

Special Education Timelines



pennsylvania
DEPARTMENT OF EDUCATION

Bureau of Special Education
Pennsylvania Training and Technical Assistance Network

According to Pennsylvania law,

Chapter 14 Special Education Services and Programs and Federal Regulations Part 300, Individuals with Disabilities Education Act (IDEA), special education services must be delivered according to mandatory timelines. Chapter 14 regulations are adopted by the State Board of Education. These provisions are in addition to the federal regulations adopted for the delivery of special education to students in the Commonwealth of Pennsylvania.

Key Terms

Reasonable amount of time is generally considered to be 10 calendar days; however, there may be individual circumstances that would require additional days to respond to the parents' request for an evaluation (e.g., when a student has recently enrolled in the district).

School term is the period of time elapsing between the opening of the public schools in the fall of one year and the closing of the public schools in the spring of the following year. (Pennsylvania Public School Code. Section 102: Definitions. [Online]. Available: www.legis.state.pa.us/WU01/LI/LI/US/HTM/1949/0/0014..HTM) Note: The time starts when the entire staff is present, not the first instructional day for students.

Evaluation

| Law | Action | Timeline | |
|---|--|-------------|---|
| | | School Days | Calendar Days |
| 14.123(c) | When a parent orally requests an evaluation, the local educational agency (LEA) must provide a copy of the <i>Permission to Evaluate-Evaluation Request</i> form to the parent. | | 10 |
| 300.503(a) 300.300(a) | When a parent presents a written request for an evaluation, if the LEA agrees to evaluate as requested, the LEA must provide the <i>Permission to Evaluate-Consent</i> form and <i>Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)</i> form to the parent. | | Within a reasonable amount of time, generally considered to be 10 |
| 14.123(b) 300.300.309(b) 300.300.309(c) | After the LEA receives written parental consent, the initial evaluation must be completed and a copy of the <i>Evaluation Report</i> presented to the parent. | | 60* |
| 14.123(d) | The parent must receive a copy of the <i>Evaluation Report</i> prior to the Individualized Education Program (IEP) meeting (unless a waiver is signed). | At least 10 | |

There are several exceptions to the 60 calendar day timeline requirement. This timeline does not apply if:

- The parent repeatedly fails or refuses to produce the child for evaluation.
- A child enrolls in a school of another public agency after the evaluation has begun, but prior to a determination of the child's eligibility by the previous public agency. This exception applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.
- A request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures. In this case, the evaluation must be conducted in an expedited manner.
- When evaluating a child for specific learning disability **only**, the child's parents and a group of qualified professionals can mutually agree in writing to an extended time frame if, prior to a referral, the child has not made adequate progress after an appropriate period of time when provided appropriate instruction in reading or math, and whenever referred for an evaluation.

Note: The calendar days from the day after the last day of the spring school term, up to and including the day before the first day of the fall school term, will not be counted.

Independent Educational Evaluation (IEE)

| Law | Action | Timeline | |
|------------|--|-------------|---------------|
| | | School Days | Calendar Days |
| 300.502(b) | If a parent requests an Independent Educational Evaluation (IEE), the local educational agency (LEA) must either ensure an IEE is provided at public expense, or file a due process complaint. | | ** |

** Without unnecessary delay

Reevaluation

| Law | Action | Timeline | |
|--------------------------|--|-------------|------------------------------------|
| | | School Days | Calendar Days |
| 14.123(c) | When a parent orally requests an evaluation, the local educational agency (LEA) must provide a copy of the <i>Permission to Evaluate-Evaluation Request</i> form to the parent. | | 10 |
| 300.503(a) 300.300(a) | When a parent presents a written request for an evaluation, if the LEA agrees to evaluate as requested, the LEA must provide the <i>Permission to Evaluate-Consent</i> form and <i>Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN)</i> form to the parent. | | Within a reasonable amount of time |
| 300.300(c) | As a result of the review of data, if additional data are required to determine continued eligibility and need for special education services, the LEA must issue the <i>Permission to Reevaluate-Consent</i> form. | | Within a reasonable amount of time |
| 14.124(b) | After the LEA receives written parental consent, the reevaluation must be completed and a copy of the <i>Reevaluation Report</i> presented to the parent. | | 60* |
| 14.124(d) | The parent must receive a copy of the <i>Reevaluation Report</i> prior to the Individualized Education Program (IEP) Meeting (unless a waiver is signed). | At least 10 | |

* See exceptions on page 3.

