

TRANSFER STUDENTS

Utah State Board of Education Special Education Rules (November 2013)

III.C. Transfer Students (pp. 53-54)

We must follow the Utah Special Education Rules regarding students who transfer to Jordan School District from another school district or state with a current IEP.

III.C. TRANSFER STUDENTS (§300.323).

1. Transfers within Utah.

- a. In the case of a student with a disability with a current IEP who transfers from one LEA to another within the State within the same school year, and who enrolls in a new school, the LEA, in consultation with the parent(s), must provide a FAPE to the student, including services comparable to those described in the previously held IEP, until such time as the new LEA:
 - (1) Adopts the previously held IEP, or
 - (2) Develops, adopts, and implements a new IEP that is consistent with Federal regulations and these Rules.

2. Transfers from out of State.

- a. In the case of a student with a disability with a current IEP who transfers LEAs within the same school year, who enrolls in a new school, and who has an IEP that was in effect in another State, the LEA, in consultation with the parents, must provide the student with a FAPE, including services comparable to those described in the previously held IEP, until the new LEA:
 - (1) Conducts an evaluation, if determined to be necessary by the LEA; and
 - (2) Develops a new IEP, if appropriate, that is consistent with Federal and State law.
- b. The evaluation for eligibility that may be conducted by the receiving LEA is considered an initial evaluation, not a reevaluation (IDEA 2004 Regulations Comments, p. 46681-82).

3. To facilitate the transition for a student described above:

- a. The new LEA in which the student enrolls must take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous LEA in which the student was enrolled; and
- b. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from the new LEA.

4. Experiencing difficulty in obtaining the IEP from the previous LEA does not relieve the LEA where the student is currently enrolled of its obligation to have a current IEP in place for an eligible student.