

Timelines in Special Education in Tennessee

Evaluations and Individualized Education Program (IEP) Development

Action	Timeline	Reference
When must a local education agency (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 a free appropriate public education (FAPE).	SBE Rule 0520-01-09-.15(4)
How long does an LEA have to determine whether a student is eligible for special education and related services?	An LEA must complete the initial evaluation and the eligibility determination within 60 calendar days of receiving parental consent for the initial evaluation.	SBE Rule 0520-01-09-.05(1)(f)
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 three 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)
How long does an LEA have to complete a reevaluation ?	An LEA must complete the reevaluation within a reasonable amount of time , based on the circumstances, so that the LEA can promptly revise the student's IEP to address the student's changed needs.	See U.S. Dep't of Educ., <i>Letter to Saperstone</i> (July 28, 1994)
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 or on a mutually agreed upon date and time.	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, unless the	SBE Rule 0520-01-09-.15(1)

Action	Timeline	Reference
	student's parent and the LEA mutually agree to meet prior to ten days pursuant to SBE Rule 0520-01-09-.12.	
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)
How often must an LEA conduct a review of a student's IEP?	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.	34 C.F.R. § 300.324(b)(1)(i)
If the student's parent disagrees with a proposed IEP, does the proposed IEP go into effect? If so, when?	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. If a due process complaint is filed within 14 calendar days, the child involved in the complaint must remain in his or her current educational placement and the proposed IEP does not go into effect.	SBE Rule 0520-01-09-.12(3) 34 C.F.R. § 300.518

Disciplinary Actions

Action	Timeline	Reference
When does a change in educational placement occur because of disciplinary removals?	A change in educational placement because of disciplinary removals occurs when either: <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. 	34 C.F.R. § 300.536(a)

Action	Timeline	Reference
When must an LEA conduct a manifestation determination review ?	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.	34 C.F.R. § 300.530(e)
How much notice must an LEA provide to a student's parent prior to holding a manifestation determination review ?	An LEA must notify the student's parent at least 24 hours prior to a manifestation determination review.	SBE Rule 0520-01-09-.15(3)
What is the maximum amount of time that an LEA can place a student with a disability in an interim alternative educational setting ?	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: <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. 	34 C.F.R. § 300.530(g)

Restraints and Isolations

Action	Timeline	Reference
When must an LEA report the use of a physical holding restraint or isolation to the student's parent ?	An LEA must notify the student's parent the same day that a physical holding restraint or isolation is used.	SBE Rule 0520-01-09-.23(5)
When must an LEA observe and evaluate the student's condition after the use of a physical holding restraint or isolation?	The principal or the principal's designee must observe and evaluate the student's condition within a	SBE Rule 0520-01-09-.23(5)

Action	Timeline	Reference
	<p>reasonable time after the restraint or isolation was used.</p>	
<p>When must an LEA convene an IEP meeting following a use of physical holding restraint?</p>	<p>An LEA must convene an IEP meeting within 10 calendar days of the use of a physical holding 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 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. 	<p>SBE Rule 0520-01-09-.23(7)</p>
<p>When must an LEA convene an IEP meeting following a use of isolation?</p>	<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. 	<p>SBE Rule 0520-01-09-.23(8)</p>
<p>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?</p>	<p>An LEA must report each individual incident of a restraint or isolation involving a student receiving special education and related services to TDOE within five calendar days of the incident.</p>	<p>SBE Rule 0520-01-09-.23(10)(b)</p>

Dispute Resolution Processes

Action	Timeline	Reference
How long does an individual have to file an administrative complaint ?	An administrative complaint must be filed within one 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 of receiving notice of the administrative complaint, unless an extension is granted.	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)
How long does an individual have to file a due process complaint ?	A due process complaint must be filed within two calendar years of the date that the complainant knew or should have known of the alleged violation.	34 C.F.R. § 300.511(e)
How long does an LEA have to convene a resolution meeting once a due process complaint has been filed?	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.	34 C.F.R. § 300.510(a)(1)
How long does an LEA have to convene a resolution meeting if an amended due process complaint is filed?	If either party files an amended due process complaint, the LEA must convene a resolution meeting with the parent and the relevant members of the student's IEP team within 15 calendar days of filing or receiving notice of the amended due process complaint.	34 C.F.R. § 300.508(d)(4)
How long does an administrative law judge have to make a written determination about the allegations in a due process complaint ?	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: <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 	34 C.F.R. § 300.510(b)-(c)

Action	Timeline	Reference
	<p>timeline starts the day after the date of the written agreement; or</p> <ol style="list-style-type: none"> 2. The parents 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 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>	
When must a mediation session be scheduled?	A mediation session must be scheduled “in a timely manner.”	34 C.F.R. § 300.506(b)(5)
What is an expedited due process hearing and when can a parent or LEA request an expedited due process hearing?	An expedited due process hearing requires accelerated timelines that facilitate faster resolution of IDEA disputes in certain circumstances as determined by the administrative law judge.	34 C.F.R. § 300.532(a)
How long does an LEA have to convene a resolution meeting once an expedited due process complaint has been filed?	An LEA must convene a resolution meeting with the parents and the relevant members of the student’s IEP team within seven calendar days of receiving notice of the expedited due process complaint.	34 C.F.R. § 300.532(c)(3)(i)
What timelines apply to an expedited due process hearing ?	An expedited due process hearing must be held within 20 school days of one of the following events occurring:	34 C.F.R. § 300.532(c)(3)(ii)

Action	Timeline	Reference
	<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 have passed 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. 	

Miscellaneous

Action	Timeline	Reference
<p>If a student's parent requests access to inspect and review the student's educational record, when must an LEA provide such access?</p>	<p>Under the Family Educational Rights and Privacy Act (FERPA), an LEA must provide the student's parent access to the student's educational records "within a reasonable period of time," but no later than 45 calendar 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 calendar days after the request is made. The LEA must also provide access before any IEP meeting, before any resolution</p>	<p>34 C.F.R. § 99.10(b)</p> <p>34 C.F.R. § 300.613(a)</p>

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	meeting, or before any due process hearing if a request is made.	
If a student's parent requests to amend the student's educational record , when must the LEA decide whether to amend the record?	Under both FERPA and IDEA, an LEA must decide whether to amend the record within "a reasonable period of time."	34 C.F.R. § 99.20(b) 34 C.F.R. § 300.618(b)
How often must an LEA review a student's educational homebound placement ?	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.	SBE Rule 0520-01-09-.07(2)(c)
How often must an LEA review a student's medical homebound placement ?	An LEA must review a student's medical homebound placement on a case-by-case basis .	SBE Rule 0520-01-02-.10(2)(b)
When may an LEA appoint a surrogate parent to represent a student in all matters relating to the identification, assessment, educational placement, and the provision of a FAPE, if a parent or legal guardian cannot be identified?	An LEA may appoint a surrogate parent if the LEA is unable to locate the student's biological parent or legal guardian. The student's biological parent or legal guardian is considered "unable to be located" if the LEA attempts to call, visit, and send a certified letter to the last known address of the parent or guardian, but the parent or guardian does not respond within 30 calendar days .	SBE Rule 0520-01-09-.20(2)