



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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Memorandum

TO: Local Directors of Special Education
Local Coordinators of Preschool Services
Local Special Education Data Managers

FROM: Marcella E. Franczkowski, M.S. *Marcella*
Assistant State Superintendent
Division of Special Education/Early Intervention Services

DATE: May 28, 2015

RE: The Transfer of an Individualized Education Program (IEP) as a Part of a Student's Comprehensive Education Record

The timely transfer of student records and data files continues to be the responsibility of each Local School System (LSS) and Public Agency (PA) in Maryland. It is always imperative that, once a request is made, the transfer of educational records, in accordance with the *Maryland Student Records Manual*, be completed in a timely and accurate manner to avoid disruptions in student services or violations of the IDEA. For your convenience, please find attached the Memorandum, dated October 29, 2014, entitled *Timely Transfer of Student Records and Data Files* which outlines the legal requirements for any student transferring between school systems.

As you are aware, it is critical that student educational records be transferred quickly to ensure that the student will be provided with an appropriate educational program, in the correct classes, and with all the required services and supports. This is especially critical for students in State supervised care, including students in foster care and who are in juvenile facilities. For these students, the law requires that the request for student records be made within two school days; it further requires that the sending school provide all of the required documentation from the education record within three school days from the request (please see attached Memorandum dated October 29, 2014, entitled *Timely Transfer of Student Records and Data Files*).

While it is critical for the timely transfer comprehensive educational records, it is important to note that the IEP, as only one component of the student education record, be transferred as soon as it is requested. There have been documented delays in IEP transfer to the MSDE, Juvenile Services Education (JSE) schools, so we are reiterating this critical message: The IEP is only one component of the student record and must be transferred as soon as possible between school systems. Further, given the electronic nature of IEPs in Maryland and the ability to share this information between school systems and public agencies, the provision to this component of the education record can occur immediately.

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An IEP may be accessed in one of two ways, depending upon whether or not the LSS or PA utilizes the Maryland Online IEP (MOIEP) or another IEP software program.

Maryland Online Individualized Education Program (IEP)

- To access a student's IEP from a LSS or PA utilizing the MOIEP, transferring staff contacts resident county (see *IEP Access Contact List*) to inform them that a student from that resident county is in their school/facility.
- In the Maryland Online IEP, the transferring resident county changes the resident county and resident school on the "Edit Demographics Page" to those of the receiving school/facility.

Vendor-Based Individualized Education Program (IEP)

- To access a student's IEP from a LSS or PA that does not utilize the MOIEP, transferring staff make the request to the person(s) noted on the *Maryland IEP Access Contact List* either for read only access to the LSS IEP vendor tool or to request a paper copy version (either by fax, PDF, or as an email attachment) of the student's IEP record.

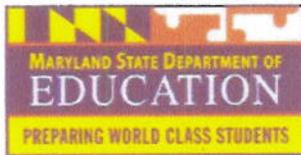
We appreciate your attention to this issue; it is of great importance if we are to provide high quality education to all students. Questions regarding this process may be directed to Marsye Kaplan, Chief, Specialized Instruction Section at marsye.kaplan@maryland.gov.

Changes to the contact list should be sent by email directly to Mark Trexler, the IEP contact at Johns Hopkins Center for Technology in Education at mtrexler@jhu.edu. Mr. Trexler will verify the primary contact annually in October and February.

MEF/PD

Attachments: *Timely Transfer of Student Records and Data Files* Memorandum to Local Directors of Special Education, Local Coordinators of Preschool Services and Local Special Education Data Managers
IEP Access Contact List

c: Lillian M. Lowery
Jack R. Smith
Local School System Superintendents
Beth Hart
DSE/EIS Branch Chiefs
Ned Featherston
Sally Slade
Mark Trexler



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FROM: Marcella E. Franczkowski, M.S. *Marcella*
Assistant State Superintendent
Division of Special Education/Early Intervention Services

DATE: October 29, 2014

RE: Timely Transfer of Student Records and Data Files

Overview

The timely transfer of student records and data files is a continuing responsibility of each local school system (LSS) and public agency (PA). Each LSS/PA is required to provide the Maryland State Department of Education (MSDE) with information necessary to fulfill its duties under Part B of the Individuals with Disabilities Education Act (IDEA).¹ The MSDE's duties include collection of data to measure performance in federal priority areas, as well as general supervision to ensure effective monitoring across the State.² Therefore, each LSS/PA has a related duty to transfer educational records when students move between jurisdictions or into State-supervised care, as this information is necessary to provide a Free Appropriate Public Education (FAPE) consistent with the IDEA. The failure to timely and accurately transfer student records and data files leads to violations of the IDEA.

