

# A PEATC

Do You Know....



## Fact Sheet for Virginia's Parents Key Timelines for Special Education Processes

To ensure that students with disabilities are served appropriately and in a timely manner, **specific legal timelines are in place in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia**. Key timelines are below; these are not all inclusive.

**BUSINESS DAYS** means Monday-Friday - state and federal holidays are not included, unless specifically designated. **CALENDAR DAYS** include weekends and holidays. However, if the timeline for taking an action expires on a Saturday, Sunday, or federal or state holiday, the timeline is extended to the next day that is not a Saturday, Sunday or holiday.

REGULATION	ACTION	TIMELINE	
		Calendar Days	Business Days
8VAC20-81-50 (D) Referral	Referral to Administrator for Special Education Evaluation (SPED). SPED Administrator must:		
	Initiate Eligibility Evaluation Process, or require that School Based Team review and respond, or deny the request.		Within <b>3 days</b> from receipt of referral
	School Based Team must meet to review the referral from SPED administrator.		Within <b>10 days</b> from receipt of referral
	School-based team must refer to SPED administrator for evaluation for special education if determined appropriate.		Within <b>3 days</b> from receipt of referral
8VAC20-81-60 (B) Initial Evaluation	Evaluation must be completed and decision on eligibility made.* Unless child is not made available, enrolls in school after the beginning of 65-day timeline, or more information is needed, and the parents agree to extend.		Within <b>65 days</b> of receipt of referral by SPED Administrator/designee.*
8VAC20-81-70(D) Evaluation/Reevaluation	Evaluation reports must be available to parents to review <b>before a meeting</b> to determine eligibility.		<b>No later than 2 days</b> before the meeting
	Copies of evaluation reports to be provided to parents <b>at the eligibility meeting or immediately following</b> but:	<b>No later than 10 days</b> after the meeting	

### Resources Timelines

VDOE - [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#)

VDOE - [Parents' Guide to Special Education](#)

VDOE - [Parents' Guide to Special Education Dispute Resolution](#)

#### Contact Us:

800-869-6782 / 703-923-0010  
www.peatc.org  
Hablamos Español

# Fact Sheet for Virginia's Parents

REGULATION	ACTION	TIMELINE	
		Calendar Days	Business Days
8VAC20-81-70(E) Evaluation/ Reevaluation	Reevaluation shall be conducted at least once <b>every 3 years</b> or, if the school, parent or teacher requests a reevaluation. It must be completed within:		<b>65 days</b> of receipt of referral by SPED administrator or designee; same exceptions as for initial eligibility-8VAC20-81-60
8VAC20-81-110(A) Individualized Education Program	IEPs must be in effect at the <b>beginning of each school</b> year except for children parentally placed in private school.		
8VAC20-81-110(B) IEP	IEPs must be developed as a result of initial or redetermination of <b>eligibility</b> , if the IEP team decides <b>changes are needed</b> or if the parent request changes.	Within <b>30 days</b>	
	IEP must be <b>implemented as soon as possible</b> following parent consent.		
	A copy of the IEP must be provided to parents <b>at the IEP meeting</b> or:	Within <b>10 days</b>	
8VAC2-81-120 Children who Transfer	IEP meeting must be held after the new school completes its evaluation and determines eligibility.	Within <b>30 days</b>	
8VAC20-81-170 (G) Access to Records	School must <b>comply without delay</b> , especially when needed for <b>any IEP or dispute resolution proceeding</b> and:	In no case than <b>45 days from request</b>	
8VA20-81-180(A) Transfer of Rights	Student and Parent to be notified of transfer of rights to the student <b>at least one year</b> before he reaches the age of majority (18).		

For legal timelines related to **complaints, mediation or due process hearings**, see any of the three resource documents listed on Page 1 of this fact sheet.

## SCREENING FOR ALL CHILDREN

The vision and hearing for all children must be screened within **60 days** of the start of the school year in kindergarten and 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.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

800-869-6782 / 703-923-0010

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



The contents of this factsheet were developed under a grant from the US Department of Education, **#H328M140013-18**. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

