

Shore up charter school policies on intrastate transfer students

A student with an individualized education plan transfers to a charter school from another district located in the same state. The parent indicates on an enrollment form that the student had received special education services. However, the charter school makes no effort to request education records from the student's prior district nor does it create a new IEP for the student. Five months pass before the charter school obtains the student's prior IEP, and even then, the charter school doesn't implement it.

Key points

- Administer questionnaire to better understand student needs.
- Collaborate with student's prior district to accelerate record requests.
- Check state regulations on timelines for compliance. ■

As you may have guessed, this did not bode well for the charter school in *Thurgood Marshall Leadership Academy*, 63 IDELR 147 (SEA IN 2013).

The charter school in this case did not follow the Individuals with Disabilities Education Act regulations stating that, in regard to intrastate

transfer students, "a new district must provide services comparable to those the student received in the old district until it either: 1) adopts the IEP developed by the old district; or 2) develops, adopts, and implements a new IEP." 34 CFR 300.323(e).

To avoid a similar outcome in your charter, start by reaching out to a transfer student's parents as soon as their child enrolls. Furthermore, ensure that school staff collects data to answer any questions concerning potential services for the student. And remember to keep your time frames for compliance in tune with state regulations.

Follow these steps:

❖ **Foster open communication between parents, school staff.** Communicating with parents is crucial to provide adequate services to intrastate transfer students, said Daniel Fennick, a school attorney with Anderson, Converse & Fennick PC. "As soon as you get an IEP or any indication that the child received special education services in his previous district, hold a meeting with the parents," he said. "Work with them to figure out what is and what isn't appropriate on the child's prior IEP."

However, Fennick notes that parents may not always

be open to discussing special education for their child, even if the student received services in the past.

"An issue that I have seen is that parents will enroll their child in a charter school but they don't want their child in special education, so they don't notify the charter school," he said. If you suspect this is the case, send parents a brief questionnaire, he said. Ask if their child has ever previously received any special education services and make it clear that the questionnaire is being administered to provide a better education for the child, he said.

❖ **Collect data to gauge effectiveness of services received in prior district.** The IDEA requires school districts to take reasonable steps to promptly obtain the transfer student's records from the prior district.

"The law states you cannot delay enrollment due to missing paperwork," said Dawn Livesey, special education director for Skyline Schools Inc., a non-profit charter school management organization. "If you don't have [an IEP], all teachers who would service that student would then be required to collect data," she said.

In this situation, registrars and special education teachers should reach out to the transfer students' previous schools to obtain documents, Livesey said. Communicate via fax, phone, or email to verify the reception of records. "If, for some reason, you can't obtain education records in a timely manner, the school must reevaluate in all areas of concern," she said.

❖ **Know state time frames for compliance.** Some states have adopted their own timelines for compliance in regard to adopting the IEP developed by the former district or developing a new IEP for an intrastate transfer student.

"Since not all states carry the same regulations, you will not always receive comprehensive information," Livesey said. Nevertheless, you have to document your efforts and attempts to collect the documents. If you don't have all the information before school starts, you'd have to implement the IEP as written until you collect data to support decisions for each student, she said.

"If your school is collecting data regularly, often, and thoroughly, you should be able to collect enough classroom-based data to make a decision in the best interest of the student within 30 days [of his transfer] in order to draft a new IEP," Livesey said.

Resource: Learn more about the pamphlet On the Move: Serving Intrastate and Interstate Transfer Students Under the IDEA at www.shoplrp.com/product/p-300253.html. ■