

Transfer students/Private School Placement

1. What is the process when a student moves in from out of state or from another school in state? If a student with a disability, who had an IEP that was in effect in a previous school district in another state, transfers to a school district in South Dakota, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide the child with FAPE, including services comparable to those described in the student's IEP from the previous school district, until the new school district:

- (1) Conducts an evaluation pursuant to chapter 24:05:25, if determined to be necessary by the new school district; and
- (2) Develops, adopts, and implements a new IEP, if appropriate...

Amendments made to the IEP in consultation with the parents need to be documented and sent with a prior notice to the parents indicating the date the amended services will begin. It is the district's responsibility to ensure district staffs are informed of the IEP services they are to provide. If the IEP can be implemented as written, it is recommended a note of such be written on the IEP.

The new district must review the evaluation results to determine if the student meets the South Dakota eligibility criteria. If not, evaluation procedures must be implemented.

2. What do you do for a transfer student who does not meet South Dakota eligibility criteria? Do you implement a 504 or do you reevaluate?

Transfer student must be reevaluated if the most recent evaluation information does not support the South Dakota eligibility criteria. Following reevaluation, the IEP must determine if the student continues to be a student with a disability. If they do not meet criteria under one of the disability categories the student must be dismissed from special education. Refer to the eligibility criteria and district policy regarding the implementation of a 504 plan.

3. What is the timeline to review the IEP and initiate an evaluation if necessary?

The new district must begin providing FAPE as soon as possible following enrollment and consultation with the parent regarding the implementation of the IEP. If evaluation is necessary, procedures should also be initiated without delay.

4. When a student moves to your school district from a school out of state, what records does the district need to have? How is this different when a student moves from one school district to another school within the state?

The new district should request that all required documents be sent. For example, referral, prior notice/consent for initial evaluation or reevaluation, all evaluation reports, eligibility document, prior notice for meetings, IEP and any addendums. These same documents would be required if a student moves from one school district to another school district within the state.

5. What right does a public school have to receive a transfer student's record from a private school?

As a result of the IDEA 2004, the public school district in which the private school is located is responsible for the provision of services to children with disabilities and has authority to receive the child's educational record. The school district, in which the parent lives, if different from where the private school is located, does not have access to the student's educational record.

6. What if you do not receive any records for a transfer student? (In state or out of state)?

To facilitate the transition for a transfer student:

(1) The new school in which the student enrolls shall 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 and related services to the student, from the previous school in which the student was enrolled, pursuant to § 99.31(a)(2) of the federal Family Educational Rights and Privacy Act as amended to July 1, 2005; and

(2) The previous school in which the student was enrolled shall take reasonable steps to promptly respond to the request from the new school.

As the new school district, if you are not receiving records from a previous school district, contact your regional liaison at Special Education Program asking them to contact the previous district requesting records be sent immediately.