

TIMELINES IN SPECIAL EDUCATION IN TENNESSEE

Evaluations and IEP Development		
<i>Action</i>	<i>Timeline</i>	<i>Reference</i>
When must an LEA send a parent prior written notice ?	An LEA must send a parent prior written notice at least 10 school days before the LEA proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE.	SBE Rule 0520-01-09-.15(4)
How long does an LEA have to conduct an initial evaluation to determine whether a student is eligible for special education and related services?	An LEA must conduct an initial evaluation within 60 calendar days of receiving parental consent for the evaluation.	34 C.F.R. § 300.301(c)(1)(i)
When must an LEA conduct a reevaluation to determine whether a student remains eligible for special education and related services?	An LEA must conduct a reevaluation at least once every 3 years , unless the parent and the LEA agree that a reevaluation is unnecessary. An LEA may conduct a reevaluation no more than once a year , unless the parent and the LEA agree otherwise.	34 C.F.R. § 300.303(b)
When must an LEA hold an initial meeting to develop an IEP ?	An LEA must hold an initial meeting to develop an IEP within 30 calendar days of determining that the student needs special education and related services.	34 C.F.R. § 300.323(c)(1)
How soon after an IEP meeting is requested must an LEA convene an IEP meeting ?	An LEA must convene an IEP meeting within 10 school days of receiving a written request for an IEP meeting from any member of the IEP team.	SBE Rule 0520-01-09-.12(4)
How much notice must an LEA provide to a student's parent prior to holding the IEP meeting ?	An LEA must notify the student's parent at least 10 calendar days before an IEP meeting to ensure that the parent has an opportunity to attend. The student's parent may waive the 10-day notice period.	SBE Rule 0520-01-09-.15(1)
When must an LEA provide a copy of a draft IEP to a parent ?	If an LEA creates a draft IEP prior to an IEP meeting, an LEA must provide a copy of the draft IEP to a parent at least 48 hours prior to the scheduled meeting time.	SBE Rule 0520-01-09-.15(2)

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<p>How often must an LEA conduct a review of a student's IEP?</p>	<p>An LEA must review the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved.</p>	<p>34 C.F.R. § 300.324(b)(1)(i)</p>
<p>If no agreement is reached at the IEP meeting, when does a proposed IEP go into effect?</p>	<p>The proposed IEP goes into effect once 14 calendar days have passed since the IEP meeting to afford the student's parent the opportunity to request a due process hearing. (Note: If a due process complaint is filed within 14 calendar days, stay-put is invoked and the proposed IEP does not go into effect.)</p>	<p>SBE Rule 0520-01-09-.12(3)</p>
<p>Disciplinary Actions</p>		
<p>When does a change in educational placement occur because of disciplinary removals?</p>	<p>A change in educational placement because of disciplinary removals occurs when either:</p> <ol style="list-style-type: none"> 1. The LEA removes the student from his or her current educational placement for more than 10 consecutive school days; or 2. The LEA subjects the student to a series of removals that constitute a pattern because (a) the series of removals total more than 10 school days in a school year and (b) the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals. 	<p>34 C.F.R. § 300.536(a)</p>
<p>When must an LEA conduct a manifestation determination review?</p>	<p>An LEA must conduct a manifestation determination review within 10 school days of any decision to change the student's placement because of a code of conduct violation.</p>	<p>34 C.F.R. § 300.530(e)</p>

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<p>How much notice must an LEA provide to a student's parent prior to holding a manifestation determination review?</p>	<p>An LEA must notify the student's parent at least 24 hours prior to a manifestation determination review.</p>	<p>SBE Rule 0520-01-09-.15(3)</p>
<p>What is the maximum amount of time that an LEA can place a student with a disability in an interim alternative educational setting?</p>	<p>An LEA may place a student with a disability in an interim alternative educational setting for not more than 45 school days, regardless of whether the behavior is determined to be a manifestation of the student's disability, if the student:</p> <ol style="list-style-type: none"> 1. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function; or 2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or to or at a school function; or 3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. 	<p>34 C.F.R. § 300.530(g)</p>
<p>Restraints and Isolations</p>		
<p>When must an LEA report the use of a restraint or isolation to the student's parent?</p>	<p>An LEA must notify the student's parent the same day that a restraint or isolation is used.</p>	<p>SBE Rule 0520-01-09-.23(5)</p>
<p>When must an LEA convene an IEP meeting following a use of restraint?</p>	<p>An LEA must convene an IEP meeting within 10 calendar days of the use of a restraint if:</p> <ol style="list-style-type: none"> 1. The student's IEP does not provide for the use of restraint; or 2. The student's IEP does not provide for the use of restraint for the behavior precipitating such action; or 	<p>SBE Rule 0520-01-09-.23(7)</p>

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	<ol style="list-style-type: none"> 3. School personnel are required to use a physical holding restraint that either (a) lasts longer than 5 minutes or (b) lasts longer than the time provided in the student’s IEP. 	
When must an LEA convene an IEP meeting following a use of isolation ?	<p>An LEA must convene an IEP meeting within 10 calendar days of the use of an isolation if:</p> <ol style="list-style-type: none"> 1. The student’s IEP does not provide for the use of isolation; or 2. The student’s IEP does not provide for the use of isolation for the behavior precipitating such action; or 3. School personnel are required to use isolation that either (a) lasts longer than 1 minute per year of the student’s age or (b) lasts longer than the time provided in the student’s IEP. 	SBE Rule 0520-01-09-.23(8)
How long does an LEA have to report the use of a restraint or isolation on a student receiving special education and related services to TDOE ?	An LEA must report each individual incident of a restraint or isolation involving a student receiving special education and related services to TDOE within 5 calendar days of the incident.	SBE Rule 0520-01-09-.23(10)(b)
Dispute Resolution Processes		
How long does an individual have to file an administrative complaint ?	An administrative complaint must be filed within 1 calendar year of the alleged violation of federal or state special educations laws or rules.	34 C.F.R. § 300.153(c)
How long does an LEA have to respond to the allegations in an administrative complaint ?	An LEA must respond to the allegations in an administrative complaint within 15 calendar days receiving notice of the administrative complaint.	Tenn. Code Ann. § 49-10-604(2)
How long does TDOE have to make a determination about the allegations in an administrative complaint ?	TDOE must make a determination about the allegations in an administrative complaint within 60 calendar days after the complaint has been filed.	34 C.F.R. § 300.152(a)

