



## SPECIAL EDUCATION RIGHTS: ILLINOIS EDITION



# Special Education Timelines

This fact sheet answers questions on timelines for:

- Evaluations and Reevaluations
- IEPs
- Stay Put
- Due Process
- And More

## Initial Evaluation

<b>Event</b>	<b>Timeframe</b>	<b>Explanation</b>	<b>Statute</b>
Respond to a Request for an Evaluation and Get Parent Consent	Within 14 school days	After you ask (in writing), the school can say no to the request in writing, explaining why the evaluation isn't needed, or it can verbally say yes and get your signature (within the 14 school days) to move forward.	23 ILAC 226.110
Complete Evaluation and Hold IEP (Individualized Education Program) Meeting	Within 60 school days after getting your consent	Once you say yes to testing, the school has 60 school days to test your child and have a meeting to discuss if your child is eligible for special education.  If you ask for an evaluation with less than 60 days left in the school year, the team still must agree or say no to the evaluation (in writing) within 14 school days. If the team agrees testing is needed, the tests and meeting will be held over the summer.	23 ILAC 226.110
Provide Written Notice of Eligibility	Within 10 school days after the eligibility meeting	After your meeting to determine eligibility, the school has 10 school days to send you a letter saying if your child will get special education services or not.	23 ILAC 226.110
Finalize IEP	Within 30 calendar days of being found eligible for an IEP	Once your child is found to be in need of special education, the school has 30 calendar days to finalize the IEP based on the evaluations.	23 ILAC 226.110



## IEP Meetings, Reevaluations, and Discipline

Event	Timeframe	Explanation	Statute
Respond to an IEP Meeting Request	Within 10 calendar days from the date of asking	The school has 10 calendar days to respond to a request for an IEP meeting made by you or a teacher. The school does not need to agree to the meeting, but they do need to say why they are refusing to meet.	23 ILAC 226.220
Reevaluation	At least every 3 years, but not more than 1 time per year	Your child with an IEP must be retested in all areas of her disability at least every three years. However, she can be tested more frequently if there is reason to believe her needs have changed.	34 CFR 300.303
Freeze Your Child's Placement, Eligibility, or Services (Stay-Put)	Within 10 calendar days after a change	You have 10 calendar days to challenge, <b>in writing</b> , a change in your child's IEP. Invoking stay-put allows your child's old IEP to stay in place until the problem can be fixed. This must be done with a Mediation request or Due Process complaint.	105 ILCS 5/14-8.02a(j)
Have a Manifestation Determination Review (MDR) After Your Child Is Referred for Expulsion or Suspended for 10 Days in a Row or for 10 Total Days for Similar Types of Problems During the School Year	Within 10 school days after the last incident	If your child is referred for expulsion or suspended for more than 10 days in a row or for 10 total days for similar behavior in one school year, the school must hold an IEP meeting to see if the behaviors were caused by her disability. If the team thinks the event was not caused by your child's disability, the school can expel your child, but your child is still entitled to all services in her IEP. If it was caused by her disability, your child must return to school.	23 ILAC 226.400

## Conflict Resolution

<b>Event</b>	<b>Timeframe</b>	<b>Explanation</b>	<b>Statute</b>
Provide Records Upon Request	Within 10 business days after being asked	The school has 10 business days to provide you with educational records. The school may extend this deadline by 5 business days.	105 ILCS 10/5(c)
Ask for a Due Process Hearing	Within 2 calendar years	You must file for due process within 2 calendar years from when you knew or should have known the school violated your child's special education rights.	20 USC 1415(f)(3)(C)
Submit Request for Hearing Officer to ISBE	Within 5 calendar days after being asked	The school has 5 calendar days after receiving your request for due process to forward the request to the Illinois State Board of Education to appoint a hearing officer.	23 ILAC 226.615
Respond to Due Process Hearing Request	Within 10 calendar days of being asked	The school has 10 calendar days to respond to your request for a due process hearing.	34 CFR 300.508

Equip for Equality has more fact sheets about each of the topics in these charts. Please look at those specific fact sheets for more information about your child's rights.



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## Have More Questions?

Call our Special Education Rights Parent Helpline.

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