

Important Legal Timelines in Special Education

Action	Timeline and Legal Authority
Referral for initial evaluation after receipt of parental consent	60 calendar days of receiving parental consent 34 C.F.R. 300.301(c)(1)(i)
Initial placement meeting for special education services	30 calendar days from eligibility determination 34 C.F.R. 300.323(c)(1)
Individualized Education Program (IEP) review	At least annually 34 C.F.R. 300.324(b)(i)
Written request for an IEP team meeting from IEP team member (including parent)	Within 10 school days of written request State Board of Education Rule 0520-01-09-.14
LEA schedules an IEP team meeting with parent	At least 10 calendar days before the IEP meeting State Board of Education Rule 0520-01-09-.15
Parent request to inspect and review requests	Without unnecessary delay and before any meeting regarding an IEP, and in no case more than 45 calendar days after the request 34 C.F.R. 300.613(a)
Parent request to amend records	Within a reasonable period 34 C.F.R 300.618(b) Decision to amend or not within 10 school days of receipt of the request State Board of Education Rule 0520-01-09-.22
Re-evaluation	Must occur at least once every three years 34 C.F.R 300.303(b)(2)
Disagreement on IEP team decision to change program	No change allowed for 14 calendar days to afford parent the opportunity to file due process State Board of Education Rule 0520-01-09-.13
Draft IEP	Requires parents receive a copy of a draft IEP at least 48 hours before a scheduled IEP meeting, if the school or district creates such a draft (unless parent declines draft) State Board of Education Rule 0520-01-09-.15
LEA response to administrative complaint allegations	The LEA must provide a response to the department no later than 15 calendar days from the date of notification, unless an extension is granted by the department T.C.A. § 49-10-604
Manifestation determination review meeting	Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct; may be conducted on at least 24 hour notice to the parents 34 C.F.R 300.618(e) State Board of Education Rule 0520-01-09-.15

Disciplinary removal without special education and related services	Up to 10 school days per academic year 34 C.F.R. 300.530(b)
Prior written notice	At least 10 school days prior to a LEA either proposing or refusing to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child State Board of Education Rule 0520-01-09-.16
Appointment of surrogate parent	Allow 30 calendar days for a response from parent before appointment State Board of Education Rule 0520-01-09-.20
Homebound placement for behavioral and/or disciplinary reasons	On an emergency basis only and a period time not to exceed 30 school days to determine how to best address the child's needs State Board of Education Rule 0520-01-09-.07
Homebound placement for medical necessity	Reviewed at intervals of 30 school days State Board of Education Rule 0520-01-09-.07
Use of isolation or restraint	IEP team must convene within 10 calendar days following the use of isolation or restraint if the student's IEP does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time as determined by department rules meeting may be conducted on at least 24 hours' notice to the parents T.C.A. § 49-10-1304(d)(2) State Board of Education Rule 0520-01-09-.23
Administrative complaint	Investigated and resolved within 60 calendar days unless existence of exceptional circumstances 34 C.F.R. 300.152
Mediation	LEA must schedule in a "timely" manner 34 C.F.R. 300.506(b)(5)
Due process hearing sufficiency determination	Hearing officer must decide within five calendar days of receiving the request 34 C.F.R. 300.510(d)(2)
Due process resolution session	Hearing officer must decide within 15 calendar days of receiving request 34 C.F.R. 300.510(a)
Due process hearing decision	Hearing officer must decide no later than 45 calendar days after the resolution process 34 C.F.R. 300.515(a)