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<p>How long does an individual have to file a due process complaint?</p>	<p>A due process complaint must be filed within 2 calendar years of the date that the complainant knew or should have known of the alleged violation.</p>	<p>34 C.F.R. § 300.511(e)</p>
<p>How long does an LEA have to convene a resolution meeting once a due process complaint has been filed?</p>	<p>An LEA must convene a resolution meeting with the parent and the relevant members of the student’s IEP team within 15 calendar days of receiving notice of the due process complaint.</p>	<p>34 C.F.R. § 300.510(a)(1)</p>
<p>How long does an administrative law judge have to make a written determination about the allegations in a due process complaint?</p>	<p>An administrative law judge must make a determination about the allegations in a due process complaint within 45 calendar days of one of the following events occurring:</p> <ol style="list-style-type: none"> 1. The parent and the LEA <u>agree in writing to waive the resolution meeting</u>. Day 1 of the 45-day timeline starts the day after the date of the written agreement; or 2. The parent and the LEA attend a resolution meeting or mediation but <u>agree in writing that no agreement is possible at any point prior to 30 calendar days passing</u> since the LEA received notice of the due process complaint. Day 1 of the 45-day timeline starts the day after the date of the written agreement; or 3. <u>30 calendar days pass since the LEA received notice of the due process complaint</u>. Day 1 of the 45-day timeline starts the on the 31st day after the LEA received notice of the due process complaint. <p>The parties may agree to extend the 45-day timeline or the administrative law judge may enter an order extending the 45-day timeline upon motion by a party.</p>	<p>34 C.F.R. § 300.510(c)</p>

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<p>How long does an LEA have to convene a resolution meeting once an expedited due process complaint has been filed?</p>	<p>An LEA must convene a resolution meeting with the parent and the relevant members of the student’s IEP team within 7 calendar days of receiving notice of the expedited due process complaint.</p>	<p>34 C.F.R. § 300.532(c)(3)(i)</p>
<p>When must an expedited due process hearing be held?</p>	<p>An expedited due process hearing must be held within 20 school days of one of the following events occurring:</p> <ol style="list-style-type: none"> 1. The parent and the LEA <u>agree in writing to waive the resolution meeting</u>. Day 1 of the 20-day timeline starts the day after the date of the written agreement; or 2. The parent and the LEA attend a resolution meeting or mediation but <u>agree in writing that no agreement is possible at any point prior to 15 calendar days passing</u> since the LEA received notice of the expedited due process complaint. Day 1 of the 20-day timeline starts the day after the date of the written agreement; or 3. 15 calendar days pass since the LEA received notice of the expedited due process complaint. Day 1 of the 20-day timeline starts on the 21st day after the LEA received notice of the expedited due process complaint. 	<p>34 C.F.R. § 300.532(c)(3)(ii)</p>
<p>When must a mediation session be scheduled?</p>	<p>A mediation session must be scheduled “in a timely manner.”</p>	<p>34 C.F.R. § 300.506(b)(5)</p>
<p>Miscellaneous</p>		
<p>If a student’s parent requests access to inspect and review the student’s</p>	<p>Under FERPA, an LEA must provide the student’s parent access to the student’s educational records</p>	<p>34 C.F.R. § 99.10(b)</p>

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<p>educational record, when must an LEA provide such access?</p>	<p>“within a reasonable period of time,” but no later than 45 days after the request is made.</p> <p>Under IDEA, an LEA must provide the student’s parent access to the student’s educational records “without unnecessary delay,” but no later than 45 days after the request is made. The LEA must also provide access before any IEP meeting, before any resolution meeting, or before any due process hearing if a request is made.</p>	<p>34 C.F.R. § 300.613(a)</p>
<p>If a student’s parent requests to amend the student’s educational record, when must the LEA decide whether to amend the record?</p>	<p>Under both FERPA and IDEA, an LEA must decide whether to amend the record within “a reasonable period of time.”</p>	<p>34 C.F.R. § 99.20(b) 34 C.F.R. § 300.618(b)</p>
<p>How often must an LEA review a student’s educational homebound placement?</p>	<p>An LEA must convene an IEP meeting to discuss a student’s educational homebound placement at least every 30 school days to ensure appropriateness of the provision of instruction and appropriateness of continuing the homebound placement.</p>	<p>SBE Rule 0520-01-09-.07(2)(c)</p>
<p>How often must an LEA review a student’s medical homebound placement?</p>	<p>An LEA must review a student’s medical homebound placement on a case-by-case basis.</p>	<p>SBE Rule 0520-01-02-.10(2)</p>
<p>When may an LEA appoint a surrogate parent to represent the student in all matters relating to the identification, assessment, educational placement, and the provision of a FAPE?</p>	<p>An LEA must appoint a surrogate parent to represent the student if the LEA is unable to locate a parent by calls, visits, and by sending a certified letter to the last known address of the parent and allowing thirty calendar days for a response.</p>	<p>SBE Rule 0520-01-09-.20(2)</p>