Students in State-Supervised Care

When students transfer from one LSS/PA to another, the sending school and the receiving school are both responsible for prompt enrollment and transfer of educational records. This process is particularly critical for students in State-supervised care, as they may transfer frequently or at irregular times, depending on the status of agency proceedings. As a result, the timeline for communicating information between schools is mandated by State law. The receiving school must notify the sending school of a student's enrollment or imminent enrollment – and request that student's records – within two (2) school days.³ In turn, the sending school must:

- Immediately inform the receiving school orally of the grade level of the student;
- Immediately inform the receiving school orally whether the student is eligible for special education and related services under the IDEA or Section 504; and

¹ 20 U.S.C. § 1413(a)(7)

² 20 U.S.C. § 1416(a)(3)

³ Md. Code Ann., Educ. § 8-504 (a)

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- Within three (3) days, mail or electronically transfer a copy of all the student's records, including an IEP or 504 Plan if applicable.⁴

The purpose of this timeline is to avoid a disruption in the delivery of educational services. A copy of the applicable statutes is attached for your convenience.

Juvenile Services Education Program

Since July 1, 2014, the MSDE has implemented educational programs in all of the fourteen detention and treatment facilities operated by the Department of Juvenile Services (DJS).⁵ The Juvenile Services Education Program (JSEP) is the MSDE program that is responsible for providing educational services, including special education and related services, to students who are placed at DJS facilities.⁶ Therefore, the JSEP is now the PA responsible for ensuring that students with disabilities receive a FAPE consistent with the IDEA. In order to comply with State and federal law, each LSS/PA must timely and accurately transfer student records to the JSEP. The process must then be reversed and repeated when students return to their community. The timeline set forth above is critical to this partnership.

Conclusion

It has come to the attention of the MSDE that there have been instances over the last year that student records have not been transferred to receiving schools in a timely manner. Considering each LSS/PA uses an electronic data collection system to gather and transmit information on all students receiving services under the IDEA, it is imperative that school personnel also close and transfer student records immediately upon receiving oral notice of a student's enrollment or imminent enrollment in another LSS/PA, including the MSDE, JSEP. It is also the responsibility of each LSS/PA to have written policies and procedures outlining the steps that personnel take to ensure compliance with State and federal requirements. Ms. Sally Slade, Data Specialist, and Mr. Ned Featherston, Education Specialist, will review these requirements at the April 2015 Special Education Data Manager regional meetings.

If you have any questions regarding the electronic transfer of student records, please contact Ms. Slade or Mr. Featherston. Ms. Slade may be reached at 410-767-0063. Mr. Featherston may be reached at 410-767-0252. Thank you in advance for your assistance with this important procedure that enables LSSs and PAs to ensure students with disabilities, including those in State-supervised care, receive a FAPE.

MEF/SS:ls
Attachments

cc: Lillian M. Lowery
Jack R. Smith
Katharine Oliver
Beth Hart
DSE/EIS Branch Chiefs
Ned Featherston
Sally Slade

⁴ Md. Code Ann., Educ. § 8-504(b).

⁵ Md. Code Ann., Educ. § 22-303

⁶ Prior to enactment of the law, the provision of educational services was the responsibility of the DJS staff.

Maryland IEP Access Contact List

May 2015

Bold= Primary Contact for MD-Online IEP Communication

| Local School System | Contact Person(s) (Primary Contact in bold) |
|--|--|
| Allegany County Public Schools | Rick Metheny Richard.metheny@acps.k12.md.us |
| Baltimore City Public Schools | Shawn Lyles slyles@bcps.k12.md.us Lois McLaughlin lmclaughlin@bcps.k12.md.us |
| Calvert County Public Schools | Kara Muffley MuffleyK@calvertnet.k12.md.us |
| Caroline County Public Schools | Lisa Carroll lisa_carroll@mail.cl.k12.md.us |
| Carroll County Public Schools | Wayne Whalen wpwhale@carrollk12.org Mary LaCroix mglacro@carrollk12.org |
| Cecil County Public Schools | Nicole Warner nlwarner@ccps.org Samantha Wallace sgwallace@ccps.org Crystal Preston cpreston@ccps.org |
| Charles County Public Schools | Shayna Gold sgold@ccboe.com Lisa Peters lpeters@ccboe.com |
| Department of Adult Corrections | Baltimore City Correctional Center Debra Leonard debra.leonard@maryland.gov Baltimore City Detention Center (BCDC) Joseph Szymanski joseph.szymanski@maryland.gov Vaughn Platt vaughn.platt@maryland.gov Brockridge Correctional Facility Renee Terry renee.terry@maryland.gov Eastern Correctional Institution-East Rita Miller rita.miller@maryland.gov Eastern Correctional Institution-West Dev Sharma dev.sharma@maryland.gov Maryland Correctional Training Center (MCTC) Susan Beall susan.beall@maryland.gov |
| For general questions and concerns: Mark Shanty mark.shanty@maryland.gov | |

