



from Equip for Equality's Legal Advocacy Program

## EFE FACT SHEET – Special Education

### Resolution Process Timeline – Parent's Request

The IDEA provides a two-year statute of limitations for requesting due process or less depending on state law. The two-year timeline to request due process begins when a parent knows or should have known of the alleged action that leads the parent to request due process.

In Illinois, one exception to the two-year statute of limitation for parents involves the “stay put” provision. If a parent disagrees with the IEP team’s decision and wants to continue the previous IEP, that parent has 10 days within the IEP meeting to file a request for due process to ensure the previous IEP “stays put.”

Day 1	A parent files a request for due process to the school district and ISBE.
5 Days After Request Received	Once the school district receives the request, they must forward it to ISBE within 5 days.
10 Days After Request Received	The school district shall respond to the parent’s request within 10 days by specifically addressing the content of the parent’s complaint, unless the school district believes it has already provided prior written notice regarding the parent’s complaint. ISBE appoints a Hearing Officer within 10 days after the school district received the due process request.
5 Days After HO Appointed	The parent and the school district can request a substitute Hearing Officer within 5 days of receiving notice of the originally appointed Hearing Officer.
15 Days After Request Received	The school district has until 15 days after receiving the due process request to notify the Hearing Officer of the parent’s failure to properly include all the required information in the due process request. Within 15 days after the school district received the due process request, a Resolution Session shall occur to resolve the dispute before going to due process. The school district cannot bring a lawyer unless the parent brings a lawyer. The parents and school district may decide waive this meeting or begin mediation by notifying the Hearing Officer within 3 business days.
30 Days After Request Received	If any agreement is reached before the end of 30 days or at the end of mediation, the parent or the school district can get out of that agreement for 3 business days. If no agreement is reached at the end of 30 days, the 45 day due process hearing timeline begins.

*NOTE: The length of these timelines may be extended either by agreement between the school district and the parent, or if the hearing officer grants a request by the parent or school district.*



## **DO YOU HAVE A QUESTION?**

Contact Equip for Equality (all services are free of charge):  
800.537.2532 (voice) or 800.610.2779 (TTY)

[Contactus@equipforequality.org](mailto:Contactus@equipforequality.org)

[www.equipforequality.org](http://www.equipforequality.org)

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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