

Exceptional Children Student Transfers

Transfers within McDowell County Schools

1. Students with IEPs are assigned to the school they would normally attend based on attendance zone or a parent's school choice. However, changes to school assignment will be made when the goals, objectives, services and/or the accommodations on the IEP cannot be implemented at the attendance zone or choice school.
2. If it is determined that a student's IEP cannot be implemented at the student's attendance zone or choice school, then the student will be assigned to a school that can implement the IEP within the region of the attendance zone school.
3. If it is determined that a student's IEP cannot be implemented at the regional school because of class size, transportation issues, accessibility and/or other factors, then Special Education and Related Service will determine the school assignment.
5. Data Managers make electronic transfers. The Special Education case manager will send the student's official educational record to the assigned school through school mail or hand delivery.
6. IEP or transition meetings may be held as needed.

Homelessness

Students experiencing homelessness who also have IEPs are afforded the same consideration as students without IEPs

1. A previously un-enrolled homeless student with an IEP will be enrolled in a McDowell County School like any other student.
2. When possible, MCS will continue to serve a homeless student with an IEP in the school of origin, except in the following cases:
 - * Doing so is contrary to the wishes of the student's parent or guardian.
 - * It is determined that the student's IEP goals, objectives, services, and/or accommodations cannot be implemented at the school of origin.
3. If it is determined that the school of origin cannot implement the homeless student's IEP because of factors such as class size, transportation issues, accessibility and/or other factors, Special Education and Related Service will determine the school assignment.
4. If the student with an IEP is assigned to a school other than the school of origin or the school requested by the parent/guardian, a written explanation and statement regarding the right to appeal must be provided to the parent/guardian.

5. If the family of a student with an IEP becomes homeless between academic years or during academic years, the student will continue in the school of origin for the duration of the homelessness provided that the school can implement the student's IEP.

6. If the student with an IEP becomes permanently housed during an academic year in which he/she was previously homeless, the student will continue in the school of origin for the remainder of the academic year provided that the school can implement student's IEP.

7. Homeless students with IEPs are entitled to services comparable to services offered to other students in the school selected (e.g. transportation, educational services, vocational/technical education, programs for gifted students, and school nutrition programs).

In-State Transfers

IDEA states:

“In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same state, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with federal and state law.”

IDEA - Building The Legacy of IDEA 2004

Student transfer procedures:

1. Take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous LEA or school in which the child was enrolled.

2. Convene an IEP meeting, including the parent, as rapidly as possible, but no longer than ten days. Ideally, parents should be given written notice of the meeting according to the Invitation to Conference procedure. When it is not and the parent agrees to a meeting date and time at the time of enrollment, the parents must be given a copy of the Parent's Rights Handbook before the meeting or at the start of the meeting.

3. Review the IEP from the other school system and any other information provided by the parent or the former school system.

4. Any student found IDEA eligible in the state of North Carolina is eligible in MCS.

5. If the school is unable to obtain the records from the former school system, the new school is not required to provide IEP services. But if the IEP Team has reason to suspect that the student is eligible for IEP services, nothing prevents the IEP Team from providing services through an interim IEP until an evaluation is completed and a new IEP is proposed within 90 days of

enrollment. On the other hand, if the school obtains a copy of an expired IEP from the former school system, IEP services must be provided. The IEP Team may adopt or modify the existing expired IEP.

6. The following will be recorded:

- a) Invitation to conference/Prior Notice record the meeting purpose, date, time, and location.
- b) IEP Team members present at the meeting.
- c) Address all areas of the IEP (DEC 4) noting any differences from the IEP adopted from the sending school system: (Special Factors, Course of study, Goals /Objectives, Type, duration, amount, and location of special education and related services, Accommodations and/or modifications , Type of test as well as the accommodations and/or modifications, Least Restrictive Environment rationale for removal from general education, ESY.)
- d) In the Prior Written Notice (DEC 5), note any items that were considered and rejected. Include any additional education performance information and indicate the decision to adopt the IEP from the other system .
- e) Parent signature is required for proposals to conduct a reevaluation.
- f) If the parent provided initial consent for special education (DEC 6) in the former school system and the child never exited special education, parental consent is not required. (OSEP Letter to Champagne 11-17-08)

7. Provide copies of the IEP from the other system and any modifications to the appropriate parties including the parent.

