

TRANSFER PROCEDURES FOR SPECIAL EDUCATION STUDENTS

LENAWEE INTERMEDIATE SCHOOL DISTRICT

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ESSENTIALS: TRANSFERS FOR SPECIAL EDUCATION STUDENTS

WHAT PARENTS CAN EXPECT

Your child has a right to a free, appropriate public education no matter where you move – it is federal law

If you move out of a school district or out of state, the new school does not have to use the old IEP

Until a new IEP is in place, the new school must give your child services similar to those old in the old IEP

MOVING WITHIN MICHIGAN

The new school may adopt your child's current IEP or develop a new one. To develop a new IEP the school must go through the IEP development process. As a member of the IEP team, you have the right to be involved.

MOVING FROM ANOTHER STATE

Michigan may have different rules for who is eligible for special education. Your child's new school must decide if your child qualifies under these rules. This decision may require a new evaluation and you will have the chance to give input. If your child qualifies, the new school will develop an IEP for him/her. As a member of the IEP team, you have the right to be involved.

YOUR CHILD'S RECORDS

In all cases, the staff at a new school will want to look at your child's IEP and school records. If you are moving to a new school, you may want to request your child's school records and bring them with you when you register your child at the new school.

YOUR CHILD'S SERVICES

While the new school decides to adopt your child's IEP or develop a new one, the new school must continue to give your child services *comparable* to those in his/her current IEP. Federal and state law does not define *comparable* but instead guides the newly designated IEP team in the new school to interpret *comparable* services as services that are *similar* or *equivalent* to those in your child's current IEP.

WHAT IDEA & MARSE SAY

When a student with a disability and an IEP in effect in his/her current public agency (e.g., a school or program) enrolls at a new public agency within the same school year, the new public agency must, upon enrollment:

- Make reasonable effort to obtain records from the previous public agency
- Ensure parents are consulted throughout the transfer process
- Immediately provide FAPE, including services *comparable* to those in the IEP from the previous public agency
- Promptly complete a Permission to Place form in Illuminate to document the provision of FAPE
- Within 30 school days of enrollment, either (1) adopt the student's IEP from the previous agency OR (2) develop and implement a new IEP based on the student's strengths and needs in the new educational environment
- For out-of-state transfer students, within 30 school days of enrollment also conduct an Initial REED to establish whether the student meets Michigan and Lenawee County special education eligibility criteria.

REGULATION, RULES & GUIDANCE

The IDEA requirements for IEPs for students who transfer from one public agency to a new public agency within the same school year are found in IDEA 34 CFR §300.323(e), (f), and (g). The requirements governing parental consent for initial evaluations are found in IDEA 34 CFR §300.300(a).

Michigan requirements for IEPs for students who transfer from one public agency to a new public agency within the same school year are found in MARSE R 340.1721b Time lines Rule 21b (5). The requirements governing timelines for initial evaluations are found in MARSE R 340.1721b Time lines Rule 21b (1).

GENERAL CONSIDERATIONS

OVERVIEW

Under IDEA and MARSE, when a student with a disability and an IEP in effect in his/her current public agency (e.g., a school or program) enrolls at a new public agency *within the same school year*, the new public agency must either adopt the student's current IEP or develop and implement a new IEP. For out-of-state students, the new public agency must complete an Initial REED to establish special education eligibility in Michigan and Lenawee County and develop a new IEP.

The timelines associated with the transfer process exist to support the newly designated IEP team in understanding the student's strengths and needs in the new educational environment. Newly designated IEP teams should use professional judgment to balance timely decisions and having the student's IEP reflect what is most relevant to the student's educational needs.

"WITHIN" VERSUS "BETWEEN" SCHOOL YEARS

IDEA requires public agencies to have IEPs in effect at the beginning of each school year for students who move between school years (i.e., during the summer). The student's new school would follow steps to have the student's IEP in place *before* the start of the school year. However, if the student were unknown to the new school even after efforts to locate such students during the summer, the school would follow the procedures in this guidance document upon enrollment.

ROLES & RESPONSIBILITIES

The student's designated case manager is the person responsible for implementation of the student's IEP and is typically the student's special education teacher or other pertinent service provider. The designated case manager is generally responsible for overseeing the transfer process including obtaining and reviewing records, completing required paperwork, and consulting with parents, teachers, service providers, the school psychologist, and administrators, as applicable.

TIMELINES

The first day of enrollment is the first day a student attends the new school and attendance is taken for the student. It is *Day 1* of the transfer process. The new public agency shall *immediately* provide FAPE upon enrollment including services comparable to those in the student's IEP from the previous public agency.

For in-county and in-state transfer students, MARSE and IDEA require the new public agency to either implement the student's current IEP from the previous public agency or to develop and implement a new IEP, including holding a IEP meeting, developing the IEP, and publishing the IEP, within **30 SCHOOL DAYS OF ENROLLMENT**.

For out-of-state transfer students, MARSE and IDEA require the new public agency to complete an Initial REED, culminating in an IEP meeting to develop a new IEP based on evaluation results, and to publish the IEP within **30 SCHOOL DAYS OF ENROLLMENT**.

REQUESTING RECORDS

If a student transfers between schools in Lenawee County (in-county transfer), prior parent consent is *not* required to request records from the previous public agency under FERPA as long as the disclosing and receiving schools meet notification requirements about the release of records. If you are uncertain if your district meets these requirements, have the parent sign the LISD's Interagency Release of Information form available on the LISD website before requesting records.

