



from Equip for Equality's Legal Advocacy Program

EFE FACT SHEET – Special Education

Discipline, Manifestation Determination and Expedited Due Process Hearing Timeline

Immediately following any removal or suspension.	The student's parent must be immediately notified of the reasons for the removal or suspension.
After a removal of 10 or more days or other change of placement	If behavior is manifestation of the student's disability (see MDR below), the school must conduct a functional behavior analysis (FBA) and develop a behavior intervention plan (BIP). If the behavior is not a manifestation of the child's disability, the IEP team should consider "as appropriate" a FBA and BIP
Change of placement to an interim alternative educational setting (IAES)	A student can be placed in an IAES for at most 45 school days. No later than 10 school days after the student is placed in the IAES, an IEP meeting is held to review or develop a BIP or FBA.
Manifestation determination review (MDR)	If a change in placement occurs an MDR must take place no more than 10 school days after the disciplinary action.
Appeal of manifestation determination review (MDR)	If a parent disagrees with MDR, the parent may request a due process hearing. A hearing will should take place within 20 school days of the request.
1 day after the parent requests a due process hearing	The school district will forward the request to ISBE within 1 business day.
Within 5 days after the parent requests a due process hearing	The Hearing Officer contacts the parent and the school district to arrange the Due Process Hearing.
Within 7 days after the district receives the hearing request	A resolution session is held, unless waived.
2 days before the due process hearing	The parties must provide all witness and document lists and all evidence including all documents at least two days before the hearing.
Due process hearing	The Due Process Hearing should take place within 20 school days of the parent's request and last no more than 2 days, unless good cause is shown.
after the end of the due process hearing	The Hearing Officer makes a decision within 10 school days after the end of the Due Process Hearing.



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):

800.537.2532 (voice) or 800.610.2779 (TTY)

Contactus@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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