



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 Minnesota, including charter schools. A transfer usually occurs due to a change in residence, an administrative agreement between school districts, or open enrollment (Minn. Stat. § 124D.03).

Important acronyms to know:

FAPE – Free Appropriate Public Education

IEP – Individualized Education Program

<p align="center">Individuals with Disabilities Education Act (IDEA) Regulation</p>	<p align="center">Minnesota Parents Should Know</p>
<p>§300.323(e) Transfer from within State</p> <p>(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--</p> <p>(1) Adopts the child’s IEP from the previous public agency; or</p> <p>(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§ 300.320 through 300.324.</p>	<p>Transfer within Minnesota</p> <p>If a child is transferring from one Minnesota public school district to another:</p> <ul style="list-style-type: none"> • To ensure FAPE, the new district must 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. <p>Important Notes:</p> <ul style="list-style-type: none"> • <i>The new school district should clarify how it proposes to implement appropriate special education services for the child and must obtain agreement from the parent or guardian to any proposed change in service.</i> • <i>All charter schools are considered to be a public school district.</i>

§300.323(f) Transfer from Another State

(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.

Transfer to Minnesota from Another State

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

- The Minnesota 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 Minnesota; and
- The IEP team meets to write a new IEP or modify the IEP from the previous district if the child meets Minnesota eligibility criteria. At this point in the process, the comparable services may end as the IEP team develops a proposed initial IEP.

Helpful Hint:

Parents or guardians may wish to obtain Minnesota’s eligibility criteria at <http://www.PACER.org/parent/links.asp>.

Click on “Laws and Law Center”, “Minnesota Special Education Rules”, and “Entrance and Exit Criteria”. Look for the disability category that is of interest to you and click on it.

Important Notes:

- *If the new district and the parents disagree about what constitutes comparable services, they may use mediation or a due process hearing to resolve the issue.*
- *The evaluation conducted by the new district is considered an initial evaluation and requires parental consent. If the parents disagree with the evaluation results, no IEP will be in place. At that point, parents have the option of using dispute resolution.*

§300.323(g) Transmittal of Records

(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.

Obtaining Special Education Records

- The new Minnesota public school district must take steps to obtain the child’s previous school records, including the IEP and any other records relating to the provision of special education or related services to the child.
- Similarly, the previous school district must promptly provide the requested records.

Helpful Hint:

The parent or guardian can either obtain a complete copy of relevant school records from the previous school and provide them directly to the new school for review or sign an authorization to have the former school send the child’s records to the new school. The new school will then have the information needed to plan for the child.