For students transferring from in-state or out-of-state, the new public agency *and* parent must send a written request to the previous public agency to transfer the student's records under MARSE. The LISD's Interagency Release of Information Form is located on the LISD website.

IN-COUNTY & IN-STATE TRANSFER ACTION STEPS**OBTAIN & REVIEW RECORDS (BEFORE OR SAME DAY AS ENROLLMENT)**

Make reasonable effort to obtain records from the previous educational agency – consider a call to request the previous public agency fax special education records rather than waiting on the CA60 to arrive in the mail.

DETERMINE COMPARABLE SERVICES & PROVIDE FAPE (BEFORE OR SAME DAY AS ENROLLMENT)

Provide FAPE to the student, including services comparable to those in the IEP from the previous public agency.

IDEA does not define comparable services, but instead guides IEP teams to interpret “comparable” as *services that are “similar” or “equivalent”* to those described in the child’s IEP from the previous public agency, as determined by the child’s newly designated IEP Team in the new public agency. Comparable services should be based on needs, programming, and the professional judgment of the IEP Team rather than the eligibility category.

For example, if the student’s IEP states they are in “Learning Center” for math, they may be placed in “Resource Room” for math if the services and programming received in both placements are the same. In contrast, a student who is in “Learning Center” for math may not be placed in “Study Skills” for all subjects because the services and programming received in both placements are different (math-specific instruction versus general support for all subjects).

A student who receives direct services from a school psychologist in another state may receive direct services from a school social worker in the LISD, as these services are similar and are based on the responsibilities of a school social worker versus a school psychologist in the LISD. Changing the student’s service from direct services from the school psychologist to indirect services from a school social worker would not be considered equivalent because the services would change from direct to indirect.

CONSULT WITH PARENTS (BEFORE OR SAME DAY AS ENROLLMENT)

Consult with parents about the transfer process and provide copies of all relevant forms and records. Follow standard procedures for IEPs and evaluations including obtaining consent and providing a copy of the Procedural Safeguards Notice when appropriate.

COMPLETE A PERMISSION TO PLACE (BEFORE OR SAME DAY AS ENROLLMENT)

See guidance on “Permission to Place,” which documents the provision of FAPE for the student

NOTIFY ALL RECEIVING PROVIDERS (BEFORE OR SAME DAY AS ENROLLMENT)

Provide the Permission to Place and most recent IEP to all receiving providers as well as general education teachers.

DETERMINE IF A REED IS DUE (BEFORE OR AS SOON AS POSSIBLE UPON ENROLLMENT)

If a REED is due during the same school year for in-county or in-state student transfers, the IEP team may decide to complete the REED as part of the transfer process or may choose to wait until the REED is due. If the team does not complete the REED during the transfer process, a REED & IEP are still due on or before the REED due date, regardless of any IEP completed or implemented because of the student’s transfer. If the team completes the REED during the transfer process, a new IEP must be developed to integrate evaluation results; the IEP from the previous public agency cannot be adopted due to this requirement.

For example, if a student enters the district in early February with a REED due in early June, the new school may elect to complete the REED during the transfer process and have a Reevaluation IEP meeting at the end of the 30-school-day period. The school would not be able to adopt the IEP from the previous public agency because of the need to integrate results of the evaluation, so a new IEP would have to be developed. If the school waits until June to complete the REED, the school would have an IEP meeting at the end of the 30-day period (where the IEP from the previous public agency could be adopted or a new one developed) and then start the REED in the spring. The school would then have a second IEP meeting when the REED is complete.

IN-COUNTY & IN-STATE TRANSFER ACTION STEPS (CONT.)**ADOPT THE CURRENT IEP OR DEVELOP AND IMPLEMENT A NEW IEP (WITHIN 30 SCHOOL DAYS OF ENROLLMENT)**

The decision to either adopt the current IEP or develop a new IEP should be based on the IEP team, in consultation with parents, identifying the student's current educational strengths and needs as well as how to meet those needs best in the new educational setting. Available information and data from the most recent 12 months would be considered most relevant to the decision process as guided by the professional judgment of the IEP team.

ADOPT AN IEP

An adopted IEP means the IEP from the previous public agency may be used in the new setting with no changes. No changes means the services and programming in the IEPs are the same, including the frequency and duration of programs and services.

To adopt an IEP, the most recent IEP must meet the following criteria:

- The most recent IEP is less than 1 year old and the most recent Reevaluation IEP is less than 3 years old
- The most recent IEP is from a district in Michigan
- The district is able to replicate exactly all components of the IEP including the frequency and duration of programs and services and keeping these the same best meets the student's educational needs in the new public agency

For example, if the student's IEP states they are in "Learning Center" for math, they may be placed in "Resource Room" for math if the services and programming received in both placements are the same. In contrast, a student who is in "Learning Center" for math may not be placed in "Study Skills" for all subjects because the services and programming received in both placements is different (math-specific instruction versus general support for all subjects).

In addition, a student who receives direct social/emotional support from a school psychologist in another state may receive direct social/emotional support from a school social worker in the LISD, as these services are similar and are based on the responsibilities of a school social worker versus a school psychologist in Michigan. Changing the student's service from direct support from the school psychologist to indirect support from a school social worker would not be considered equivalent because the service would change from direct to indirect.

An IEP may not be adopted when the IEP team is completing a Reevaluation REED & IEP in conjunction with the transfer process because a new IEP is always developed to integrate evaluation findings.

