Transfer Students and Special Education

This is a general outline of the process and considerations that arise when a child who receives special education services transfers from one public school district to another. It provides information on transferring from schools outside or within Michigan including charter schools. A transfer usually occurs due to a change in residence, an administrative agreement between school districts, or open enrollment.

Important Acronyms: FAPE – Free Appropriate Public Education
IEP – Individualized Education Program

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<td>§300.323(e) Transfer from within State (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 -(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 §300.320 through §300.324.</td>
<td>R 340.1721b Time lines. Rule 21b. (5) For students with an individualized education program in effect at a previous public agency who transfer public agencies within the same school year, the new public agency shall immediately provide a free appropriate public education. A decision regarding implementation of an individualized education program in accordance with 34 CFR § 300.323 shall be made within 30 school days of enrollment.</td>
<td>To ensure FAPE, the new district must immediately follow the current IEP from the previous school district or provide comparable services (in consultation with the parents). • The new district may adopt the IEP from the previous district; or • If the new district wants to make changes, the IEP team meets and writes a new IEP (within 30 school days).</td>
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<td>MSC 380.1135 Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; Sec. 1135. (1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following: (a) A certified copy of the student’s birth certificate. (b) Other reliable proof, as determined by the school district, of</td>
<td>LCISD Procedure Proof of Identify: Complete Local District Enrollment Forms. - Copy of Birth Certificate required within 30 days of enrolling If no birth certificate, other reliable proof (as determined by each local school district) with affidavit required. If proof of identity not provided, notify in writing that lack of compliance will result in referral to the local law enforcement agency. NOTE: The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit or birth certificate received pursuant to this section</td>
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LCISD Procedure: 1. Review previous IEP; 2. Contact previous district if more information needed; 3. Complete Previous Enrollment Form and obtain parental consent; 4. Provide Notice and Procedural Safeguards to parent/guardian; 5. Distribute to Service providers and school;
### §300.323 Transmittal of Records

**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.

### Request for Records

MCL 380.1135 (4) Michigan law requires that within 14 days after enrolling a transfer student, the school shall request the student’s record, including any Individualized Educational Plan (IEP) for a special education pupil, in writing from the previous school. The previous school has up to 30 days to comply. All Michigan schools have been advised that they should have procedures in place to facilitate these transfers.

### LCISD Procedures

- **Parent consent to release records is included in the Previous Enrollment Form;**
- **If transferring from district outside of Lapeer County that utilizes PCG/EasyIEP, fax copy of previous enrollment form with request to transfer file to PCG (Fax or scan/email to PCG);**
- **If transferring from district within LCISD, contact ISD Special Education Secretary to transfer the special education file.**

### §300.323(f) 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.

### Michigan

States may differ in their standards for the determination of eligibility. However, the student remains eligible as a student with a disability until an IEP determines that he or she is no longer eligible. If a receiving LEA is questioning the eligibility of a transfer student from out of state, the LEA must proceed as though it were an initial evaluation, which requires parental consent. *Fed. Reg. p. 46682 (2006) excerpt from Notice guidance document MDE Feb 2011 Draft*

### Transfer to Michigan from Another State

If a child is transferring from a public school in another state to a Michigan school district:

- The Michigan school district must follow the current IEP from the previous school district or provide comparable services (in consultation with the parents) until:
  - The new district either conducts its own evaluation or accepts the evaluation done by the previous district;
  - The new district uses the evaluation information to determine if the child is eligible for special education in Michigan; and
  - The IEP team meets to write a new IEP or modify the IEP from the previous district if the child meets Michigan eligibility criteria.

At this point in the process, the comparable services may end as the IEP team develops a proposed initial IEP.

### LCISD Procedures

Follow procedures for transferring within state AND:

- Conduct REED to review evaluations from out of state and determine if new evaluations are needed to determine eligibility in Michigan;
- Conduct MET and Initial Eligibility IEP within 30 school days. Provide Notice.
- EasyIEP Admin Page – under Initial IEP timelines, select Code 22 – “Child moved into Michigan with current IEP”.

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The student’s identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

That appears inaccurate or suspicious in form or content.