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Memorandum

TO: Superintendents of Districts with Charter Schools
Special Education Directors of Districts with Charter Schools
Directors of Chapter Schools

FROM: Sam Howarth
State Director of Special Education

RE: Records Transfer for Students with IEPs

It has come to our attention that some charter schools are not serving students with disabilities until they receive records from the students' previous schools. Since charter schools are public schools, they must observe the same laws and regulations that cover all public schools.

When a student enrolls in a public school, if the parent tells the school that the student received special education services at the previous school, the school needs to hold an IEP team meeting as soon as possible to consider how to serve the student until records can be obtained. Typically, the parent contributes valuable information in this initial IEP team meeting and the district offers a set of services delivered primarily in the general education setting that allow the student's abilities to be observed. If records from the previous school are not received within a month, the school needs to formally evaluate the student.

Sometimes neither the parent nor the student mention previous special education services at the time of enrollment in a new school. In this case, if the student begins to struggle, the school may want to contact the previous school to see if the student was receiving special education services. If the student was receiving such services at the previous school, the school should convene an IEP team as above. If the student was not receiving special education services at the previous school, the school should refer the student to the Student Assistance Team and follow the same process as for any student who struggles.

It seems reasonable to expect an in-state school to transmit records within two weeks of receipt of the request. The Special Education Office is willing to assist personnel from charter schools in obtaining records for students with disabilities or giftedness if records aren't received in a timely fashion. In order to assist, we need the name of the student and the name of the school the student previously attended. **However, if the previous school does not send the records in a timely fashion, the charter school is not relieved of its obligation to serve those students under an IEP.**

If you have questions about this memo, please contact Bonnie Anderson in the Special Education Office at 827-6798.