To adopt an IEP that is already in Illuminate, see guidance on "Permission to Place." Indicate the IEP will be adopted and Illuminate will guide you through changing the service providers and assigning the student to them; Illuminate will then reflect these changes.

To adopt an IEP from a paper copy, complete the Permission to Place in Illuminate (see guidance on "Permission to Place") and indicate it is a paper IEP. Illuminate will guide you through adding the student's programs and services to the Permission to Place. Scan and upload a copy of the paper IEP to Student Uploads, as this will ensure the other parts of the IEP are accessible to all providers in Illuminate. Service providers will complete paper Progress Reports until the next IEP is due and the student's records become fully electronic.

If the current IEP is adopted, the next annual IEP is due within 364 days of the adopted IEP's FAPE date or when the Reevaluation REED & IEP are due, whichever comes first.

DEVELOP A NEW IEP

A new IEP should be developed when:

- The new public agency is not able to replicate all components of the previous public agency's IEP and/or the frequency, duration, or any other aspect of the services and programming will change based on the student's educational needs

IN-COUNTY & IN-STATE TRANSFER ACTION STEPS (CONT.)

- The most recent IEP is more than a year old*
- The most recent Reevaluation IEP is more than 3 years old**

The IEP team has 30 days upon enrollment to develop the new IEP. The new IEP should be entered into Illuminate following standard procedure for annual IEPs.

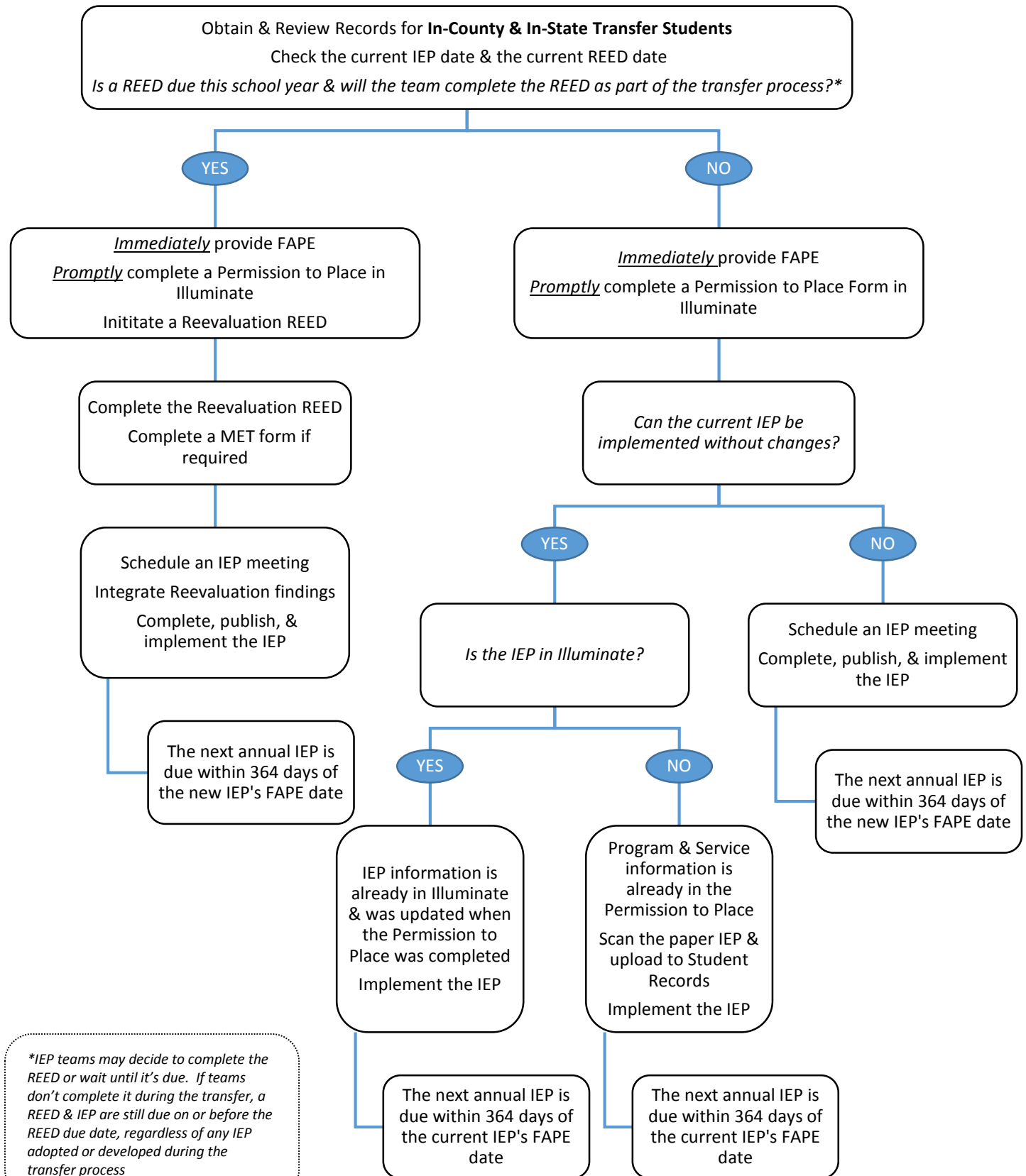
*In instances of overdue IEPs (more than a year old), the new public agency must follow the same requirements of other transfer students even if the previous public agency failed to meet annual review requirements for the student's IEP but the student continued to receive special education and related services under the IEP. Therefore, the new IEP should be completed as soon as possible upon enrollment. A Permission to Place form is still required and the student should receive special education services while the new IEP is in process. If the student's IEP is more than a year old and the student did not continue to receive services under that IEP, contact your regional supervisor for assistance.

