

Special Education Out of State Transfers Procedure (SPE-P002) Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.1 This procedure outlines the process of enrolling Special Education out of state transfer students into Clarksville Montgomery County School System.

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

2.0 RESPONSIBILITY:

- 2.1 Principal of the zoned school

3.0 APPROVAL AUTHORITY:

- 3.1 Director of Exceptional Children Services

4.0 DEFINITIONS:

- 4.1 (Authority: 20 U.S.C. 1414(d)(2)(A)–(C))
300.324 Development, review, and revision of IEP
(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— (1) Conducts an evaluation pursuant to §§ 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 §§ 300.320 through 300.324.
(g) *Transmittal of records.* To facilitate the transition for a child described in paragraphs (e) and (f) of this section— (1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child'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 public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and (2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

Tennessee has not put into writing what is necessary to “prove” a child had an IEP in a previous state, but the legal department has recommended that LEAs err on the side of caution and provide FAPE if they have any indication that the child is eligible for special education services. If the review of records and reevaluation later determines otherwise, then the child would be “dismissed” once the local reevaluation has been conducted.

5.0 PROCEDURE:

- 5.1 Transfer students must first enroll in their school of zone
- 5.2 Once a child enrolls in a CMCSS school with indication of previous special education eligibility, the Lead Teacher at the school of zone should assign a casemanager based on grade placement and projected services.
- 5.3 A *Written Parental Permission Received* date and *Eligibility Date* should be entered into EasyIEP that is three years plus one month prior to the date the child enrolls in CMCSS (i.e. enrolls 9/7/10 yields permission date of 10/7/07). This allows the team 30 days to gather records and conduct a reevaluation of the student. The disability category will

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need to be initially assigned based on parent input, observations of the student, and any records provided.

- 5.4 An interim or short-term IEP should be developed and finalized in EasyIEP within 15 school days. This IEP is simply a “best guess” and may or may not reflect the services the child will ultimately receive, but should reflect the services the student will receive during the time that records are being gathered and the reevaluation paperwork is being completed. This IEP should always be written to serve the child in his school of zone and least restrictive environment, unless **extreme** conditions warrant an out of zone placement (i.e. current school does not have a safe placement or child’s needs are so significant that needs cannot be met even short-term in programs at school of zone). This decision is to be made by, at a minimum, the administrator of both schools, a school psychologist, and a lead teacher. If the child must be initially served out of zone, the receiving principal **must** be contacted and attend the interim IEP meeting. The IEP **must** be entered into EasyIEP and finalized once the parent and IEP team sign it.
- 5.5 A review of records and reevaluation should then occur at the local level. Once the reevaluation meeting is scheduled and held, a new Eligibility Report is completed indicating whether the student is or is not eligible for special education services based on TN standards. An annual IEP is then written and finalized, if the student remains eligible. If this IEP will result in the student being served in another school, representatives from that school will be contacted prior to the IEP team meeting.

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