

Transfer Webinar October 26, 2011: Questions & Answers

1. Is it best practice to reject all incoming IEP's from other districts since minutes in regular education are never the same from district to district?

It's not a matter of best practices. What is required is that a determination must be made by the district of "is the IEP compliant and can it be implemented as written?" If the answer is "yes" then the district accepts the IEP – If the answer is "no" then you follow the steps in the process. In practice, there are some instances (although very few) where an IEP can be implemented exactly as written in the receiving district.

2. When a school district rejects a transfer evaluation, what is the first step? Basically where do we go from here? Do you complete the RED with the parents? And get permission to evaluate with the evaluation plan attached?

To answer this question, you need to go back and follow the process. If it is an In-State transfer, you will need to initiate a reevaluation and follow all of the steps in that process – including the first step of conducting a Review of Existing Data. If it is an Out-of-State transfer, you will need to initiate an initial evaluation and follow all of the steps in the process. Remember that this is a major difference between in-State and out-of-State transfers – in-state means reevaluation; out-of-state means initial evaluation.

Just because the student is a transfer student doesn't change the steps in either the reevaluation process or the initial evaluation process.

3. Is it acceptable to write interim IEP for out of state transfer students? Frequently it is necessary to reevaluate these students to determine eligibility by MO standards.

Remember that there is no such thing as an interim IEP. IEP's can be the initial IEP (meaning the first one ever written for a student) or annual IEP's (meaning the IEP's written after the first IEP). IEP's can also be amended.

4. When a district does not accept an evaluation from an in-state transfer and goes into a re-evaluation, does the student need to meet Missouri eligibility standards as if it were an initial evaluation?

No. Reevaluation means reevaluation. You must follow the steps in the process for a reevaluation including the requirements of eligibility determination.

5. Can request for records be verbal (over the phone)?

Yes, request for records can be made verbally over the phone. You will want to follow-up with a written request for records as well for the student's file to document the timeline required under the Safe Schools Act. Districts in Missouri have 2 days to request records from the sending school district. Once a request is received, districts in Missouri have 5 days to send those records. The model transfer form includes a place to document this information as well.

6. Please define "comparable services".

This would include the special education and related services listed on the student's IEP from the sending school district. The receiving school will need to provide those same services, as closely as possible, to the student in their new school. It is important to consult with the parent in this process and to be very clear on what the comparable services will be – a good idea is to follow-up with the parent in writing outlining the comparable services and the next step in the transfer process.

7. Are we still required to send a Notice of Action when we accept an out-of-state evaluation?

Remember that a written Notice of Action is required any time you refuse or propose to change or initiate the evaluation, identification, placement or provision of a free appropriate public education (FAPE). In this situation, no written notice would be required since the district is not proposing to change the identification of the student.

8. Can we use some of the test results from evaluation rejected?

Yes. This information would certainly be useful when conducting the review of existing data for the student.

9. If only total time in regular education is different from sending school, do we reject or can we make amendment for total minutes allocated in receiving school? Total minutes are not always the same from district to district.

If you cannot implement the IEP exactly as written, you must reject the IEP. It is important to remember that you cannot amend a transfer IEP – your only options are to **accept** the transfer IEP and then implement all of that IEP exactly as written or to **reject** the IEP and to develop a new IEP or provide comparable services until the new IEP is developed.

10. There are times when the parent does not disclose that their child is on an IEP. Are we out of compliance if we discover after the time limits that the student is indeed an IEP student?

This is why it is so important to have enrollment procedures in place to “screen” to determine if the student who is transferring has an IEP. If the parents do not share this information on the enrollment form, then the district does not have any reason to suspect that the student has an IEP at that point. However, once the student’s records are received from the sending school district, a review of those records should find some documentation such as an IEP or Evaluation Report. At that point, the receiving district has reason to suspect and would need to follow the transfer process.

11. Do you have to hold a meeting with IEP team, including parent, when making determination of accepting or rejecting transfer eval. report and/or IEP?

No. The district makes the determination as to whether they will accept or reject the evaluation report and IEP. Individual districts identify who has the authority to make this decision. In some districts it may be the Director of Special Education who decides while in other districts it might be a team consisting of the school counselor and special education process coordinator. In yet other districts, it may be the principal, the special education teacher and the counselor. The key is to have a process in place and to document the decision. The model form is one way to document these decisions of accepting or rejecting the evaluation report and IEP.

12. How do you complete the NOA if you accept the evaluation report but reject the IEP?

Again, remember that a written Notice of Action is required any time you refuse or propose to change or initiate the evaluation, identification, placement or provision of a free appropriate public education (FAPE). If the district decides to reject the IEP, then they must provide comparable services until a new IEP is developed. The written Notice of Action would be provided after the new IEP is developed IF the district develops a new IEP that changes the placement or provision of FAPE.