**In the instance a Reevaluation IEP is overdue (the most recent Reevaluation IEP is more than 3 years old) but (1) the student's annual IEP is still in effect or (2) the student continued to receive special education services under an overdue annual IEP, the IEP team should complete a Reevaluation REED & IEP in conjunction with the transfer process and as soon as possible upon enrollment. For a student who has previously received special education services, the student will be allowed to continue to receive services while the REED is in process. If the student's Reevaluation IEP is more than 3 years old and the student does not meet criteria (1) or (2) above, contact your regional supervisor for assistance.

If a new IEP is developed, the next annual IEP is due within 364 days of the new IEP's FAPE date or when the Reevaluation REED & IEP are due, whichever comes first.

IN-COUNTY & IN-STATE TRANSFER PROCEDURE FLOWCHART

COMPLETE ALL STEPS WITHIN 30 SCHOOL DAYS OF ENROLLMENT



COMPLETE ALL STEPS WITHIN 30 SCHOOL DAYS OF ENROLLMENT

OUT-OF-STATE TRANSFER ACTION STEPS

OBTAIN & REVIEW RECORDS (BEFORE OR SAME DAY AS ENROLLMENT)

Make reasonable effort to obtain records from the previous educational agency – consider a call to request the previous public agency fax special education records rather than waiting on the CA60 to arrive in the mail.

DETERMINE COMPARABLE SERVICES & PROVIDE FAPE (BEFORE OR SAME DAY AS ENROLLMENT)

Provide FAPE to the student, including services comparable to those in the IEP from the previous public agency.

IDEA does not define comparable services, but instead guides IEP teams to interpret “comparable” as *services that are “similar” or “equivalent”* to those described in the child’s IEP from the previous public agency, as determined by the child’s newly designated IEP Team in the new public agency. Comparable services should be based on needs, programming, and the professional judgment of the IEP Team rather than the eligibility category.

For example, if the student’s IEP states they are in “Learning Center” for math, they may be placed in “Resource Room” for math if the services and programming received in both placements are the same. In contrast, a student who is in “Learning Center” for math may not be placed in “Study Skills” for all subjects because the services and programming received in both placements is different (math-specific instruction versus general support for all subjects).

In addition, a student who receives direct social/emotional support from a school psychologist in another state may receive direct social/emotional support from a school social worker in the LISD, as these services are similar and are based on the responsibilities of a school social worker versus a school psychologist in Michigan. Changing the student’s service from direct support from the school psychologist to indirect support from a school social worker would not be considered equivalent because the service would change from direct to indirect.

CONSULT WITH PARENTS (BEFORE OR SAME DAY AS ENROLLMENT)

Consult with parents about the transfer process and provide copies of all relevant forms and records. Follow standard procedures for IEPs and evaluations including obtaining consent and providing a copy of the Procedural Safeguards Notice when appropriate.

COMPLETE A PERMISSION TO PLACE (BEFORE OR SAME DAY AS ENROLLMENT)

See guidance on “Permission to Place,” which documents the provision of FAPE for the student

NOTIFY ALL RECEIVING PROVIDERS (BEFORE OR SAME DAY AS ENROLLMENT)

Provide the Permission to Place and most recent IEP to all receiving providers as well as general education teachers.

COMPLETE AN INITIAL REED & MET FORM (WITHIN 30 SCHOOL DAYS OF ENROLLMENT)

An Initial REED (not a Reevaluation REED) must be completed as part of the transfer process for out-of-state students. The MET, in consultation with parents, may determine if additional assessment is required to establish eligibility per Michigan and Lenawee County guidelines. Parent consent *must* be obtained for the REED regardless of the decision to conduct additional assessment. Available information and data from the most recent 12 months would be considered most relevant to the decision process as guided by the professional judgment of the IEP team. The MET should complete the MET form to indicate the student’s eligibility for special education services. If an extension is required to complete the evaluation, the MET should contact their regional supervisor. The parent must agree to any extension in writing. Extensions are measured in school days.

DEVELOP AND IMPLEMENT A NEW IEP (WITHIN 30 SCHOOL DAYS OF ENROLLMENT)

The IEP team including the MET and parents should develop and implement a new IEP that integrates evaluation results with the student’s current educational strengths and needs as well as how to meet those needs best in the new educational setting.

OUT-OF-STATE TRANSFER ACTION STEPS (CONT.)

