



In-State and Out-State Transfers Guidance Document

Interim Plan

Opens up for every Transfer.
Interim plan (not adopted)

In State--> Accept Eligibility ONLY-

You will need the Sped Secretary to open:
Transfer Disability and Consent dates

An interim plan needs to be put in place and an IEP meeting has to be held with-in **30-days**.

In State--> Accept Eligibility and IEP-

You will need Sped Secretary to open: Adopt In State and this is good until their next annual IEP

Transfer Within the Same State

"In the case of a child with a disability who transfers school districts within the same academic year, enrolls in a new school, and who had an IEP that was 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."

Out of State--> Accept Eligibility ONLY-

You will need the Sped Secretary to open:
Transfer Disability and consent dates.

An interim plan needs to be put in place and an IEP meeting has to be held within **30 days**.

Out of State-->Reject Eligibility = Reject IEP

You will need the Sped Secretary to open: Prior Written Notice stating that the Eligibility is not accepted, the reason why, and what comparable services are going to be put in place while we assess evaluate (follow the initial IEP timelines **60 days**).

At the Initial Eligibility, Evaluation, and IEP the team will determine if the student does or does not qualify under any of the 16 disabilities/eligibility for Colorado.

Transfer Outside State

"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."

This is from U.S. Dept Ed.

If the child receives special education services while the evaluation is pending, the new public agency still must ensure that the child's evaluation, which would be considered an initial evaluation, is conducted within *60 days* of receiving parental consent for the evaluation or within the State-established timeframe within which the evaluation must be conducted, in accordance with 34 CFR §300.301(c)(1). Further, under 34 CFR §300.306(c)(1)-(2), if the new public agency conducts an eligibility determination and concludes that the child has a disability under 34 CFR §300.8 and needs special education and related services, the new public agency still must develop and implement an IEP for the child in accordance with applicable requirements in 34 CFR §§300.320 through 300.324 even though the child is already receiving special education services from the new public agency.

Some things to think about:

- If we reject the eligibility, we start special education over with an initial (60 days)
- If we accept the eligibility and want to accept the IEP but there is something that doesn't match (programs, minimizing services without going out of the band, etc) you can accept the IEP and then amend it. Fill out an amend and parents need to sign it.
- Evaluations or IEPs can always be bumped up if needed.
- If you accept the eligibility and IEP but feel the IEP isn't matching the students' needs, you can add an evaluation.
- If you accept the *eligibility* but don't accept the IEP you will write the interim plan and have 30-days for an IEP meeting.