Change in Identification/Evaluation/Placement/FAPE

| Law | Action | Timeline | |
|------------|---|-------------|---------------|
| | | School Days | Calendar Days |
| 300.503(a) | Prior to the local educational agency (LEA) proposing a change in the identification, evaluation, or educational placement of a child or the provision of FAPE to the child, the LEA must provide prior notice using the <i>NOREP/PWN</i> form. | | * |

* Within a reasonable amount of time

IEP Meeting

| Law | Action | Timeline | |
|-------------------------|---|------------------|---------------|
| | | School Days | Calendar Days |
| 300.322(a) | The local educational agency (LEA) must provide advance notice to the parent when scheduling an Individualized Education Program (IEP) meeting. | * | |
| 300.323(c) | The LEA must convene the IEP meeting after the completion of an <i>Evaluation Report (ER)</i> or <i>Reevaluation Report (RR)</i> . | | 30 |
| 300.503(a) | Written notice must be provided to the parent, recommending educational placement or provision of FAPE. | | ** |
| 14.131(a) 300.300(b) | An initial IEP for a student will be implemented as soon as possible after receiving parental consent for initial services. | No later than 10 | |
| 14.131(a) | For any IEP completed after an initial IEP, the IEP must be implemented. | No later than 10 | |

* Enough time to ensure that parents will have an opportunity to attend

** Within a reasonable time before services begin

Student Records

| Law | Action | Timeline | |
|------------|---|-------------|---------------|
| | | School Days | Calendar Days |
| 300.613(a) | When the local educational agency (LEA) receives a parent request to inspect or copy records, the LEA must permit parents to inspect and review any education records relating to their child that are collected, maintained, or used by the LEA. | | * |

* The LEA must comply without unnecessary delay and before any meeting regarding an IEP or any hearing, and in no case more than 45 days after the request has been made.

Student Discipline

| Law | Action | Timeline | |
|--------------------------|---|---|---------------|
| | | School Days | Calendar Days |
| 300.530(e) 300.536(a) | When the LEA makes a determination to change the placement of a student with a disability for disciplinary purposes, a manifestation determination review must be completed.* | 10 (from the date of the decision to change the placement) | |
| 300.530(b) | After a student with a disability has been removed from the student's current placement for 10 days, and for any subsequent days of removal during the current year, the LEA must provide services. | After 10 days | |
| 300.530(g) | The maximum length of placement in an interim alternative educational setting for special circumstances (weapon, drugs, serious bodily injury). | Not more than 45** | |

* A change of placement because of disciplinary removals occurs if the removal is for more than 10 consecutive school days, or more than 15 cumulative days in a school year, or when school days 11-15 constitute a pattern of exclusion, or an exclusion of even one day for a student with intellectual disability.

** If the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others, the LEA can request that the hearing officer extend the child's placement in the interim alternative educational setting beyond the 45 school days.

Due Process

| Law | Action | Timeline | |
|----------------------|--|-------------|---------------|
| | | School Days | Calendar Days |
| 300.510(a) 14.163 | The resolution session must be available to parents after the local educational agency (LEA) receives the parents' notice of due process complaint and prior to the initiation of a due process hearing. | | Within 15 |

The PaTTAN website has comprehensive timeline information associated with due process. Additional information can be accessed in the PaTTAN publication *General Due Process Hearing Timelines: When the Parent Files a Complaint* at <http://tinyurl.com/dptimelines>.



Commonwealth of Pennsylvania

Tom Wolf
Governor



[www.facebook.com/
pattanpublications](http://www.facebook.com/pattanpublications)