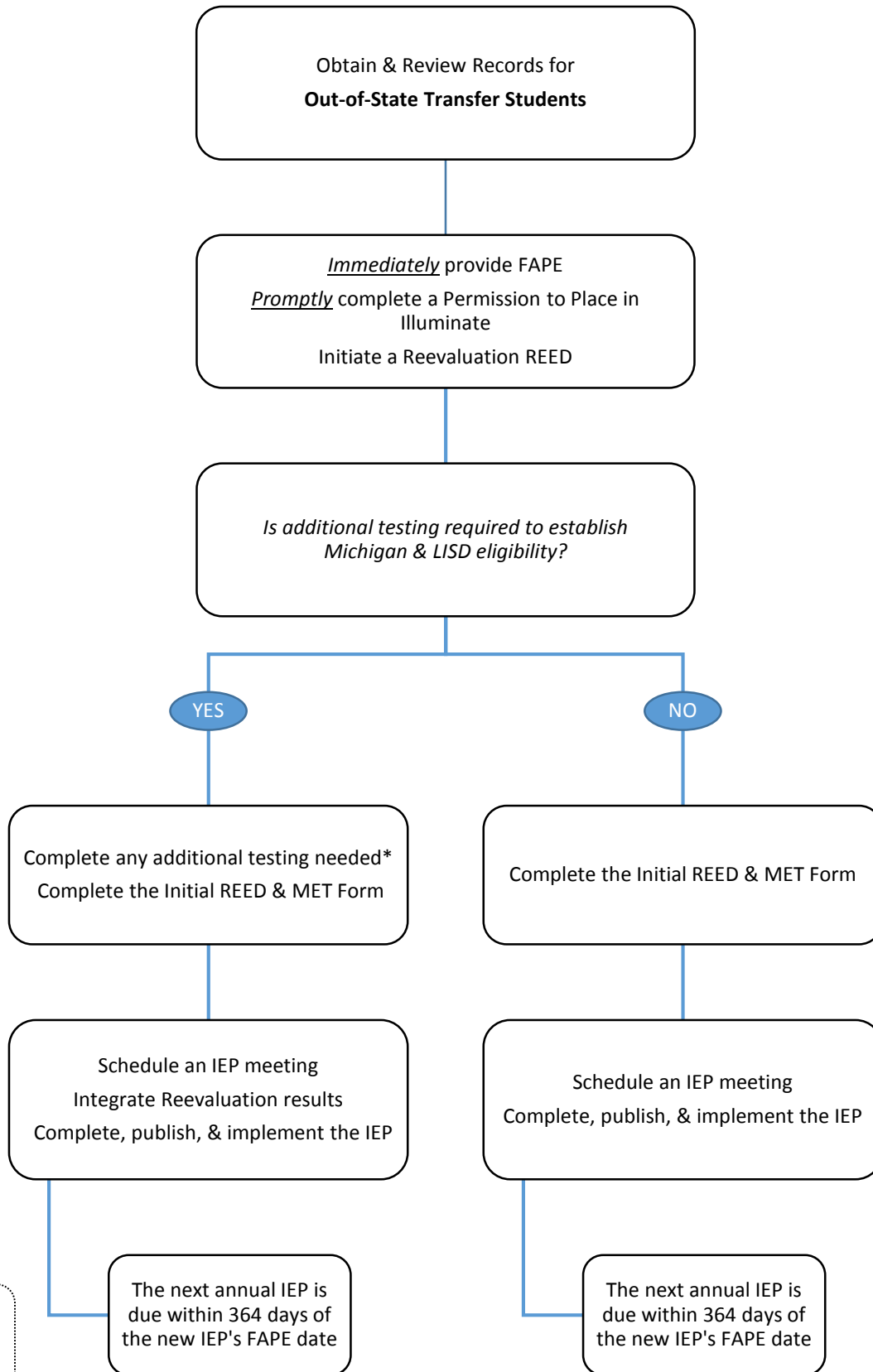
In instances of overdue IEPs (more than a year old), the new public agency must follow the same requirements of other transfer students even if the previous public agency failed to meet annual review requirements for the student's IEP but the student continued to receive special education and related services under the IEP. Therefore, the initial REED & IEP should be completed as soon as possible upon enrollment. A Permission to Place form is still required and the student should receive special education services while the new IEP is in process. If the student's IEP is more than a year old and the student did not continue to receive services under that IEP, contact your regional supervisor for assistance.

In the instance a Reevaluation IEP is overdue (the most recent Reevaluation IEP is more than 3 years old) but (1) the student's annual IEP is still in effect or (2) the student continued to receive special education services under an overdue annual IEP, the IEP team should complete the Initial REED & IEP as soon as possible upon enrollment. For a student who has previously received special education services, the student will be allowed to continue to receive services while the REED is in process. If the student's Reevaluation IEP is more than 3 years old and the student does not meet criteria (1) or (2) above, contact your regional supervisor for assistance.

When a new IEP is developed and implemented, the next annual IEP is due within 364 days of the new IEP's FAPE date.

OUT-OF-STATE TRANSFER PROCEDURE FLOWCHART

COMPLETE ALL STEPS WITHIN 30 SCHOOL DAYS OF ENROLLMENT



**To request an extension, contact your regional supervisor*

COMPLETE ALL STEPS WITHIN 30 SCHOOL DAYS OF ENROLLMENT

PERMISSION TO PLACE

OVERVIEW

The Permission to Place form in Illuminate documents the provision of FAPE for transferring special education students while the IEP team, including parents, determines whether the student's current IEP will be adopted or a new IEP will be developed. This documentation includes the student's special education eligibility, important dates, transportation information, and programs and services that will be provided during the interim.

GENERAL CONSIDERATIONS IN ILLUMINATE

These general considerations follow the options you will see when creating a Permission to Place in Illuminate.

OUT OF STATE

This option is for students transferring from outside Michigan.

OUT OF COUNTY/WITHIN COUNTY PAPER IEP

This option is for students transferring from in Michigan. This option allows you to use the IEP from the previous district **OR** hold an IEP no later than 30 school days from enrollment.

