



Timelines

A PEATC
Do You Know

Factsheet for Virginia's Parents

CHILD FIND

SCREENING

The vision and hearing for all children must be screened within 60 days of the start of the school year in grades three, seven, and ten. School divisions must have procedures that include a timeline for completing additional screenings to determine if a referral for an evaluation for special education and related services is indicated.

SCHOOL-BASED TEAM

The school-based team must meet within 10 business days after receiving a referral. A referral must be made to the special education administrator within 3 business days following the determination by the school-based team that your child is suspected of having a disability

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Do You Know

What the timelines are for Special Education in Virginia?

The Regulations Governing Special Education for Children with Disabilities in Virginia has timelines that all parents need to know, as an equal member of the IEP team. This will enable you to be an effective participant in the creation of your child's education.

A. REFERRAL AND EVALUATION

After the special education administrator receives the referral for evaluation, an evaluation must be conducted and eligibility determined within 65 business days unless:

- you repeatedly fail or refuse to make your child available to be evaluated; **or**
- your child transfers to a new school division during the evaluation process. This exception only applies if the new school division is making sufficient progress to complete the evaluation process and you and the new school division agree to a specific date when the evaluation process will be completed.
- The parent and the eligibility group may agree in writing to extend the 65 business day timeline to obtain additional data that cannot be obtained during the initial 65 business days.
- If the special education administrator requests a review by the school-based team, the request must be made within 3 business days of the special education administrator's receipt of the referral and team's review must not delay the 65 business days.
- A triennial reevaluation must begin in enough time for the process to be completed before the third anniversary of the date on which your child was last determined eligible. A reevaluation, for any other reason, must be completed within 65 business days from the date the special education administrator receives the request.
- You and the eligibility group may agree in writing to extend the 65 business day timeline for the reevaluation to obtain information that cannot be obtained within the 65 business days.

B. ELIGIBILITY DETERMINATION

- A written copy of the evaluation report must be made available to you at least 2 business days before the eligibility meeting.
- Initial eligibility for special education and related services must be determined within 65 business days after the special education administrator receives the referral for evaluation, unless the parent and the eligibility group agree in writing to extend the 65 business day timeline to obtain additional data that cannot be obtained during the initial 65 business days.
- A written copy of the evaluation reports must be provided to you at the eligibility meeting or immediately following the meeting but, no later than 10 days after the eligibility meeting.

C. INDIVIDUALIZED EDUCATION PROGRAM

- The IEP must be developed within 30 calendar days of the initial determination of eligibility.
- Following a reevaluation process where the IEP team determines that your child is still eligible for special education services, the IEP must be developed within 30 calendar days if your child's IEP team determines that changes to the IEP are needed, or if you request that a new IEP be developed.
- Following a student's transfer to a new school division, an IEP meeting must be held no later than 30 calendar days after the new school completes its evaluation and determines your child's eligibility.
- A copy of your child's IEP must be provided to you at no cost at the IEP meeting, or within a reasonable period of time, not longer than 10 calendar days after the meeting.

SCHOOL RECORDS

The school must respond to your request for access to your child's school records without unnecessary delay but within 45 calendar days of the request and sooner if the request involves an IEP meeting, resolution meeting or due process hearing.

PROCEDURES FOR RESOLVING DISPUTES

A. COMPLAINT

- The VDOE must resolve a written, signed complaint within 60 calendar days of its receipt, unless exceptional circumstances exist, or unless you and the school agree to extend the time limit so the parties may participate in mediation.
- You or the school may file an appeal within 30 days of the VDOE decision.

B. DUE PROCESS HEARING

- Unless an adjusted period applies, the resolution period is the first 30 days after the notice is filed, and the resolution session is convened 15 days after the notice is filed.
- For an expedited hearing, the resolution period is the first 15 days after the notice is filed, and the resolution session is convened within 7 days after the notice is filed.
- Within 15 days of its filing, the sufficiency of the notice may be challenged. The hearing officer will make a decision within 5 calendar days.
- Five days before the hearing documents and the witness lists must be exchanged.
- When a due process hearing is requested, a hearing officer will complete the hearing, issue a decision, and mail a copy of the decision to each party within 45 calendar days after the 30-calendar day resolution period is completed, unless an exception applies.
- An expedited due process hearing must be held within 20 school days after the notice is filed, and the decision issued within 10 school days after the hearing.
- You or the school may file an appeal to state circuit court within 180 days, or to federal district court within 90 days of the date of a hearing officer's decision.

