FREE GUIDE

West Virginia special education deadlines

Sources last checked between Nov 16, 2026 and Nov 20, 2026
State rules as of November 20, 2026

RULE	FIRST LINE OF THE RULE	SOURCE
EVALUATIONS		
Responding to an evaluation request	Within ten school days after receiving a written referral for special education evaluation, the school assistance team must review it and decide on further action.	W. Va. Code R. § 126-16-1, incorporated Policy 2419, ch. 2, § 3.D(2), (4), (6)
Completing an initial evaluation	In West Virginia, the evaluation and the eligibility meeting generally must happen within 80 calendar days after the school receives your written consent.	W. Va. 126 CSR 16, Policy 2419, Chapter 3 § 2(A), effective March 13, 2023, printed pp. 40–41; 34 CFR 300.309(c)
FIRST IEP MEETING		
The initial IEP after eligibility	Once the team decides your child needs special education and related services, a meeting to write your child's first IEP must be held within 30 calendar days.	34 CFR 300.323(c)(1)
SCHOOL RECORDS		
Timing of access to education records	You have the right to review your child's education records that the school keeps or uses under IDEA.	34 CFR 99.10(b); 34 CFR 300.613(a)
Copies of records, fees and access barriers	The school must give you a copy of your child's IEP at the conclusion of the IEP meeting.	W. Va. Code R. § 126-16-1, incorporated Policy 2419, ch. 5 (IEP copies)
IEP REVIEWS AND REEVALUATIONS		
Regular IDEA reevaluation	Your child must be reevaluated at least once every three years, unless you and the school agree it isn't needed.	34 CFR 300.303(a), (b)
Reviewing the IEP at least annually	Your child's IEP team must review the IEP periodically, and at least once a year, to see whether the annual goals are being met.	34 CFR 300.324(b)(1)(i)
TRANSITION PLANNING		
When transition goals and services begin	In West Virginia, the first IEP in effect when your child is 14 must include goals for life after high school and transition services.	W. Va. 126 CSR 16, Policy 2419, Chapter 5 § 2(F), effective March 13, 2023, printed pp. 78–79
RIGHTS AT ADULTHOOD		
Advance notice about the transfer of IDEA rights	In West Virginia, the IEP team must talk about the transfer of special education rights to your child no later than your child's 17th birthday.	W. Va. 126 CSR 16, Policy 2419, Chapter 10 § 9.A; Chapter 5 § 2.F (effective March 13, 2023)
The state's age of majority and IDEA rights	In West Virginia, the IEP Team must discuss the transfer of special education rights by your child's 17th birthday.	West Virginia 126CSR16, Policy 2419, Chapter 10 §9(A)–(C); Chapter 5 §1(F)
PRESCHOOL AND EARLY INTERVENTION		
Preschool special education by age three	For a child moving from early intervention (Part C) to preschool special education, an IEP, or an IFSP where that is allowed, must be developed and in place by the third birthday.	34 CFR 300.124(b); 300.101(b); 300.102(a)(1), (4)
Moving from early intervention to preschool	For a toddler in early intervention who may be eligible for preschool special education, the early intervention program, with your family's approval, holds a transition conference with you and the school district at least 90 days before your child's third birthday.	34 CFR 303.209(c)(1); 303.209(b)–(f)
OTHER RULES		
When a manifestation determination must occur	Within ten school days after deciding on a disciplinary change of placement, the school must review whether your child's behavior is related to the disability and record that review on its Disciplinary Action Review Form.	W. Va. Code R. § 126-16-1, incorporated Policy 2419, ch. 7, § 2
Section 504 protections in school discipline	If your child has a Section 504 plan, the school must review whether the behavior was related to the disability before an expulsion hearing.	W. Va. Code R. § 126-99 (Policy 4373), p. 27, "Expulsion"
The school's response to an IEE request	Within ten school days of your written request for an independent evaluation, the school must agree in writing to pay, offer state mediation if you agree, or file to defend its evaluation.	W. Va. Code R. § 126-16 (Policy 2419), ch. 10, § 7.B–C
An IEP in place for the start of school	Each child's IEP must be in place when the school year begins and reviewed at least once every 365 days.	W. Va. Code R. § 126-16 (Policy 2419), ch. 5, § 3.A
Give written notice before moving to a private school	If you plan to move your child to a private school and ask the district to pay, give the district written notice at least 10 business days before your child leaves the public school.	34 CFR 300.148(d)–(e); 300.11(b)

RULE	FIRST LINE OF THE RULE	SOURCE
IEP services after a move within the state	This rule applies if your child has a current West Virginia IEP and changes schools during the same school year.	W. Va. Code R. § 126-16, Policy 2419, Chapter 5 § 4(A) (2023)
IEP services after a move from another state	This rule applies if your child had an IEP in another state and moves to a West Virginia school during the same school year.	W. Va. Code R. § 126-16, Policy 2419, Chapter 5 § 4(B) (2023)

Planning aid only. Not legal advice. Confirm the date with the governing source.

Full answers and source links: https://endeavy.com/special-education-deadlines/west-virginia