



TRANSFER IEPS

Special Education Director's Institute
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TRANSFER INDIVIDUALIZED EDUCATION PROGRAMS (IEPS)

- ◎ Transfer IEPs are IEPs transfer student's bring to the current Local Education Agency (LEA).
- ◎ Two Types of Transfer IEPs:
 - In-State
 - Out of State



REQUIRED ATTACHMENTS TO TRANSFER IEPs

- ◉ The following must accompany transfer IEPs:
 - Educational Diagnostic Assessment
 - Other Assessment Information (e.g. Occupational Therapy, Physical Therapy, Speech and Language)
 - Behavior Intervention plans (BIP)
 - Functional Behavioral Assessment (FBA)
 - Other Considerations (e.g. Transportation, Medical/Health Plans)

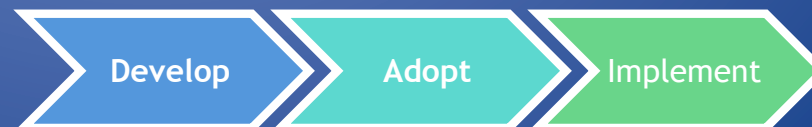


TRANSFER IEPs: SAME STATE

- ◎ 34 CFR §300.323 (e) IEPs for children who transfer public agencies in the same State.
 - If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) **must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either --**

TRANSFER IEPs: SAME STATE (CONTINUED)

- (1) **Adopts** the child's IEP from the previous public agency; **or**
- (2) **Develops, adopts and implements** a new IEP that meets the applicable requirements in sections 300.320 through 300.324
 - 300.320 - Definition of individualized education programs
 - 300.321 - IEP Team
 - 300.322 - Parent Participation
 - 300.323 - When IEPs must be in effect
 - 300.324 - Development, review and revision of IEP.



BEST PRACTICE

- ⦿ Hold a Multi-disciplinary Team (MDT)/IEP Meeting, which includes parents, for a Reevaluation of Existing Evaluation Data (REED) and IEP review.
- ⦿ Based on MDT/IEP Team decision, either the:
 - Previous IEP will be adopted; or
 - A new IEP is developed.
- ⦿ MDT/IEP Team decision is documented in the Prior Written Notice

BEST PRACTICE CONTINUED

- ⦿ During MDT/IEP Meeting, ensure the student meets the definition of a child with a disability as described under 34 CFR Sec. 300.8
- ⦿ Ensure Third Party Evaluations (e.g. UNM CDD) were not previously used as the sole basis for determining a student's eligibility for special education (300.304 (b)(2))
 - If this is the case, an evaluation which meets the requirements of 34 CFR Secs. 300.304 to 300.311 must be completed
 - ⦿ A student must continue to receive FAPE while evaluations are occurring.

TRANSFER IEPs: ANOTHER STATE

- ◎ 34 CFR Sec. 300.323 (f) IEPs for children who transfer from another state.
 - If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) **must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency--**

TRANSFER IEPs: ANOTHER STATE (CONTINUED)

- (1) Conducts an evaluation pursuant to 34 CFR Secs. 300.304 through 300.306 (if determined to be necessary by the new public agency); and
- (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in 34 CFR Secs. 300.320 through 300.324.



BEST PRACTICE

- ◎ Hold a Multi-disciplinary Team (MDT) Meeting, which includes parents, for a Reevaluation of Existing Evaluation Data (REED) to determine which evaluations must be completed.
 - Document MDT considerations in the PWN.



TRANSFER ASSESSMENTS

- ◎ 34 CFR Sec. 300.304 (c) (5)

- Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are **coordinated** with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with Sec. 300.301 (d)(2) and (e) **to ensure prompt completion of full evaluations.**



EVALUATION REQUIREMENTS

- ◎ 34 CFR Sec. 300.304 (b) Conduct of Evaluation. In conducting the evaluation, the public agency must:
 - (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining -
 - (i) Whether the child is a child with a disability under 34 CFR Sec. 300.8; and
 - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate for the child;

EVALUATION REQUIREMENTS CONTINUED

- ◎ (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate education program for the child



ELIGIBILITY DETERMINATION

- ◎ 34 CFR Sec. 300.306 Determination of eligibility
 - (c) Procedures for determining eligibility and educational need (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under 300.8, and the education needs of the child, each public agency must—
 - (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendation, as well as information about the child's physical condition, social or cultural background, and adaptive behavior

OVERDUE TRANSFER IEPS

- ◎ Procedures for determining a student with a disability requiring special education services must be followed.
 - Three-Tiered Student Intervention; or
 - Evaluation for special education upon parental consent



INITIAL IEP TIMELINE

- ◎ 34 CFR Sec. 300.323 When IEPs must be in effect.
 - (c) Initial IEPs; provision of services. Each public agency must ensure that-
 - (1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
 - (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

THANK YOU FOR YOUR
ATTENDANCE.

