

Child Find

CHILDREN WHO TRANSFER

September 15, 2020

Model operating procedures created by



Student Solutions

and

Thompson
& Horton_{LLP}

ATTORNEYS | COUNSELORS

Disclaimer: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

©2020 by Texas Association of School Boards, Inc.

TASB grants members/subscribers of TASB Student Solutions™ the limited right to customize this publication for internal (non-revenue generating) purposes only.



Children Who Transfer

CONTENTS

CHILDREN WHO TRANSFER..... 1

 What is Required 1

 Transmittal of Records..... 1

 Pending Initial Evaluations..... 1

 In-State Transfers 2

 Transfers from Another State 2

 Additional Procedures 3

 Transmittal of Records and Confirmation of Special Education 3

 Pending Initial Evaluations..... 4

 In-State Transfers 4

 Transfers from Another State 5

 Evidence of Implementation..... 6

 Resources..... 6

CITATIONS 7

CHILDREN WHO TRANSFER

What is Required

District and Campus Special Education Personnel must ensure that students with disabilities transferring to and from another LEA (public school district, public charter school, or other public school system) located within Texas or outside of Texas continue to receive FAPE at all times.

Transmittal of Records

When a student with a disability transfers into the District from another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly obtain the student's special education records, including all ARD documents, any evaluation information, and any other records relating to the provision of special education or related services to the student. The previous LEA is responsible for providing such records promptly, which is defined in Texas law as not later than the tenth working day after the date the request is received. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before requesting the student's special education records if the records are requested for purposes related to the student's enrollment in the District.

When a student with a disability transfers from the District to another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly respond to a request from the student's new school for the student's special education records, including all ARD documents, any evaluation information, and any other records related to the provision of special education or related services to the student. Campus Personnel and/or Campus Special Education Personnel should provide these records within ten (10) working days after the date the District receives the request. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before providing the student's special education records to the new school if the records are requested for purposes related to the student's enrollment in the new school.

Pending Initial Evaluations

To ensure that evaluations of students who transfer from another LEA are completed in a timely manner, District or Campus Special Education Assessment Personnel must coordinate with the previous LEA, as necessary. District or Campus Special Education Assessment Personnel are responsible for completing an evaluation that the previous

Children Who Transfer

LEA was in the process of completing at the time the student enrolled in the District, and must comply with all consent and evaluation procedures, including relevant timelines. See [CONSENT FOR INITIAL EVALUATION] and [EVALUATION PROCEDURES]. However, the 45-school day timeline required by the IDEA for completing an evaluation will not apply if the District is making sufficient progress to ensure the evaluation is completed in timely manner and the parent and District Special Education Personnel agree to a specific timeframe for completion of the evaluation.

In-State Transfers

District and Campus Special Education Personnel must continue to provide special education services for a student who transfers to the District from another LEA within Texas in the same school year if:

- The student's parent or guardian verifies that the student received special education services in the previous LEA; or
- The previous LEA confirms in writing or by telephone that the student received special education services.

The ARD Committee has 30 school days from the date the student's eligibility for special education is confirmed to either:

- Adopt the student's IEP from the previous LEA; or
- Develop, adopt, and implement a new IEP.

In the interim, District and Campus Service Providers, in consultation with the parents, must provide the student with FAPE, including services comparable to those described in the IEP from the previous LEA.

Transfers from Another State

District and Campus Special Education Personnel must continue to provide special education services for a student who transfers to the District from another district outside of Texas in the same school year when:

- The student's parent or guardian verifies that the student received special education services in the previous LEA; or
- The previous LEA confirms in writing or by telephone that the student received special education services.

If District or Campus Special Education Assessment Personnel determine that an evaluation is necessary, District Special Education Assessment Personnel must complete

Children Who Transfer

the initial FIE within 45 school days of receipt of written consent for the evaluation from the student's parent or guardian. The ARD Committee must then meet to develop an IEP for the student within 30 calendar days from the date of completion of the evaluation.

If District or Campus Special Education Assessment Personnel determine that an FIE is not necessary, the ARD Committee must develop, adopt, and implement a new IEP within 30 school days from the date the student's eligibility for special education is confirmed.

In the interim, District or Campus Service Providers, in consultation with the parents, must provide FAPE to the student including services comparable to those described in the IEP from the previous district.

Additional Procedures

Transmittal of Records and Confirmation of Special Education

Upon enrollment, the Campus Registrar or other Campus Personnel will review all information provided by the parent and notify the Campus Special Education Personnel if any information, including parent information, report cards, or other enrollment records, indicate that the student received special education services at his/her previous school. Campus Special Education Personnel will then contact the student's previous school within a reasonable time of enrollment to confirm that the student participated in a special education program at the previous school and to request in writing or verbally the type and amount of special education and related services the student received.

For students transferring into the District, Campus Special Education Personnel will request special education records from the prior school within a reasonable time of enrollment and ensure that all records are received within 10 school days of the prior district receiving the record request by following up at regular intervals. This includes:

- All ARD documentation/copies of all IEPs;
- All evaluations, including the most current FIE;
- Any progress data; and
- Any other records relating to the student's disability and the provision of special education services.

For students transferring from the District to a new public school in Texas, Campus Personnel and Campus Special Education Personnel will send documentation through the Texas Record Exchange System (TREx) within 10 school days of the request. Any additional special education documentation may be mailed or hand delivered to the receiving school.



Children Who Transfer

Pending Initial Evaluations

District Special Education Administration will carefully review the records of all transfer students to determine if an evaluation is pending and communicate with the parent or guardian or the previous school if more information is needed.