WITHIN COUNTY

This option is for students transferring within the LISD. This option allows you to use the IEP from the previous district **OR** hold an IEP no later than 30 school days from enrollment.

USE IEP FROM PREVIOUS DISTRICT (WITHIN COUNTY/OUT OF COUNTY/WITHIN COUNTY PAPER IEP ONLY)

The IEP from the previous public agency may only be adopted for in-county or in-state students when the IEP from the previous public agency may be used with no changes. To adopt an IEP, the most recent IEP must meet the following criteria:

- The most recent IEP is less than 1 year old and the most recent Reevaluation IEP is less than 3 years old
- The most recent IEP is from a district in Michigan
- The district is able to exactly replicate all components of the IEP including the frequency and duration of programs and services

An IEP may not be adopted when the IEP team is completing a Reevaluation REED & IEP in conjunction with the transfer process because a new IEP is always developed to integrate evaluation findings.

EFFECTIVE DATE

The effective date is the date the Permission to Place is completed.

THIRTY DAY TARGET DATE

The Thirty Day Target Date is the date by which the district must either adopt the current IEP or develop a new IEP. The school has **30 SCHOOL DAYS** from enrollment to complete the transfer process with the first day a student attends the new school and attendance is taken as Day 1 of the process.

STUDENT PRIMARY DISABILITY

Transfer the student's eligibility from the most recent IEP. Consult with the pertinent service provider or school psychologist if the student's eligibility is unclear.

PERMISSION TO PLACE (CONT.)

DATE OF INITIAL/REEVAL IEP

Transfer the date of the most recent Reevaluation IEP from the most recent IEP. This date will be the "Date of Initial" IEP only when the student has not yet been reevaluated for special education services (i.e., they have been in special education less than 3 years and have not been through a Reevaluation cycle yet).

ASSIGNMENT START DATE

The assignment start date is the effective date of the Permission to Place.

CURRENT IEP DATE/PREVIOUS IEP DATE

The current IEP date is the date of the most recent IEP. The Previous IEP date is not required.

TRANSPORTATION INFORMATION

Enter relevant transportation information for the student.

ADD PROGRAMS AND/OR SERVICES

If the previous public agency's IEP will be adopted with no changes and meets the criteria set forth for adopting the IEP of an in-county or in-state student, the Programs and Services entered here should match the most recent IEP exactly.

If a new IEP will be developed (either for an out-of-state student or an in-county or in-state student whose IEP cannot be matched exactly), the programs and services should reflect the comparable programs and services recommended until the new IEP is developed for the student.

NOTICE FOR PROVISION OF PROGRAMS AND SERVICES FOR A TRANSFER STUDENT

Complete the notice page, including whether previous IEP will be adopted or a new IEP developed, and any options and other factors considered.

PUBLISH

The Permission to Place must be published before a new IEP can be published.

Upon publication, the District Representative will sign the Permission to Place. Scan and upload a copy of the signed Permission to Place to Student Uploads. Send a copy of the signed Permission to Place, corresponding Notice of the Implementation of Programs and Services, and Procedural Safeguards Notice to parents. File the originals in the student's CA60.

QUICK GUIDE**IN-COUNTY & IN-STATE TRANSFER ACTION STEPS****BEFORE OR SAME DAY AS ENROLLMENT**

- Obtain & review records
- Determine comparable services & provide FAPE
- Consult with parents
- Complete a Permission to Place
- Notify ALL receiving providers
- Determine if a REED is due during the school year

WITHIN 30 SCHOOL DAYS OF ENROLLMENT

- Adopt the current IEP OR develop & implement a new IEP

OUT-OF-STATE TRANSFER ACTION STEPS**BEFORE OR SAME DAY AS ENROLLMENT**

- Obtain & review records
- Determine comparable services & provide FAPE
- Consult with parents
- Complete a Permission to Place in Illuminate
- Notify ALL receiving providers

WITHIN 30 SCHOOL DAYS OF ENROLLMENT

- Complete an Initial REED & MET Form
- Develop & implement a new IEP

FREQUENTLY ASKED QUESTIONS

WHAT IS THE TIMELINE FOR THE NEW PUBLIC AGENCY TO ADOPT AN IEP FROM A PREVIOUS PUBLIC AGENCY OR TO DEVELOP AND IMPLEMENT A NEW IEP?

The first day of enrollment is the first day a student attends the new school and attendance is taken for the student. It is Day 1 of the transfer process. The new public agency shall immediately provide FAPE upon enrollment including services comparable to those in the student's IEP from the previous public agency.

For in-county and in-state transfer students, MARSE and IDEA require the new public agency to either implement the student's current IEP from the previous public agency or to develop and implement a new IEP, including holding a IEP meeting, developing the IEP, and publishing the IEP within **30 SCHOOL DAYS OF ENROLLMENT**.

For out-of-state transfer students, MARSE and IDEA require the new public agency to complete an initial REED, culminating in an IEP meeting to develop a new IEP based on evaluation results, and to publish the IEP within **30 SCHOOL DAYS OF ENROLLMENT**.

WHAT IF AN IN-COUNTY OR IN-STATE TRANSFER STUDENT HAS AN IEP AND CONTINUES TO RECEIVE SPECIAL EDUCATION AND RELATED SERVICES UNDER THE IEP, BUT THE IEP HAS NOT BEEN SUBJECT TO A TIMELY ANNUAL REVIEW?