13. If a student transfer from an instate district would a RED from the sending school district be acceptable as the evaluation. The RED documented that they did not reevaluate and they determined he still meets criteria for special education criteria.

As the receiving district, you will need to review the most recent evaluation report and make a decision to accept or reject it. Acceptance indicates that the evaluation report meets the Missouri requirements for

determining that the student continues to be eligible for special education. If the RED contains enough information to document the determination that the student continues to be eligible for special education, then yes, accept it and move onto the IEP determination. However, if the RED does not include enough documentation but refers to a previous evaluation report, then the district could request the sending district provide a copy of that previous evaluation report and then review the two documents together to see if the eligibility criteria are met for the student. Remember, just because the sending district checks a box on the RED form does not mean that the receiving district is any less responsible for making a determination that the evaluation report meets Missouri requirements.

14. Once enrolled, how long does the new school have to accept or reject the transfer IEP?

The intent of IDEA is that students with disabilities who had an IEP in effect at their previous school continue to receive a free and appropriate public education without interruption. Acceptance or rejection of the IEP must take place as soon as possible to the enrollment of the student. If the district rejects the IEP, then services comparable to those provided in the prior IEP must be provided until a new IEP can be developed.

15. When you reject the transfer evaluation and reject the IEP, can you wait to write a new IEP until your re-evaluation is complete?

Yes. The district must provide services comparable to those provided in the prior IEP for the student if an in-state transfer and may provide comparable services for the student if an out-of-state transfer until the evaluation is complete and a new IEP can be developed. The district must follow the timeline requirements for the evaluation process.

16. If a transfer IEP is initially accepted but then a month or two later determine the IEP needs to be amended, can an amendment be done or does a new IEP need to be written?

Remember that transfer IEPs cannot be amended – ever! Transfer IEPs are either accepted or rejected but never amended.

17. Where do we file the transfer paperwork in our "brown files"?

I'm not sure what a "brown file" is – I'm guessing that is how your particular district organizes the special education files. The organization of files is a district decision. IDEA is only concerned that the documentation of the decision and process are recorded and kept in the student's records.

18. If you reject a transfer in-state IEP and develop your annual IEP, do you have to provide a Notice of Action - change of services if the services you are proposing are different from the transfer IEP?

Yes. A written Notice of Action is required any time you propose to change or initiate the placement or provision of a free appropriate public education (FAPE).

19. If out of state transfer, no IEP received - may have received evaluation report and rejected it or may not have received the evaluation report - can you accept the IEP and implement it OR is it better to provide comparable services until eligibility is established?

In general, the model form provides the possible scenarios and guides district staff through the steps in the transfer process. I'm not sure how to answer this specific question since you indicate in the first part of the question that "no IEP" was received, but are then asking if you can accept and implement the IEP. Sorry – you might want to call and talk to a compliance supervisor to clarify your questions and get a response. .

20. If you review the information on an in-state transfer but based on your review you feel that the eligibility needs to be changed, is it considered an initial or a re-evaluation?

If the district rejects the evaluation report for an in-state transfer student, then the district must conduct a reevaluation of that student. However, that student must meet the initial eligibility criteria for any other categorical disability other than the current eligibility category. For the current eligibility category, the student would not need to meet initial eligibility criteria, but still must show evidence of a disability.

21. So if minutes are at all different, especially at the junior high and high school level, because schools have different minutes per class, you must reject the IEP for any difference in minutes? For example, if a student transfers to my school with 260 minutes per week Math instruction, but my district is 270 minute per week periods, I have to reject the IEP because of 10 minutes?

Yes. Acceptance of the IEP means that the district can implement it exactly as written.

22. We just received an IEP in Spanish. We are providing comparable services until the IEP is translated. The student does not speak English so testing will not be valid if we initiate an initial evaluation. What is the process?

As far as the transfer process, you would follow the steps for an out-of-state transfer. For the question of the validity of the initial evaluation, it would be very important to work collaboratively with your district's coordinator for English Language Learners for this student. Another good resource would be the MELL consultant at your RPDC.

23. How long can comparable services be implemented before receiving school must write a new IEP?

If the reason for providing comparable services is because the district rejected the evaluation report, then comparable services would need to be provided during the evaluation timeline. Once eligibility has been determined, the district has 30 days to develop a new IEP.

If the reason for providing comparable services is that the IEP team has not yet been able to meet, then the district would need to convene the IEP team without undue delay or as soon as possible. The process would be expected to have been completed within 30 days of enrollment.