Out-of-State Transfers

IDEA states:

“In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another state, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency conducts an evaluation...if determined to be necessary by such agency, and develops a new IEP, if appropriate, that is consistent with federal and state law.”

IDEA - Building The Legacy of IDEA 2004

Student transfer procedures:

- 1. Take reasonable steps to promptly obtain the student’s records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled.

2. Convene an IEP meeting, including the parent, as rapidly as possible. Ideally, parents should be given written notice of the meeting according to the Invitation to Conference procedure. When it is not and the parent agrees to a meeting date and time at the time of enrollment, the parents must be given a copy of the Parent's Rights Handbook before the meeting or at the start of the meeting.

3. Teams are strongly advised to use existing data to determine eligibility. This determination should be made during the meeting to consider the IEP from the Out-of-State school system. Teams are permitted to accept the disability identification determined by the Out-of-State school system OR to change the disability identification based on data which suggests that a different identification is more appropriate. **These disability determinations are considered an initial evaluation**, even if it is more than a year old, when a person knowledgeable of evaluation procedures (e.g. school psychologist, speech language, and liaison) reviews and considers the data still valid for decision making purposes.

a) If a student transfers identified with a high incidence disability (ED, IDMI, OHI, SLD, or comparable category from another state) and the data meets NC criteria for the high incidence category, the IEP Team may continue the placement as categorical.

b) If the student was entitled in another state using a Response to Intervention approach, the IEP Team may apply these data to the criteria stated for Initial Entitlement.

c) All of the disability determination fields must be addressed using information from the sending school system.

Additionally the following fields must be addressed:

(1) Initial Eligibility

(2) Reevaluation

4. In cases in which a team is unable to make an IEP eligibility decision based on the sending system's information, the receiving school is obligated to provide "services comparable to those described in the previously held IEP until such time as the local educational agency conducts an evaluation...develops a new IEP." Following the procedure in #3 above meets this requirement. Additionally the following must be addressed:

a. The team should record the disability from the other state in the Prior Notice and state the following for the Reason for Conclusion: "Out-of-state IEP eligibility is under evaluation. This IEP addresses required comparable services in the interim."

b. Request an evaluation by addressing the requirements specified and obtain parental permission

c. The Evaluation must be completed and an IEP proposed within 90 days.

5. Review the IEP from the other school system and any other information provided by the parent or the former school system.

6. If the school is unable to obtain the records from the former school system, the new school is not required to provide IEP services. But if the IEP Team has reason to suspect that the student is eligible for IEP services, nothing prevents the IEP Team from providing services through an interim IEP until an evaluation is completed and a new IEP is proposed within 90 days of enrollment. On the other hand, if the school obtains a copy of an expired IEP from the former school system, IEP services must be provided. The IEP Team may adopt or modify the existing expired IEP.

7. The following will be recorded:

a) Invitation to conference/Prior Notice record the meeting purpose, date, time, and location.

b) IEP Team members present at the meeting.

c) Address all areas of the IEP (DEC 4) noting any differences from the IEP adopted from the sending school system: (Special Factors, Course of study, Goals /Objectives, Type, duration, amount, and location of special education and related services, Accommodations and/or modifications , Type of test as well as the accommodations and/or modifications, Least Restrictive Environment rationale for removal from general education, ESY.)

d) In the Prior Written Notice (DEC 5), note any items that were considered and rejected. Include any additional education performance information and indicate the decision to adopt the IEP from the other system.

e) Parent signature is required for proposals to conduct a reevaluation.

f) If the parent provided initial consent for special education (DEC 6) in the former school system and the child never exited special education, parental consent is not required. (OSEP Letter to Champagne 11-17-08)

8. Provide copies of the IEP from the other system and any modifications to the appropriate parties including the parent.