The new public agency must follow the same requirements of other transfer students (immediately provide FAPE and either adopting the student's IEP or develop and implement a new IEP within 30 school days of enrollment) even if the previous public agency failed to meet annual review requirements for the student's IEP but the student continues to receive special education and related services under the IEP.

WHAT IF A STUDENT TRANSFERS INTO THE DISTRICT AND THEIR IEP OR REED IS DUE BEFORE THE END OF THE 30 SCHOOL DAYS PERMITTED FOR THE TRANSFER PROCESS?

The IEP team should work to follow the transfer process and develop, publish, and implement a new IEP on or before the IEP's due date even if it is before the end of the 30-school-day period. The IEP team should not adopt the IEP in this instance, because the due date for an adopted IEP does not reset but remains the same when it is adopted. If the REED is due before the end of the 30-school-day period, the IEP team should work to complete the REED and develop a new IEP before the due date. Under MARSE, extensions are not permitted for Reevaluation REEDs. If the team is concerned about meeting deadlines, they should contact their Regional Supervisor for assistance.

CAN AN OUT-OF-STATE TRANSFER STUDENT BE REQUIRED TO REMAIN AT HOME WITHOUT RECEIVING SPECIAL EDUCATION AND RELATED SERVICES UNTIL A NEW IEP IS DEVELOPED?

No. The new public agency must provide FAPE to the student upon enrollment and may not deny special education and related services to the child pending the development of a new IEP.

WHAT IF A STUDENT MOVES DURING THE SUMMER WITH AN IEP IN EFFECT THAT INCLUDES ESY SERVICES?

ESY services are considered an extension of the prior school year. Therefore, the new public agency would treat the student as if the student had transferred within the same school year. The receiving school would follow the steps in this guidance document while providing comparable ESY services.

WHAT IF AN OUT-OF-STATE TRANSFER STUDENT CANNOT PROVIDE A COPY OF HIS/HER IEP AND THE PARENT IDENTIFIES THE "COMPARABLE" SERVICES THE STUDENT SHOULD RECEIVE?

IDEA requires public agencies to take reasonable steps to obtain a student's records and respond to a request for records promptly, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student to avoid "undue interruption" of services.

FREQUENTLY ASKED QUESTIONS (CONT.)

After taking reasonable steps to obtain the child's records from the public agency in which the child was previously enrolled, if the new public agency is not able to obtain the IEP from the previous public agency or from the parent, the new public agency is not required to provide special education and related services to the student.

Reasonable steps may include calling and requesting the previous public agency fax the records instead of waiting for the CA60. The new IEP team may develop and coordinate a plan to contact the previous public agency including documenting these contacts. IEP teams who are concerned about records not arriving in a timely fashion should contact their Regional Supervisor for assistance.

In addition, IEP teams who are concerned a student may be negatively affected by a lack of comparable services while waiting for records to arrive may work with their Regional Supervisor to develop a plan to support the student. This plan would be based on the severity of the student's needs and available resources.

Further, even if the parent is unable to provide the child's IEP from the previous public agency, if the new public agency decides an evaluation is necessary because it has reason to suspect the child has a disability, nothing in the IDEA or its implementing regulations would prevent the new public agency from providing special education services to the child while the evaluation is pending, subject to an agreement between the parent and the new public agency.

If the child receives special education services while the evaluation is pending, the new public agency still must ensure the child's evaluation, considered an initial evaluation, is conducted within appropriate timelines. If the new public agency conducts an eligibility determination and concludes the student meets eligibility criteria for special education services, the new public agency still must develop and implement an IEP even though the student is already receiving special education services from the new agency.

If there is a dispute between the parent and the new public agency regarding whether an evaluation is necessary or the special education and related services that are needed to provide FAPE to the child, the dispute could be resolved through the mediation procedures or, as appropriate, the due process procedures. If a due process complaint requesting a due process hearing were filed, the public agency would treat the child as a general education student while the due process complaint is pending.

WHAT IF THE PARENT OF AN OUT-OF-STATE TRANSFER STUDENT REFUSES CONSENT FOR THE INITIAL REED OR CONSENT IS NOT OBTAINED AFTER MULTIPLE DOCUMENTED PARENT CONTACTS?

The new public agency must obtain written parental consent for the Initial REED. Reasonable steps to obtain consent may include calling, emailing, and mailing parents and should include documenting these contacts on the Plan page of the REED in Illuminate. A certified letter may also be sent. The IEP team may develop and coordinate a plan to contact the parent utilizing multiple staff members and methods of contact. IEP teams who are concerned about parents refusing or not respond to requests for consent should contact their Regional Supervisor for assistance.

Ultimately, if a parent does not provide consent for an initial evaluation, or fails to respond to a multiple documented requests to provide consent, the new public agency may (but is not required to) pursue the initial evaluation by utilizing consent override procedures such as the mediation procedures or the due process procedures. Students would continue to receive FAPE while teams work to obtain consent. If consent is not obtained as the 30-day deadline nears, IEP teams should contact their regional supervisor for assistance with deciding whether to utilize the consent override process.

In addition, IDEA is clear the public agency does not violate its obligation to identify, locate, and evaluate a child suspected of having a disability and needing special education and related services if it declines to pursue the evaluation. Similarly, if the parent does not provide consent for the new evaluation and the new public agency does not seek to override the parental refusal to consent to the new evaluation, the new public agency would treat the student as a general education student.

