



IEP's and School Transfers

When it is necessary for a child with a disability to transfer to **a different school in the same district or a school in a different district in the same state**, the IDEA 2004 requires the following:

“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 in effect in the same state**, the LEA (school district) 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 school district adopts the previous IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.**”

Note:

If the child enrolls in a new school district in the same city, it is helpful if the child's special education teacher can attend the IEP meeting in the new school. If the child's evaluation is still current, it would not be necessary to do a new evaluation unless either the parent or the district believes it to be necessary.

When it is necessary for a child with a disability to transfer to **a school in another state**, the IDEA 2004 requires the following:

“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 school district shall provide such child with a free appropriate public education, including services comparable to those described in the previous IEP, in consultation with the child's parents, **until such time as the district conducts an evaluation, if determined to be necessary, and develops a new IEP, if appropriate, that is consistent with Federal and State law.**”

Note:

An evaluation could be necessary in this situation since the child is now in a different state whose requirements for an evaluation may be different than those of the state in which the child lived previously. The IEP from the previous school district would remain in place until an evaluation could be completed.

Transfer of records:

- Before the student is transferred to the new school, it is very important for parents to get complete copies of **all** school records.
- It is suggested that the parents check with the new school to make sure the record transfer request has been sent to the previous school and then call the previous school to make sure they received the request. The parents should ask for the date that the records were/will be sent to the new school.
- The records must include the IEP and all other records necessary to provide special education or related services to the child.
- If the student's records have not been received by the new school within two weeks, the parents should call both schools and quickly get the record transfer completed to prevent any delay in services required by the student's IEP.

Reference: *Wrightslaw: Special Education Law*, 2nd Edition; Operating Standards, Ohio 2008.
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