

Special Education Timelines in California



Fagen Friedman & Fulfrost LLP

Service/Obligation	Timeline	Exceptions/Notes/Considerations	Authority
Initial Assessment and IEP Development			
Propose an assessment plan for initial assessment.	15 calendar days from date of referral.	<ul style="list-style-type: none"> Tolled for school breaks in excess of 5 schooldays. If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year. Note: Attach procedural safeguards notice to proposed assessment plan. 	EC 56043(a) EC 56321(a)
IEP team meeting to review initial assessments.	60 calendar days to determine the student's eligibility and areas of need after receipt of parent consent to assessment plan.	<ul style="list-style-type: none"> Student enrolls in another LEA. Student not made available. Note: CDE currently interprets the law to toll the timeline for school breaks in excess of 5 schooldays. 	EC 56043(c) EC 56302.1
	30 days to develop the IEP after determination that student needs special education.	None.	EC 56043(f)(2) EC 56344(a)
	<i>Recommended:</i> Complete the student's initial IEP in its entirety within 60 days unless one of the exceptions above applies.		
Applicable to All IEPs			
Notify parents of the IEP team meeting (send IEP meeting notice).	"Early enough to ensure an opportunity to attend" the IEP meeting.	None.	EC 56043(e) EC 56341.5(b)
Notice of procedural safeguards.	<ul style="list-style-type: none"> Inform parents of procedural safeguards "at each" IEP meeting. Give a copy of the notice to parent(s) at least once each school year. 	None.	EC 56500.1 34 CFR 300.504
Implement the IEP.	"As soon as possible" after receipt of parent consent to the IEP.	None.	EC 56043(i) EC 56344(b)
Progress reports on IEP goals provided to parent(s).	Per the IEP.	None.	EC 56345(a)(3)
Re-assessments			
Triennial eligibility review.	Every 3 years based on the date of the last triennial review.	<ul style="list-style-type: none"> May occur more frequently if necessary, but no more than once per year unless the parties agree. Parent and LEA may agree in writing that triennial assessments are not necessary. They may also agree to limit the scope of the review. <i>Recommended:</i> Begin triennial assessment process at least 60 days prior to the triennial review. 	EC 56043(k) EC 56381
Propose assessment plan for re-assessment.	15 calendar days from the date of referral.	<ul style="list-style-type: none"> Tolled for school breaks in excess of 5 schooldays. If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year. Note: Attach procedural safeguards notice to assessment plan. 	EC 56043(a) EC 56321(a)
Parent consent to proposed assessment plan.	At least 15 calendar days after receipt of the proposed assessment plan.	None.	EC 56043(b) EC 56321(c)(4)

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Additional IEP Meetings			
Annual IEP team review.	Not longer than 12 months from the date of the last annual IEP.	None.	EC 56043(d), (j) EC 56343(d) EC 56380
IEP team meeting to review re-assessment (including triennial assessments).	60 calendar days after receipt of parent consent to the assessment plan.	<ul style="list-style-type: none"> Tolled for school breaks in excess of 5 schooldays. If referral received 30 days or fewer before end of school year, then due within first 30 days of next school year. 	EC 56043(f)(1) EC 56343(a) EC 56344(a)
Parent requested IEP team meeting.	30 calendar days after written request from parent for IEP team meeting.	<ul style="list-style-type: none"> Tolled for school breaks in excess of 5 schooldays. If parent makes an oral request for IEP team meeting, school district must direct parent to make a written request. 	EC 56043(l) EC 56343.5
IEP meeting to review student's lack of anticipated progress.	No statutory timeline.	<i>Consider:</i> Convene the IEP team within 30 days after determining that the student is demonstrating a lack of anticipated progress.	EC 56343(b)
Transition Planning Requirements			
Individual transition plan (ITP) in IEP.	Must be in IEP when student turns 16.	Must be reviewed annually.	EC 56043(g)(1), (h) EC 56341.5(e) EC 56345(a)(8)
Student informed of transfer of rights at age 18.	Must be in IEP when student turns 17.	<i>Consider:</i> Provide additional notice upon the student turning 18.	EC 56041.5 EC 56043(g)(3) EC 56345(g)
Notice to parent(s) of student's graduation from high school with diploma.	"Reasonable prior written notice" must be provided.	None.	EC 56500.5
Independent Educational Evaluations (IEE)			
Respond to a request for IEE.	No specific statutory timeline, but must respond without unnecessary delay.	Recommended: 10-15 calendar days after request for an IEE from parent(s).	34 CFR 300.502(b)
Discipline			
Provide parent(s) with notice of change of placement and copy of procedural safeguards.	Day decision is made to remove student for disciplinary purposes for >10 schooldays.	Refer to 34 C.F.R. section 300.530.	34 CFR 300.530(h)
Conduct a manifestation determination review.	Within 10 schooldays after the decision is made to remove student for disciplinary purposes for >10 schooldays.	Refer to 34 C.F.R. section 300.530. <i>Recommended: Refer to F3's Special Education Removals for Disciplinary Purposes piece.</i>	34 CFR 300.530(e)
Student Records/Record Requests			
Provide parent(s) with copies of student records.	After an oral or written request from parent(s): <ul style="list-style-type: none"> within 5 business days and "before" any IEP meeting or resolution session. 	None.	EC 56043(n) EC 56504
Provide new LEA with special education records.	5 business days after request from new LEA for records.	None.	EC 56043(o)

This information is a summary only and not legal advice.

We recommend that you consult with legal counsel to determine how this may apply to your specific facts and circumstances.

Please call 323.330.6300.

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