

Transfers of Students with IEPs in District

Many students transfer into districts during the summer. While the education code specifically outlines the procedures to be utilized when students transfer during the school year, **when students transfer during the summer (between school years)**, the education code does not identify specific procedures but instead only requires that the District have an IEP in effect at the beginning of the school year that offers the student a FAPE (free, appropriate public education). The information in these guidelines, especially regarding the use of an interim administrative placement, is new and should be reviewed carefully by LEA representatives. LEA representatives should ensure that the IEP being reviewed for each transfer student is the most recently signed and implemented IEP. The following procedures align with the *Ventura County SELPA Transfer Guidelines*.

TRANSFERS DURING THE SUMMER/between school years (including enrollment up through the first day of the regular school year)

(Primary Law: 34 CFR 300.323(a).)

FROM WITHIN THE SELPA:

The law requires that an IEP be in effect for every student with a disability at the beginning of the school year. The law does not require that the district implement the last agreed-upon IEP or provide comparable services when the student transfers during the summer, but the district has the option to do so. The LEA should:

- *Immediately contact Special Education Data Systems Coordinator to request the SIRAS record from the prior district.*
- *Review the IEP to determine if it can be implemented in its entirety.*
 - *If the IEP will be implemented in its entirety, notify the parent (per district guidelines) that the IEP is being implemented and will be in effect. Document that parent was notified that prior IEP will be implemented; documentation of parental notification that prior IEP is in effect can be made in an interim administrative placement, IEP meeting notes, letter or in SIRAS under the Student Info menu/Student Profile/Notes.*
 - *If any component of the IEP will not be implemented as specified in the existing IEP but comparable services will be provided instead, an interim administrative placement is developed.*

FROM OUTSIDE THE SELPA, BUT WITHIN CALIFORNIA:

The law requires that an IEP be in effect for every student with a disability at the beginning of the school year. The law does not require that the district implement the last agreed-upon IEP or provide comparable services when the student transfers during the summer, but the district has the option to do so. The LEA should:

- *Immediately contact Special Education Data Systems Coordinator to create a SIRAS record and upload all available documents from the prior district.*
- *Develop an interim administrative placement to specify the placement and services that will be in effect pending an IEP. The determination of FAPE that is outlined in the interim administrative placement is based on a review of the student's last IEP, available information including progress on prior goals, prior assessment reports, input from former school district (when accessible), and parent input.*
- *Special Education Data Systems Coordinator to update the MIS Summary (including current services), archive the record and report to CALPADS.*
- *A Review (30-day) IEP meeting is not required. The interim administrative placement will be in effect until the next full IEP (annual or triennial/reevaluation) meeting.*

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FROM OUTSIDE CALIFORNIA:

The law requires that an IEP be in effect for every student with a disability at the beginning of the school year. The law does not require that the district implement the last agreed-upon IEP or provide comparable services when the student transfers during the summer, but the district has the option to do so. The LEA should:

- *Develop an interim administrative placement to specify the placement and services that will be in effect pending an IEP. The determination of FAPE outlined in the interim administrative placement is based on a review of student's last IEP, other available information including progress on goals and assessment reports, input from former school district (when accessible), and parent input.*
- *Special Education Data Systems Coordinator to update the MIS Summary (including current services), archive the record and report to CALPADS.*
- *Determine if a re-evaluation is necessary, following district procedures. Often, a re-evaluation will be required because other states frequently do not have the same eligibility categories, programs, services, and assessment tools as used in California.*
- *Identify a projected IEP timeline and document in the interim administrative placement. If an assessment will be conducted, the meeting purpose in SIRAS should be identified as Triennial/Reevaluation.*

TRANSFERS WITHIN THE SCHOOL YEAR (enrollment after the first day of the regular school year through the last day of the regular school year)

(Primary laws: Education Code 56325(a)(1), (a)(2) and (a)(3); Education Code 56043(m)(1), (m)(2) and (m)(3); 34 CFR 300.323(e) and (f).)

FROM WITHIN THE SELPA:

When a student with an IEP transfers into a district from within the same SELPA, the new district shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless or until the parent and the District agree to develop a new IEP.

The LEA should:

- *Request the SIRAS record from the prior district.*
- *Review the IEP to determine if it can be implemented in its entirety.*
 - *If the IEP will be implemented in its entirety, notify the parent (per district guidelines) that the IEP is being implemented and will be in effect. Document that parent was notified that prior IEP will be implemented; documentation of parental notification that prior IEP is in effect can be made in an interim administrative placement, IEP meeting notes, letter or in SIRAS under the Student Info menu/Student Profile/Notes.*
 - *If any component of the prior IEP will be altered (services, accommodations, etc.), develop an administrative placement to specify the placement and services that will be in effect pending an IEP.*

FROM OUTSIDE SELPA, BUT WITHIN CALIFORNIA:

When a student with an IEP transfers into a district from outside the SELPA within the same academic year, the receiving District must provide the student with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the district shall adopt the previously approved individualized education program or shall develop a new IEP.