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| Local School System | Contact Person(s) (Primary Contact in bold) |
|---|---|
| | <p>Maryland Correctional Institution for Women (MCIW) MD Correctional Institute - Jessup Catherine Prigg catherine.prigg@maryland.gov</p> <p>Patuxant Institution Tremaine Joel tremaine.joel@maryland.gov</p> <p>Roxbury Correctional Institution (RCI) Candace Stonebreaker candace.stonebreaker@maryland.gov</p> <p>Western Correctional Institution North Branch Correctional Institution Cassandra Pratt cassandra.pratt@maryland.gov</p> |
| DHMH (Department of Health and Mental Hygiene) | Crystal Powell crystal.powell@maryland.gov |
| Dorchester County Public Schools | Anna Wingate wingatea@dcpsmd.org Gayle Campbell campbellg@dcpsmd.org |
| Frederick County Public Schools | Wes Baugher John.Baugher@fcps.org Linda Chambers linda.chambers@fcps.org |
| Garrett County Public Schools | Deneice Shultz Deneice.Shultz@garrettcountyschools.org Carol Beard Carol.Beard@garrettcountyschools.org Heather Raybold Heather.Raybold@garrettcountyschools.org |
| Harford County Public Schools | April Kurth april.kurth@hcps.org Vince Evans vince.evans@hcps.org Eileen Watson Eileen.watson@hcps.org |
| Kent County Public Schools | Wendy King wking@kent.k12.md.us |
| MANSEF (Nonpublic) Schools ONLY | Patrick Seay MOIEPsupport@kennedykrieger.org |
| Maryland School for the Blind | Dana Moran danam@mdschblind.org |
| Maryland School for the Deaf | Columbia Campus Charlene Ward-Marr charlene.ward-marr@msd.edu |

Maryland IEP Access Contact List

May 2015

| Local School System | Contact Person(s) (Primary Contact in bold) |
|---|---|
| | Frederick Mark Denton mark.denton@msd.edu Donna Vogeler donna.vogeler@msd.edu |
| Maryland State Department of Education/Juvenile Services Education System (MSDE/JSES) For general questions or concerns: Samuel Kratz samuel.kratz@maryland.gov | Youth Centers Teresa Judy teresa.judy1@maryland.gov Cheltenham Detention Facility Thomas JS Waxter Children's Center Katharine Lander katharine.lander@maryland.gov Charles Hickey School William Donald Schaefer House Janice Miller-Redd janice.miller-redd@maryland.gov Lower Eastern Shore Children's Center J Dewese Carter Youth Facility Annette Newsome annette.newsome@maryland.gov Baltimore City Juvenile Justice Althea Parker althea.parker@maryland.gov Alfred D. Noyes Children Center Victor Cullen Center Western Maryland Children's Center Likisha Young likisha.young@maryland.gov |
| Prince George's County Public Schools | pgcps.speced@pgcps.org |
| Queen Anne's County Public Schools | Lisa Sheehan lisa.sheehan@qacps.org Christina Schindler christina.schindler@qacps.org |
| St. Mary's County Public Schools | Honora Batelka hkbatelka@smcps.org Nicole Ayres naayres@smcps.org |
| Somerset County Public Schools | Lu Ann Goldsborough lgoldsborough@somerset.k12.md.us Kathy Reynolds kreynolds@somerset.k12.md.us |
| Talbot County Public Schools | Peggy Kilmon pkilmon@tcps.k12.md.us Kristin Mentges kmentges@tcps.k12.md.us |

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May 2015

| Local School System | Contact Person(s) (Primary Contact in bold) |
|---|--|
| The S.E.E.D School | Kristi Fausel kfausel@seedschoolmd.org Patricia Richardson prichardson@seedschoolmd.org |
| Washington County Public Schools | Nadine Fox FoxNad@wcps.k12.md.us Marjorie Gray graymar@wcps.k12.md.us Brenna Eichelberger eichebre@wcps.k12.md.us |
| Worcester County Public Schools | Brenda Shenton BDShenton@mail.worcester.k12.md.us Jeff Foote JEFoote@mail.worcester.k12.md.us |

Contacts for student IEP record transfers from LSS not using Maryland Online IEP System:

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|--------------|--|--|
| Anne Arundel | Tori Hagedorn Linda Donahue | thagedorn@aacps.org ldonahue@aacps.org |
| Baltimore | Allison Myers Jerry Platt Angela Crowe | amyers2@bcps.org gplatt@bcps.org acrowe@bcps.org |
| Howard | Janet Zimmerman Denise McClurkin | janet_zimmerman@hcpss.org denise_mcclurkin@hcpss.org |
| Montgomery | Melissa Smrcek Speri Silverman | Melissa_F_Smrcek@mcpsmd.org Esperanca_E_Silverman@mcpsmd.org |
| Wicomico | Bonnie Walston Jane Moore | bwalston@wcboe.org jamoore@wcboe.org |

Updated: May 18, 2015