



# Special Education Timelines in California

(This information is summary only and does not constitute legal advice. It is recommended that you consult with your own legal counsel to determine how this information may apply to specific facts and circumstances.)

Action	Timeline	Notes	Legal Citation
<b>Eligibility</b>			
Eligibility between the ages of birth and 3		•	EC §56026(c)(1)
Eligibility between the ages of 3 and 5		•	EC §56026(c)(2)
Eligibility between the ages of 5 and 18		•	EC §56026(c)(3)
Eligibility between the ages of 19 and 21		<ul style="list-style-type: none"> <li>• Enrolled in or eligible for a program prior to his/her 19th birthday.</li> <li>• Has not yet completed his/her prescribed course of student or who has not met proficiency standards or has not graduated from high school with a regular high school diploma.</li> <li>• If turns 22 between January and June, may continue through the remainder of the fiscal year, including any extended school year. (Law not clear that they can complete ESY, though, if it goes beyond June 30.)</li> <li>• If turns 22 in July through September, may not start the new fiscal year unless in a year-round program and is completing his/her IEP in the term that extends into the new fiscal year, then may complete that term.</li> <li>• If turns 22 in October through December, until December 31 unless he/she would complete the IEP in the current fiscal year, then may remain until end of fiscal year.</li> </ul>	EC §56026(c)(4)
<b>Initial Assessment and IEP Development</b>			
Propose an assessment plan for initial assessment.	15 calendar days from date of referral.	<ul style="list-style-type: none"> <li>• Not including breaks in the school year in excess of 5 schooldays.</li> <li>• If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year.</li> <li>• Attach procedural safeguards notice to proposed assess plan.</li> </ul>	EC §56043(a) EC §56321(a)
Parent/guardian consideration of assessment plans	At least 15 calendar days from the receipt of the proposed assessment plan.	<i>Remember:</i> Reasonable efforts to obtain consent; efforts must be documented	EC §56043(b) EC §56321(c)(1),(4)
IEP team meeting to review initial assessments.	60 calendar days to determine the student's eligibility after receipt of parent/guardian consent to assessment plan.	<ul style="list-style-type: none"> <li>• Not including breaks in the school year in excess of 5 schooldays.</li> <li>• Parent/guardian and LEA can agree in writing to an extension.</li> <li>• If referral received 30 or fewer days before end of school year, then due within 30 days of next school year.</li> <li>• Timeline does not apply if student enrolls in another LEA.</li> <li>• Timeline does not apply if student is not made available.</li> </ul>	EC §56043(c),(f)(1) EC §56302.1(b) EC §56344(a)
	30 days to develop the IEP after determination that student needs special education.		EC §56043(f)(2) EC §56344(a)
<b>All IEPs</b>			
Notify parent/guardian of the IEP team meeting (send IEP meeting notice).	"Early enough to ensure an opportunity to attend" the IEP meeting.		EC §56043(e) EC §56302.1(e) EC §56341.5(b)
Notice of procedural safeguards.	<ul style="list-style-type: none"> <li>• Inform parent/guardian of procedural safeguards "at each" IEP meeting.</li> <li>• Give a copy of the notice to parent/guardian at least once each school year.</li> </ul>		EC §56500.1 34 CFR §300.504
Implement the IEP.	"As soon as possible" after receipt of parent/guardian consent to the IEP.		EC §56043(i) EC §56344(b)
Progress reports on IEP goals provided to parent/guardian.	Per the IEP.		EC §56345(a)(3)

