

Previous Enrollment in Special Education/Transfer Students

If a child with a disability has been receiving special education from one local educational agency in Virginia and transfers to another, the new local agency educational agency is responsible for ensuring that the child has available special education and related services in conformity with the existing IEP.

(Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 2002, 8 VAC 20-80-56)

Procedures:

Unless otherwise specified, a child must be enrolled at their zoned school. At the time of enrollment, if a child is identified as a child with a disability (IDEA or 504), the assistant principal of the building is notified and is responsible for scheduling an IEP meeting as soon as possible. The parent will be notified of the meeting using **Form I-SE-20**.

*The receiving school must take reasonable steps to promptly obtain all of the child's educational records, including the IEP, from the previous school division.

When a student with a disability and a current IEP transfers from another school district within Virginia to the York County School Division, the following steps must be followed:

- The special education and related services outlined in the existing IEP must be adopted and provided with the consent of the parent(s)/guardian/surrogate/student (age of majority with appropriate documentation) OR a new IEP must be developed for the student. If the existing IEP will be adopted as is or with minor changes the Permission for Enrollment of Transfer Students form (**I-SE-6**) must be completed at the meeting.
- Interim services agreed to by both the parent(s)/guardian/surrogate/ student (age of majority with appropriate documentation) and the IEP team may be provided
- If the parent(s)/guardian/surrogate/ student (age of majority with appropriate documentation) and the IEP team cannot agree on interim services, the IEP team must implement the existing IEP until a new IEP is developed and implemented.
- If the committee determines that the existing IEP is appropriate and shall be adopted as written, the school shall transfer the following information on the YCSD IEP form:
 1. Cover page
 2. Goals and Objectives
 3. Accommodations and/or modifications
 4. Participation in state and district-wide assessments
 5. Services and placement

The school shall serve the student consistent with the IEP with consent of the parent. Procedural safeguards (**Revised October 2006**) must be provided.

- If the eligibility information cannot be obtained within 30 days of enrollment from the previous school division, the school must initiate evaluation and eligibility procedures to determine if the student has a disability and requires special education.

When a student with a disability and a current IEP transfers from another state to the York County School Division, the following applies:

- An IEP team must meet without undue delay after enrollment to determine if the IEP developed by the previous state will be adopted by the York County School Division, be revised or a new IEP developed. (Form I-SE-6)
- Discuss at this meeting any needed evaluations including reconsideration of eligibility, if data suggests that the student is not identified correctly or is not eligible in Virginia, and to initiate the eligibility process if appropriate. (Form I-SE-10)
- The school is responsible for providing whatever services are included on the transferring IEP until revisions are made or a new one is developed.
- If the committee determines that the existing IEP is appropriate and shall be adopted as written, the school shall serve the student consistent with the IEP with consent of the parents. The existing IEP shall be transferred to YCSD forms. Procedural safeguards must be provided.
- If the committee and/or parent(s)/guardian/surrogate/student (age of majority with appropriate documentation) are not satisfied with the current IEP or portions of the IEP as written, or if a revisions to the existing IEP is needed the school must conduct an IEP team meeting without undue delay or within 30 calendar days after accepting the evaluation and eligibility determination from the previous state.
- If eligibility information cannot be obtained within 30 days of enrollment from the previous school division, the school must initiate evaluation and eligibility procedures to determine if the student has a disability and requires special education and related services.

When transferring from another state, if the parent/guardian/surrogates/student (age of majority with appropriate documentation) disagree with the Eligibility Committee's evaluation or a proposed IEP, they may request mediation or initiate a due process hearing. Pending the mediation or hearing:

- The student may be services as described in the existing IEP with consent of the parent(s)/guardian/surrogate/student; or
- The student may be serviced in another placement agreed to by the IEP team members; or
- If the parent(s)/guardian/surrogate/student (age of majority with appropriate documentation) do not agree to the proposed placement or services and no interim placement can be agreed upon, the school is NOT required to implement or approximate the services in the existing IEP from a previous state.

The following forms should be included in a transfer IEP packet:

- Notice of Individualized Education Program (IEP) Meeting (Form I-SE-20)
- Permission for Enrollment of Transfer Students (Form I-SE-6)
- IEP Addendum, if applicable
- Contact Log
- IEP Implementation Form (I-SE-55)

- Designated pages from YCSD IEP
- Consent for Special Education Evaluation (**Form I-SE-10**), if applicable