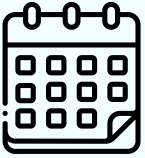


WHAT'S IN A DAY?

As you navigate the world of special education, you will see the word "day" appear in several different ways. It may be noted as a day, calendar day, business day, or school day. The Individuals with Disabilities Education Act (IDEA) and Virginia's Regulations Governing Special Education Services define the different types of days. It's important to understand the difference. Note that there are exceptions and extensions that may be available to the stated deadlines. So, check the regulations!



"Day" and "Calendar Day"

mean the same thing. You are counting the days on the calendar—August 1, August 2, and August 3 would be three days or three calendar days. Weekends and holidays are considered calendar days. HOWEVER, if a school action is due on a weekend, federal or state holiday, the deadline for that action is extended to the next day that is not a weekend day or a holiday.

Some examples in Virginia Special Education Regulations:

- Providing access to student records (no later than 45 days after request)
- Developing an IEP after eligibility determination (within 30 days)
- Providing copies of evaluation reports (no later than 10 days after eligibility meeting)

"Business Days"

are Monday through Friday, 12 months of the year, but do not include federal and state holidays (unless holidays are specifically included in a regulatory provision). An example of when that occurs is regarding notice of parental placement of a child in a private school and giving at least 10 business days' notice including holidays that occur during the week (8VAC20-81-150(b4a(2) and 34 CFR 300.11).

Some examples in Virginia Special Education Regulations:

- School-based team meeting after special education referral (within 10 business days)
- Making copies of evaluation reports available before the eligibility meeting (at least 2 business days)
- Evaluations conducted and eligibility determination made (within 65 business days of receipt of referral)



"School Day"

means any day, including a partial day, that children are attending school for instructional purposes. School days are only used for disciplinary matters.

Some examples in Virginia Special Education Regulations:

- Removal to an alternative interim educational setting (up to 45 school days)
- Holding an expedited due process hearing (within 20 school days after the notice is filed)
- Holding a Manifestation Determination Review (no later than 10 school days after the decision to take the disciplinary action)