



from Equip for Equality's Legal Advocacy Program

# EFE FACT SHEET – Special Education

## Resolution Process Timeline – School District

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 the school district knows or should have known of the alleged action that leads to the request for due process.

In Illinois, there are two exceptions of the two-year statute of limitation. If a school district denies a parent's request for an independent evaluation at public expense, the school district has five days from the parent's request to file for due process. If the school district denies a parent's request for an extended period of time to complete an independent evaluation, the school district must request a due process hearing within 10 days from the parent's request.

Day 1	The school district files a request for due process to ISBE and gives a copy to the parent.
10 Days After Request Received	The parent shall respond to the school district's request within 10 days of receiving it by specifically addressing the content of the school district's complaint. ISBE appoints a Hearing Officer within 10 days after the school district's request is received.
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 parent has until 15 days after receiving the due process request to notify the Hearing Officer of the school district's failure to properly include all the required information in the due process request. Within 15 days after the request for due process was received, 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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