

Out of State Transfers and Eligibility

Under [34 CFR §300.323\(f\)](#), if a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to and enrolls in a new school in a public agency in a new State 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 [34 CFR §§300.304-300.306](#) (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 [34 CFR §§300.320-300.324](#).

The Part B regulations do not address specifically whether an evaluation is an initial evaluation or a reevaluation if that evaluation takes place after a public agency in a new State has begun to provide services to the child comparable to the services that the child received in the sending State. In alignment with [71 FR 46682](#), OSDE-SES agrees that the evaluation conducted by a new public agency in a new State, if determined to be necessary, is an initial evaluation. OSDE-SES also has determined that if an evaluation is not necessary, then the next scheduled eligibility would be a reevaluation.

Note: The definition of *evaluation* and *assessment* are not the same. The [Oklahoma Special Education Handbook](#) clearly defines the difference between them.

Dependent Districts Inactivating (Exiting) 8th Grade Students

Dependent districts must not inactivate (exit) 8th grade students transitioning to 9th grade in OK EdPlan. However, these students should be exited from the district’s student information system (SIS). These students will be transferred to another district in OK EdPlan at the time of enrollment in the next district in SY2017-18. Be aware that it is the responsibility of the dependent district to determine the exiting status of any student whose record is not transferred to another district; districts should determine where each student went and if that student is continuing in an educational program. Dependent districts should never use the exit reason of “Graduated with Diploma” unless the student has met all [state requirements for high school graduation](#).

Secondary Transition for Graduates

The reporting requirements for secondary transition, as put forth by the Office of Special Education Programs (OSEP), are the number of youth that meet the criteria outlined in [34 CFR §300.320 \(b\) and \(c\)](#) divided by the number of youth age 16 and above with an IEP. Oklahoma Special Education Policies also require districts to include students in 9th grade or above. Since this data collection is captured on the last day of the fiscal year, only active students with IEPs who are 16 years or older—or in the 9th grade—on that day will be counted.

Students Withdrawn to Homeschool

The method for exiting/inactivating a student in OK EdPlan should be chosen based on the student's circumstances:

1. Was the student determined, through an evaluation, to be ineligible for special education and related services?
 - a. If yes, then a Multi-Disciplinary Evaluation and Group Summary (MEEGS) should be completed and finalized with "This student is Not Eligible for Special Education services" selected.
 - b. If no, Continue to 2.
2. Did the parent/guardian voluntarily revoke consent to Special Education in writing, prior to withdrawing the student to homeschool?
 - a. If yes, then a MEEGS should be completed and finalized with the selection: "This student is Eligible for Special Education because s/he meets the State of Oklahoma's eligibility standards for the following; however, the student's parent/guardian is declining services."
 - b. If no, the student should be inactivated with the exit reason of "Homeschooled."

Inherently, if the student was determined through an evaluation to be ineligible for special education and related services or, if the parent/guardian voluntarily revoked consent to Special Education in writing, then the local education agency no longer has a FAPE responsibility. Likewise, if the student is withdrawn to homeschool, the local education agency no longer has a FAPE responsibility. However, in any of the above cases, a written notice should be sent to the parent/guardian making them aware of this fact.