The LEA should:

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- *Immediately contact Special Education Data Systems Coordinator to create SIRAS record and upload all available documents.*
- *Develop an interim administrative placement to specify the placement and services that will be in effect pending an IEP. The determination of FAPE that is outlined in the administrative placement is based on a review of the student's last IEP, available information including progress on prior goals, prior assessment reports, input from former school district (when accessible), and parent input.*
- *Special Education Data Systems Coordinator to update the MIS Summary (including current services), archive the record and report to CALPADS.*
- *Convene an IEP within 30 days of enrollment to either adopt the prior IEP or develop a new Annual IEP.*
- *If there are concerns regarding the appropriateness of the eligibility, placement or services specified in the previously approved IEP, the IEP team should consider whether assessment is warranted and offer an Assessment Plan if indicated.*

FROM OUTSIDE CALIFORNIA:

When a student who had an IEP that was in effect in another state transfers to a school district in California within the same school year, the District (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's previous IEP), until the new District conducts an evaluation if determined necessary, and develops, adopts, and implements a new IEP, if appropriate. The LEA should:

- *Contact prior district for information and develop interim administrative placement to specify the placement and services that will be in effect pending an IEP. The determination of FAPE that is outlined in the interim administrative placement will be based on a review of the student's last IEP, other available information including progress on goals and assessment reports, input from former school district, and parent input.*
- *Special Education Data Systems Coordinator to update the MIS Summary (including current services), archive the record and report to CALPADS.*
- *Determine if a re-evaluation is necessary, following district procedures. Often, a re-evaluation will be required because other states frequently do not have the same eligibility categories, programs, services, and assessment tools as used in California.*
- *The interim administrative placement shall identify a projected IEP timeline. If assessment will be conducted, the meeting purpose in SIRAS should be identified as Triennial/Reevaluation.*

**TRANSFERS FOR FOSTER STUDENTS
SPECIAL CONSIDERATIONS**

(Primary Laws: Education Code § 48853.5 (f)(8)(A), (B) and (C); Education Code 48853.5 (f)(9); 34 CFR § 300.301(d)(2) abd (e);61 IDELR 202 (OSERS/OSEP 2013).

The Education Code states that when a foster child changes schools, the new school must immediately enroll the foster child, even if documents usually required for enrollment are not available or fees are owed for materials to the former school. Within two business days of the foster child's request for enrollment, the educational liaison for foster children designated by the new LEA shall contact the last school attended by the foster student to obtain all academic and other records. The educational liaison for the school last attended shall provide all records to the new school within two business days of receiving the request. If a dispute arises regarding the request of a foster child to remain in the school of origin, *the foster child has the right to remain in the school of origin pending the dispute*. The dispute shall be resolved in accordance with the existing dispute resolution process available to a pupil serviced by the LEA.

The receiving LEA should:

- *Immediately enroll the foster youth student even if you don't have the student's IEP. Ensure your district liaison for foster youth is involved in the process.*
- *Follow the two-day time-line to contact the last school of attendance to obtain records; the former school then has two days to send the foster student's records to the new school.*
- *If the foster youth wants to remain in the school of origin, the foster youth will stay at the school of origin pending resolution of the dispute.*

The US Department of Education maintains that highly mobile children should have timely and expedited evaluations and eligibility determinations. The department has emphasized the following when it comes to highly mobile children including students in foster care:

- *When a student transfers to a new LEA in the same school year, whether in the same state or in a different state, after the previous school has begun but not completed the evaluation, both school districts must coordinate to ensure the completion of the evaluation. This must occur as expeditiously as possible.*
- *The 60-day evaluation timeline does not apply when: 1) the new district is making sufficient progress to ensure prompt completion of the evaluation; and 2) the parent and new district agree to a specific time when the evaluation will be done. Document the timeline agreement in the IEP meeting summary notes and in SIRAS under the Student Info menu/Student Profile/Notes.*
- *Once parental consent has been obtained for an evaluation to determine if the child needs special education and related services, the district must not delay the completion of the evaluation because a response to intervention process is pending. Rather, the district must adhere to the relevant 60-day evaluation timeline unless extended by mutual agreement of the district and parents. Document the timeline agreement in the IEP meeting summary notes and in SIRAS under the Student Info menu/Student Profile/Notes.*

**TRANSFERS FOR HOMELESS STUDENTS
SPECIAL CONSIDERATIONS**

(Primary Laws: Title 42, United States Code § 11433(d); Title 42, United States Code § 11433(g)(3)(C)(i); United States Code § 11433(g)(3)(E); McKinney-Vento Act)

Homeless children with disabilities must have equal access to FAPE as would be provided to other children with disabilities. Their ability to participate in special education programs cannot be hindered by homelessness or such related factors as frequent school transfers.

- *The school must immediately enroll the homeless child in school even if: 1) documents usually required for enrollment are not produced; or 2) student has missed application or enrollment deadlines during any period of homelessness.*
- *If a dispute arises over eligibility, school selection or enrollment in a school, the law provides that: 1) the child shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute included all available appeals; 2) the parent or guardian of the youth or in the case of an unaccompanied youth, the youth, shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, or the State educational agency involved, including the rights of the parent, guardian or unaccompanied youth to appeal such decisions; 3) the parent, guardian, or unaccompanied youth shall be referred to the LEA's liaison designated for homeless youth, who shall carry out the dispute resolution process as described in the McKinney-Vento Act as expeditiously as possible after receiving notice of the dispute; and 4) in the case of an unaccompanied youth, the liaison shall ensure the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.*