

At least 15 calendar days after receipt of the proposed assessment plan.

EC 56043(b) & EC 56321(c)(4)

PROVIDE AN ASSESSMENT PLAN FOR BOTH AN INITIAL AND FOR RE-ASSESSMENT

Within 15 days of referral.

Tolled for school breaks in excess of 5 school days. If referral rec'd 10 days or fewer before end of school year, then due within 1st 10 days of following school year.

EC 56043(a) & EC 56321(a)

30

DAYS

IEP TEAM MEETING TO REVIEW INITIAL ASSESSMENTS

30 days to develop the IEP after determination that student needs special education.

EC 56043(f)(2) & EC 56344(a)

INTERIM PLACEMENT OR "30-DAY REVIEW"

Within 30 days of a student transfer from a different SELPA, team must meet to decide whether to adopt prior IEP or develop new IEP.

EC 56325(a)(1) (timeline applies only to transfers within CA, but not within SELPA)

CONVENE PARENT REQUESTED IEP TEAM MEETING

Within 30 calendar days of written request from parent.

Tolled for school breaks >5 schooldays.

EC 56043(l) & EC 56343.5

RESPOND TO IEE REQUEST

30 days is generally considered reasonable and best practice.

34 C.F.R. 300.502(b)

NOTICE OF STUDENT'S GRADUATION FROM HIGH SCHOOL WITH DIPLOMA

30 days is generally considered reasonable and best practice.

EC 56500.5

60

DAYS

CONVENE IEP TEAM MEETING TO REVIEW INITIAL ASSESSMENTS

60 calendar days after receipt of signed assessment plan.

EC 56043(c) & EC 56302.1

IEP TEAM MEETING TO REVIEW RE-ASSESSMENT (INCLUDING TRIENNIAL ASSESSMENTS)

60 calendar days after receipt of parent consent to assessment plan.

Tolled for school breaks in excess of 5 schooldays. If referral received 30 days or fewer before end of school year, then due within first 30 days of next school year.

EC 56043(f)(1); EC 56343(a); & EC 56344(a)

"WITHIN A REASONABLE AMOUNT OF TIME," ETC.

INDIVIDUAL TRANSITION PLAN (ITP) IN IEP

Must be in IEP when student turns 16.

EC 56043(g)(1),(h); EC 56341.5(e); & EC 56345(a)(8)

INFORM STUDENT OF TRANSFER OF RIGHTS AT AGE 18

Must be in IEP when student turns 17.

EC 56041.5; EC 56043(g)(3); & EC 56345(g)

IEP MEETING TO REVIEW STUDENT'S LACK OF ANTICIPATED PROGRESS

No statutory timeline.

EC 56343(b)

OBTAIN TRANSFER RECORDS

No statutory timeline.

EC 56325(b)

IMPLEMENT THE IEP

"As soon as possible" after receipt of parent consent to the IEP.

EC 56043(i) & EC 56344(b)

INTER-DISTRICT TRANSFER WITHIN SELPA

Implement IEP "without delay."

EC 56325(a)(2)

aa/r/r

Atkinson, Andelson
Loya, Ruud & Romo

A Professional Law Corporation

DUE PROCESS HEARING RELATED TIMELINES

2	5	10	15	45	90
YEARS	DAYS	DAYS	DAYS	DAYS	DAYS

STATUTE OF LIMITATIONS

A request for DPH must be filed with 2 years from the date the party knew or had reason to know of the facts underlying the basis for the request.

EC 56505 (l)

RIGHT TO BE INFORMED OF DOCUMENTS AND WITNESSES:

At least 5 business days prior to the hearing, each side has a right to a copy of all documents and witnesses the parties intend to present at hearing. Evidence not disclosed at least 5 business days before the hearing may be barred.

EC 56505(e)(7)

RESPONSE TO COMPLAINT

Within 10 days of receiving the complaint, must send a response and PWN that specifically addresses the issues raised in the complaint, unless PWN has been sent as to those issues.

EC 56502(d)(2)(B); EC 56502(e); & 34 C.F.R. 300.503

NOTICE OF REPRESENTATION

At least 10 days prior to hearing, parties must provide notice of intent to be represented by counsel at the hearing.

EC 56507(a)

NOTICE OF ISSUES

Right to be informed by the other parties to the hearing of the issues to be decided and proposed resolution at least 10 days prior to the hearing.

EC 56505(e)(6)

RESOLUTION SESSION

Shall convene resolution session with 15 days of receiving notice of parent's DPH request, unless both parties agree in writing to waive it, or agree to use the mediation process.

EC 56501.5(a) & (b)

NOTICE OF INSUFFICIENCY OF DUE PROCESS COMPLAINT

Must be provided to hearing officer within 15 days of receiving the complaint.

EC 56502(d)(1)

HEARING TIMELINE

45 days after the expiration of the 30 day resolution period, a hearing decision shall be mailed to all parties.

EC 56505(f)(3); EC 56501.5(c) & (d)

APPEAL TIMELINE

Either party who disagrees with the Administrative Law Judge's decision may file a civil action to appeal the decision within 90 days of receiving it.

EC 56505(k)

EXPEDITED HEARINGS

7	10	20
DAYS	DAYS	DAYS

EXPEDITED RESOLUTION SESSION

Must occur within 7 days of receiving notice of an expedited due process hearing request.

34 C.F.R. 300.532(c)(3)(i)

EXPEDITED HEARING DECISION

Due within 10 school days after the expedited due process hearing is completed.

34 C.F.R. 300.532(c)(2)

EXPEDITED DUE PROCESS HEARING TIMELINE

Expedited DPH must occur within 20 school days of the date the complaint requesting the hearing was filed.

34 C.F.R. 300.532(c)(2)