Because the student's evaluation in this situation is considered an initial evaluation, and not a reevaluation, the stay-put provision does not apply. The new public agency would treat the student as a general education student and would not be required to provide the child with comparable services if a due process complaint is initiated to resolve the dispute over whether the evaluation should be conducted.

GLOSSARY

DESIGNATED CASE MANAGER

The student's designated case manager is the person responsible for implementation of the student's IEP and is generally the student's special education teacher or other pertinent service provider.

DUE PROCESS COMPLAINT

A due process complaint is a filing by a parent or a public agency on matters related to the identification, evaluation, or educational placement of a child, or provision of FAPE to the child. Whenever a due process complaint is received, the parents and local educational agency (LEA) involved in the dispute must have an opportunity for an impartial a due process hearing.

FAMILY EDUCATIONAL RIGHTS & PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is a federal privacy law giving parents certain protections with regard to their children's education records, such as report cards, transcripts, disciplinary records, contact and family information, and class schedules.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Free and Appropriate Public Education means special education and related services provided to special education students (1) at public expense, under public supervision and direction, and without charge, (2) that meet the standards of the State Educational Agency (SEA), (3) include appropriate preschool, elementary, or secondary school education in the state involved, and (4) are provided in conformity with an Individualized Education Program (IEP) that meets the requirements of IDEA

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

An IEP is a written statement for each student with a disability who qualifies for special education. The IEP identifies the specially designed instruction and related services necessary to provide the student with an individually appropriate education and is reviewed yearly.

IEP TEAM

An IEP team is a group of individuals who work together to develop and implement a student's IEP. The team includes the student's parents, at least one regular/general education teacher, at least one of the student's special education teachers or providers, a representative of the public agency who is qualified to provide or supervise the provision of special education, knows about the curriculum, and knows about the resources the school system has available, an individual who can interpret the evaluation results and talk about what instruction may be necessary for the student (who may be a teacher or service provider), the student when appropriate, representatives from any other agencies that may be responsible for paying for or providing transition services (if the child is 16 years or, if appropriate, younger), and other individuals (invited by parents or the school) who have knowledge or special expertise about the child. For example, an invited individual may be a relative who is close to the child, a childcare provider, or related services personnel.

ILLUMINATE

Illuminate is the electronic special education record system the LISD uses.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

IDEA was originally enacted by Congress in 1975 to ensure children with disabilities have the opportunity to receive a free appropriate public education just like other children. The law has been revised many times over the years. The most recent amendments were passed by Congress in December 2004, with final regulations published in August 2006 (Part B for school-aged children) and in September 2011 (Part C, for babies and toddlers).

GLOSSARY (CONT.)

INITIAL EVALUATION

An Initial Evaluation is the type of evaluation used when a student is evaluated for special education for the first time.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

Least Restrictive Environment means a student who has a disability should have the opportunity to be educated with non-disabled peers to the greatest extent appropriate.

MICHIGAN ADMINISTRATIVE RULES FOR SPECIAL EDUCATION (MARSE)

MARSE is the set of implementing rules for federal and state laws for special education in Michigan

MULTIDISCIPLINARY EVALUATION TEAM (MET)

The MET is a group of school personnel who participate in special education evaluations. The exact make-up of the group depends on the student and the student's suspected disability. Staff members who frequently participate include general and special education teachers, teacher consultants, school psychologists, school social workers, speech and language pathologists, occupational therapists, physical therapists, and audiologists. The MET selects the tests or other assessment tools to use during the evaluation. Some members of the team will also administer the tests or participate in the evaluation process.

MET FORM

The MET form is used to establish whether a student is eligible for special education under a designated disability category and what criteria the student meets to establish the eligibility.

PERMISSION TO PLACE

The Permission to Place form in Illuminate documents the provision of FAPE for transferring special education students while the IEP team, including parents, determines whether the student's current IEP will be adopted or a new IEP will be developed. This documentation includes the student's special education eligibility, important dates, transportation information, and programs and services that will be provided during the interim.

PROCEDURAL SAFEGUARDS NOTICE

The Procedural Safeguards Notice is a May 2009 document provided by the Michigan Department of Education to assist parents of a student with a disability in learning about the procedural safeguards available to them under IDEA and MARSE.

REEVALUATION

A Reevaluation is an evaluation conducted when a student is already receiving special education services and determines whether the student continues to be eligible for special education. Reevaluations must be conducted at least every 36 months under IDEA.

REVIEW OF EXISTING EVALUATION DATA (REED)

A review of existing evaluation data (REED) is the process of looking at a student's existing data to determine if additional data are needed as part of an Initial Evaluation or Reevaluation. Specifically, the group conducting the REED must decide whether further assessments are required to determine (1) whether the student has or continues to have a disability, (2) whether the student's present levels of academic achievement needs and related developmental needs have changed, (3) whether the student needs or continues to need special education and related services, and (4) whether the student needs any additions or modification to the special education and related services to meet the measurable annual goals set out in the individualized education program (IEP) and to participate, as appropriate, in the general education curriculum.

GLOSSARY (CONT.)**PUBLIC AGENCY**

A public agency is a school system, district, school, or program who is providing educational services to a student.

SERVICE PROVIDERS

A service provider is on the student's IEP team and supports implementation of the IEP by providing direct or indirect services to the student.

STAY-PUT PROVISION

The stay put provision under IDEA is the student' right to remain in his/her current placement and receive services while the school and parents resolve a disagreement about the student's educational placement.