24. So if a student transfers in from in-state they don't have to meet initial criteria? Is that what you said?

The student would have had to have met initial criteria when they were initially evaluated. For an in-state transfer, if the district rejects the evaluation from the previous district, then it is considered a reevaluation. Students do not have to meet initial eligibility criteria on reevaluation but must they still must show evidence of a disability.

25. Given that you have to have an IEP for comparable services- You have an out of state transfer student that you are not accepting the evaluation so you initiate an initial evaluation- they qualify - so then is it an Initial IEP?

Yes, it would be an initial IEP in Missouri. In this situation, the present level should contain the background information about previous eligibility and services from out-of-state.

26. One-on-one paras - do they have to be considered in comparable services?

Yes, comparable services means following the IEP as closely as possible including all services.

27. If an evaluation that was developed in Missouri to an out of state district and that out of state district accepted that report, does that evaluation report then become an out of state evaluation report when that student transfers back into a Missouri school?

For an out-of state transfer, the important question is whether the student meets Missouri eligibility criteria. I would hope that since the student was originally evaluated in Missouri and was found eligible that the student met Missouri eligibility criteria. However, if that is not the case and the district rejects the evaluation report, then the student would need to meet initial evaluation criteria since they are an out-of-state transfer.

28. If a student transfers from out of state, it is considered an initial placement and services. If we are doing an initial evaluation for an out of state transfer student, would we need to have a notice of action initial services/placement while we are providing comparable services during our initial evaluation period?

No. The Notice of Action providing prior written notice of Missouri eligibility and initial services/placement would only be necessary if the student is found eligible under Missouri criteria. Remember that comparable services are not required in this situation and any comparable services must be determined in consultation with the student's parent/guardian.

29. What is a reasonable timeframe to create a new IEP if you reject the transfer in?

Again, the intent of IDEA is that students with disabilities who had an IEP in effect at their previous school continue to receive a free and appropriate public education without interruption. Acceptance or rejection of the IEP must take place as soon as possible to the enrollment of the student. If the district rejects the IEP, then comparable services must be provided until a new IEP can be developed.

30. When we develop a new IEP for a transfer student - you mentioned for this to be done ASAP. Is there a timeline for this?

As soon as possible to the date of enrollment so that there is no interruption in services due to the student transferring between school districts. The key is no interruption in special education services.

31. If a transfer IEP is rejected and the receiving district writes a new annual IEP, is a notice of action required if the services differ between the transfer IEP and the new IEP?

Yes. Prior written notice is required anytime the district proposes changing the services on the IEP.

32. How is providing services in the interim related to that interim iep's no longer exist?

You are not providing interim services – you are providing comparable services until a new IEP is developed.

33. How long is the interim for comparable services before convening the IEP team to develop a new IEP?

Again, this depends upon the reason for providing comparable services. If the reason for providing comparable services is because the district rejected the evaluation report, then comparable services would need to be provided during the evaluation timeline. Once eligibility has been determined, the district has 30 days to develop a new IEP.

If the reason for providing comparable services is that the IEP team has not yet been able to meet, then the district would need to convene the IEP team without undue delay or as soon as possible. The process would be expected to have been completed within 30 days of enrollment.

34. Is it acceptable in light of FERPA to e-mail a copy of the IEP to the new school if it goes to the counselor, sped teacher or process coordinator?

Yes.

35. If you reject the IEP but accept the evaluation report, how long do you have to write the new IEP?

The district will need to convene the IEP as soon as possible to develop the new IEP. Generally, the process should have been completed within 30 days of enrollment.

36. What is the process regarding transfer students from a public school to a nonpublic school, since the public school still provides services to nonpublic school students?

Remember that students with disabilities enrolled in private or parochial schools do not have an individual right to FAPE. Instead they have a right to services provided by the public school district as determined at the annual proportionate share meeting. If the student would be eligible for services under that plan, then the school district would need to follow the process to develop an Individual Services Plan (ISP).

37. If we are using the state model forms for transfers, do we also need a Notice of Action for decision of accepting or rejecting eval/IEP?

No.

38. When are interviews required in the transfer process in the four scenarios for in state transfers?

Interviews with the sending school district would be required in all situations. The only scenario where you would not want to contact the sending district would be if the student enrolls and has both the current evaluation report and current IEP in hand. Even then, I would think the receiving district would want to verify the information with the sending school district.

39. My above question relates to students who come in from districts who qualified them and they didn't have a discrepancy between ability and achievement?

Remember that it is the responsibility of the receiving district to determine whether the evaluation report documents eligibility. If the district believes that eligibility is not documented, the evaluation report should be rejected and another evaluation conducted following the process. I am guessing that you are talking about a student that was initially found eligible through the Response to Intervention (RtI) model. The receiving district must determine if the student meets Missouri eligibility criteria even if they do not use the RtI model for identification of specific learning disabilities. If the district believes something is amiss, then the district would reject the evaluation report and proceed with a reevaluation for in-state transfer students. Students are not required to meet the initial eligibility criteria for reevaluations.

