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**KEVIN HUFFMAN**  
COMMISSIONER

## MEMORANDUM

**TO:** Directors of Special Education  
Special Education Assessment Personnel

**FROM:** Joey Hassell, Assistant Commissioner of Special Populations

**DATE:** September 12, 2013

**RE:** Transfer Process for Students with Individualized Education Plans (IEPs)

This memorandum provides guidance to local education agencies (LEAs) regarding the eligibility determination and development of Individualized Education Programs (IEPs) within the EasyIEP system for students with disabilities who transfer to a public school in Tennessee.

The IDEA Regulations at 34 C.F.R. provide: 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 Sec. Sec. 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 Sec. Sec. 300.320 through 300.324.

In the case of transfer students, there are two possible scenarios:

1. The student transfers to a Tennessee school system from within the state
2. The student transfers to a Tennessee school system from out of state

For in-state transfer students: If an in-state transfer student's records are complete, the IEP team does not need to complete a new Eligibility Report and the student's eligibility date remains the same. If components are missing from an in-state transfer student's records, the IEP team will complete the Reevaluation Summary Report (RSR) to review existing evaluation data and determine what assessments are needed in order to establish the student's continued eligibility and need for special education services. Once assessments are complete, the IEP team will reconvene to determine the student's eligibility for services and complete a new Eligibility Report.

For out of state transfer students: The IEP team will complete the Reevaluation Summary Report to review existing evaluation data and determine whether these assessments are sufficient for determining the student's eligibility according to Tennessee State standards.

If an out of state transfer student's records **are** complete and sufficient for determining eligibility, the IEP team will complete an Eligibility Report. On the eligibility tab, the referral date will be entered as the date the LEA was made aware that the student previously received special education services, and the consent date will be entered as the date the parent consented to the file review for eligibility purposes (i.e., the date the RSR was signed).

If an out of state transfer student's records **are not** complete or sufficient for determining eligibility, the IEP team will indicate the assessment decision on Section V of the Reevaluation Summary Report. On the eligibility tab, the referral date will be entered as the date the LEA was made aware that the student previously received special education services, and the consent date will be entered as the date the parent signed consent for additional assessments. The IEP team will generate and sign an Eligibility Report—Out of State Transfer which provides eligibility during the initial evaluation timeline. When assessments are complete, the IEP team will reconvene to review evaluation results and determine eligibility according to Tennessee State Disability standards. At this time, an Eligibility Report will be generated and signed to reflect the current eligibility date and disability. If the student is found eligible, a new IEP will also be created to reflect the current date and data collected from the reevaluation/assessment.

Please refer to the following documents for further clarification: flowchart for transfer students.