Where an evaluation is pending for a student transferring into the District, District or Campus Special Education Assessment Personnel will coordinate with the student's previous district to ensure the evaluation is completed in a timely manner and to gather any and all information about the pending evaluation.

District or Campus Assessment Personnel will meet with the student's parent or guardian to obtain consent and establish a new timeframe for completing the evaluation. The evaluation must be completed within the timeframe established. District or Campus Assessment Personnel will Document all student absences during the evaluation process.

In-State Transfers

Within a reasonable time following enrollment of a student with a disability who transfers to the District from another school in Texas and it is verified in writing or by telephone that the student was receiving special education services from the previous school, Campus Special Education Personnel shall initiate and hold a Transfer Meeting for the student with the parents, Campus Special Education Personnel and District or Campus Assessment Personnel present. At the Transfer Meeting, District and Campus Special Education Personnel, in consultation with the parent, will determine the special education and related services the campus will provide during the interim period that are comparable to those described in the previous IEP.

The United States Department of Education has declined to define "comparable services" because the Department interpreted "comparable" to have the plain meaning of the word, which is "similar" or "equivalent." As applied with respect to a student who transfers to the District from a previous LEA, "comparable" services means services that are "similar" or "equivalent" to those that were described in the student's IEP from the previous LEA, as determined by the student's newly-designated ARD Committee in the District.

District or Campus Assessment Personnel shall review the evaluation information received from the prior school. An evaluation from another district within the state of Texas is acceptable if the evaluation is current and appropriate. If the evaluation from the prior school is not accepted by the District or Campus Assessment Personnel or if the evaluation is not received within ten calendar days, the Campus Special Education Personnel shall obtain consent from the parent and conduct its own evaluation. However,

Children Who Transfer

the District only has 30 school days to complete the evaluation and conduct the annual ARD. If for some reason the evaluation from the previous school is received after ten calendar days and is found to be current and appropriate, the District or Campus Assessment Personnel can choose to accept the evaluation and not continue the additional evaluation.

Within 30 school days from the date the student is confirmed to be eligible for special education services, District and Campus Special Education Personnel will either (1) adopt the student's IEP from the previous LEA or (2) develop, adopt, and implement a new IEP based on the District's own evaluation or the evaluation information received from the prior school.

Transfers from Another State

Within a reasonable time following enrollment of a student with a disability who transfers to the District from another school outside of Texas, Campus Special Education Personnel shall initiate and hold a Transfer Meeting for the student with the parents, Campus Special Education Personnel and Campus or District Assessment Personnel present. At the Transfer Meeting, District and Campus Special Education Personnel, in consultation with the parent, will determine the special education and related services the campus will provide during the interim period that are comparable to those described in the previous IEP.

District or Campus Assessment Personnel shall review the evaluation information received from the prior school. An evaluation from another school outside of Texas may be acceptable if the evaluation is current and meets all TEA disability condition requirements. See [EVALUATION]. However, if the student enrolls in the District without an FIE, with an eligibility that is not recognized by TEA, or with a FIE that is in other ways inappropriate, the District will conduct its own evaluation. If the evaluation from the prior school is not accepted by the District or Campus Assessment Personnel or if the evaluation is not received within 10 calendar days, the Campus Special Education Personnel shall obtain consent from the parent and conduct its own evaluation. If an evaluation is required for a student transferring from another state, the evaluation is considered an initial evaluation and the 45-school day timeline is in effect. After obtaining consent and conducting the FIE, the ARD Committee must hold an ARD meeting within 30 days of the completion of the FIE to develop, adopt, and implement a new IEP. See [EVALUATION].

If an FIE is not necessary and the prior evaluation is accepted by the District or Campus Assessment Personnel, the District and Campus Special Education Personnel will complete a Review of Existing Evaluation Data ("REED") and hold an ARD meeting to develop, adopt, and implement a new IEP within 30 days of the date the student is

Children Who Transfer

confirmed to be eligible for special education services. See [REVIEW OF EXISTING EVALUATION DATA].

At the transfer meeting in BHISD, if all appropriate ARD committee members are present and the committee determines that all appropriate records and documentation are in order and that the IEP program is appropriate, the transfer meeting may also service as the Annual ARD meeting.

Evidence of Implementation

- Communication with Previous District for Student Transferring into the District
- Records on Texas Records Exchange System
- Records Received from Prior Schools
- Documentation of All Contacts to Prior School
- Documentation of All Contacts with Parent
- Consent for Initial Evaluation
- Documentation of Timeline for Evaluation
- FIE
- ARD/IEP
- Prior Written Notice
- Notice of Procedural Safeguards

Resources

[The Legal Framework for the Child-Centered Special Education Process: Children Who Transfer - Region 18](#)

[OSERS Letter to State Directors of Special Education \(July 19, 2013\) - U.S. Department of Education](#)

[OSERS Letter to Finch \(Aug. 5, 2010\) - U.S. Department of Education](#)

[OSERS Letter to Champagne \(Nov. 17, 2008\) - U.S. Department of Education](#)

[Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education](#)

[Notice of Procedural Safeguards - Texas Education Agency](#)



Children Who Transfer

CITATIONS

Board Policy EHBA; Board Policy EHBAB; 20 U.S.C. 1414; 34 CFR 99.31, 99.34, 300.301(d)–(e), 300.304(c), 300.323; Texas Education Code 25.002; 19 TAC 89.1011(f), 89.1050