40. Clarify please.....If you reject an IEP AND an evaluation, and you provide comparable services.....you DON'T need to write an IEP to cover the 60 days of evaluation? You are able to have no IEP in place during the evaluation process?

You are correct that you don't need to write an IEP to cover the 60 days of evaluation because the prior IEP is the IEP that continues to be in place with the receiving district providing comparable services during that evaluation period. Remember that the intent of IDEA is that there is no interruption to special education services provided to students with disabilities when they transfer between districts. Comparable services are based on the rejected IEP and are to be determined in consultation with the parent/guardian of the student and provided as agreed upon.

41. When rejecting an evaluation and initiating a reevaluation, do we have 60 days to complete the reevaluation? Can we provide comparable services for those 60 days and not develop the new IEP until the reevaluation is completed?

Yes. The district would follow the reevaluation process including the timelines. As stated previously, the prior IEP would be the guiding document in place with comparable services being provided as agreed upon during this time.

42. Can comparable services be provided based on interview if an IEP is not received (in-state)?

Yes. The receiving district would want to request that the sending district send a copy of the IEP within 5 business days under the provisions of the Safe Schools Act. At that time, the receiving district can make a determination as to whether to accept or reject the IEP and then follow the transfer process from that point.

43. Do we need to complete a referral form for the initial evaluation process for out of state transfer students?

No.

44. If an IEP student has a significant discipline record and is considered a danger, what is the process? Can there be a delay in this case while this information is being gathered based on Safe Schools act?

There should be no delay. Instead the district would simply follow the process. If they reject the IEP, then the IEP team will need to convene to develop a new IEP or the district would need to provide comparable services.

45. If we have rejected a LD diagnosis in the areas of reading and math from another MO district and we complete a reevaluation and find the student is LD only in reading, do we no longer address the math disability (that we have rejected) or do we say he has met initial eligibility criteria?

Remember that you do not reject a diagnosis; you are rejecting the evaluation report. The reevaluation process would need to take place and the student would need to meet initial eligibility for any categorical disability they are not currently eligible for. In this case, the team would need to take into consideration the fact that the student has received special education support in the areas of math and reading when determining continued eligibility.

46. If we have a student transfer to another in-state district and the receiving district accepts our evaluation...then the student transfers back to us, do we have to go through the steps to accept our own evaluation?

Yes, you would need to follow the transfer process.

47. If a student had a MO IEP and EVAL and transferred to another state and then transferred back before the end of the IEP or eval can we initiate the MO IEP and EVAL?

Again, you will need to follow the transfer process and either accept or reject the evaluation report and the IEP. Remember that accepting the evaluation report demonstrates the student meets Missouri eligibility criteria and that accepting the IEP means the district can implement it exactly as written.

48. When a student transfers within the state, and forwarded special education information from the previous school (within state) is from an out-of-state school/district, which forms would be completed (in-state or out-of-state)?

The student is transferring from another district in-state so the in-state forms would be used. The assumption is that the sending in-state district followed the transfer process when the student transferred from out-of-state and accepted those documents.

49. What happens when a student drops out and then re-enrolls in the same district?

You would need to follow your districts policy regarding students who drop out and then re-enroll in the district.

50. If a deaf or blind student moves to a MO district from "out-of-state" with an IEP that has "separate school" placement (student was enrolled in a separate school for blind or deaf) what is the obligation of the IEP team to implement that IEP. If they agree with the "placement" from the previous school/state, but the parents disagree, what is the proper course of action?

The district must review the IEP and make a determination to accept it or reject it. If the district accepts the IEP and the parents disagree with that IEP, then the parent would need to file a due process just as they would if they disagree with any IEP. If the district rejects the IEP, then comparable services would be provided as determined through consultation between the district and parent/guardian until such time that the IEP team can convene to develop a new IEP.

51. Do you need to obtain parent permission for initial services in your district if the child has received previous services in Missouri?

No. The district could request a copy of the Notice of Action for initial provision of services from the sending school district.

52. What if you have a student that transferred from out-of-state and did not have a current eval report or IEP? Only IEP and eval report came from an in-state that was outdated. What happens then?

Follow the transfer process. In this situation, it would be impossible to accept out of date documents. The district would want to initiate an initial evaluation since the student is an out-of-state transfer and provide comparable services to the last agreed upon IEP in consultation with the parent/guardian of the student.

53. Thank you!! Very good webinar!

We appreciate the opportunity to provide additional information and to answer questions. Please watch for upcoming webinars. Also, feel free to send in topics that you would like to see addressed in depth.