Re-assessments and IEP Development			
Triennial eligibility review.	Every 3 years based on the date of the last triennial review.	<ul style="list-style-type: none"> <li>• May occur more frequently, if necessary, but no more than once per year unless the parties agree.</li> <li>• Parent/guardian and LEA may agree in writing that triennial assessments are not necessary. They may also agree to limit the scope of the review.</li> <li>• If parent wants assessment, must do.</li> <li>• <i>Recommended:</i> Begin triennial assessment process at least 90 days prior to the triennial review.</li> </ul>	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"> <li>• Not including breaks in the school year in excess of 5 schooldays.</li> <li>• If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year.</li> <li>• Attach procedural safeguards notice to assessment plan.</li> </ul>	EC §56043(a) EC §56321(a)
Parent/guardian consideration of assessment plan.	15 calendar days from the receipt of the proposed assessment plan.	<i>Remember:</i> Reasonable efforts to obtain consent; efforts must be documented	EC §56043(b) EC §56321(c)(1),(4)
IEP team meeting to review re-assessments	60 calendar days	<ul style="list-style-type: none"> <li>• Not including breaks in the school year in excess of 5 schooldays.</li> <li>• Parent/guardian and LEA can agree in writing to an extension.</li> <li>• If referral received 30 or fewer days before end of school year, then due within 30 days of next school year.</li> <li>• Timeline does not apply if student enrolls in another LEA.</li> <li>• Timeline does not apply if student is not made available.</li> </ul>	EC §56043(f)(1) EC §56334(a) EC §56344(a)
Additional IEP Meetings			
Annual IEP team review.	Not more than 12 months from the date of the last annual IEP.		EC §56043(d), (j) EC §56341.1(d) EC §56343(d) EC §56380
Parent/guardian-requested IEP team meeting.	30 calendar days after written request from parent/guardian for IEP team meeting.	<ul style="list-style-type: none"> <li>• Not including breaks in the school year in excess of 5 schooldays.</li> <li>• If parent/guardian makes an oral request for IEP team meeting, LEA must direct parent/guardian to make a written request.</li> </ul>	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.	<i>Note:</i> Must be reviewed annually.	EC §56043(g)(1), (h) EC 56341.5(e) EC 56345(a)(8)
Transition Assessment	Annually	"Appropriate measurable postsecondary goals based upon age-appropriate <b>transition assessments</b> related to training, education, employment, and where appropriate, independent living skills." (Emphasis added.)	EC §56345(a)(8)(A)
Student informed of transfer of rights at age 18.	Must be in IEP when student turns 17.	<i>Remember:</i> "The more, the merrier." There is no harm in informing a student more than one time. Document each notice.	EC §56041.5 EC §56043(g)(3) EC §56345(g)
Notice to parent/guardian of student's graduation from high school with diploma.	"Reasonable prior written notice" must be provided.		EC §56500.5
Transfer of Student Mid-Year			
Within SELPA	Comparable unless new IEP developed	<ul style="list-style-type: none"> <li>• "Comparable to those described in the existing approved" IEP</li> <li>• Unless parent/guardian and LEA agree to develop new IEP.</li> </ul>	EC §56043(m)(2) EC §56325
From another SELPA in California	Comparable with review not to exceed 30 days	<ul style="list-style-type: none"> <li>• "Comparable to those described in the previously approved" IEP.</li> <li>• In consultation with parent/guardian.</li> <li>• At 30 day review, adopt previous IEP or develop new IEP.</li> </ul>	EC §56043(m)(1) EC §56325
From out of state	Comparable until assessed	<ul style="list-style-type: none"> <li>• Comparable services to those described in previously approved IEP</li> <li>• In consultation with parent/guardian</li> <li>• Until LEA conducts assessment.</li> </ul>	EC §56043(m)(3) EC §56325

Independent Educational Evaluations (IEE)			
Respond to a request for IEE.	No specific statutory timeline but must respond without unnecessary delay.	<ul style="list-style-type: none"> <li>• Fund or file rule.</li> <li>• “Unnecessary delay” is not defined in the law and is highly fact specific.</li> </ul>	EC §56329(b), (c) 34 CFR §300.502(b)
Discipline			
Provide parent/guardian with notice of change of placement and copy of procedural safeguards.	Day decision is made to remove student for disciplinary purposes for >10 schooldays.	<i>Note:</i> Include a copy of notice of parent/guardian rights.	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.		34 CFR §300.530(e)
Student Records/Record Requests			
Provide parent/guardian with copies of student records.	After an oral or written request: <ul style="list-style-type: none"> <li>• Within 5 business days</li> <li>• “Before” any IEP meeting or resolution session.</li> </ul>	<i>Note:</i> Unless expressly limited by court order, a parent without legal custody may still access student records ( <i>See, e.g.</i> California Family Code §3025).	EC §56043(n) EC §56504 EC §49069.7(b)
Provide new LEA with special education records.	<ul style="list-style-type: none"> <li>• Within 5 business days</li> <li>• Within 2 business days for foster youth</li> </ul>	<ul style="list-style-type: none"> <li>• Consent of parent/guardian not required.</li> <li>• Request from receiving LEA is not required.</li> <li>• Transfer for foster youth is mandatory.</li> </ul>	EC §56043(o) EC §49069.5(d) EC §49076(a)(1)(B)
Request student records from former LEA	<ul style="list-style-type: none"> <li>• Reasonable time</li> </ul>		EC §56043(l)(4)