

Sec. 1. SPECIAL EDUCATION VERIFICATION

For purposes of the requirements set forth in this Policy, “verify” means that UT Tyler University Academy has received a copy of the student’s individualized education program (“IEP”) from the previous district. *19 TAC 89.1050(j)(6)*.

Sec. 2. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SAME SCHOOL YEAR

In accordance with 34 CFR § 300.323(g), UT Tyler University Academy shall take reasonable steps to promptly obtain the student’s records from a previous school or district in order to facilitate the student’s transition, and for students transferring from UT Tyler University Academy, UT Tyler University Academy will furnish the student’s special education records to the student’s new school not later than the 10th working day after the date a request for the information is received by UT Tyler University Academy *34 CFR 300.323(g); 19 TAC 89.1050(j)(3)*.

a. Texas Transfers

When a student transfers to UT Tyler University Academy from another school within Texas, UT Tyler University Academy shall provide a free appropriate public education (“FAPE”) to the student. UT Tyler University Academy shall provide comparable services as those described in the individualized education program (“IEP”) the student transferred with until UT Tyler University Academy adopts the student’s IEP from the previous school, or develops, adopts, and implements a new IEP. UT Tyler University Academy must either adopt the student’s IEP from the previous school or develop, adopt, and implement a new IEP within 20 school days from the date the student is verified as being a student eligible for special education services. *34 CFR 300.323(e), (g); 19 TAC 89.1050(j)(1)*.

b. Out-of-State Transfers

If the student with a disability transfers to UT Tyler University Academy from a school outside of Texas and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, UT Tyler University Academy shall provide the student with FAPE, including comparable services, until UT Tyler University Academy conducts an evaluation, if appropriate, and develops, adopts, and implements a new IEP.

If UT Tyler University Academy determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 TAC 89.1011(c) and (e). UT Tyler University Academy must then develop, adopt, and implement a new IEP within 30 calendar days of the completion of the evaluation report.

If UT Tyler University Academy determines that an evaluation is not necessary, UT Tyler University Academy shall develop, adopt, and implement a new IEP within 20 school days from the date the student is verified as being a student eligible for special education services.

Sec. 3. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SUMMER

A student with a disability who has an IEP in place from a previous in- or out-of-state school district and who enrolls in a new local educational agency (“LEA”) during the summer is not considered a transfer student for the purposes of 34 CFR 300.323(e) or (f) and corresponding state law and/or regulations.

a. When Eligibility Can Be Verified Prior to the New School Year

If the parents or in- or out-of-state school district verifies before the new school year begins that the student had an IEP that was in effect in the previous school district, UT Tyler University Academy must:

1. implement the IEP from the previous school district in full on the first day of class of the new school year; or
2. convene an admission review and dismissal (ARD) committee meeting during summer to revise the student’s IEP for implementation on the first day of class of the new school year.

If UT Tyler University Academy wishes to convene an ARD committee meeting to consider revision to the student’s IEP prior to the beginning of the school year, UT Tyler University Academy must determine whether the parent will agree to waive the requirement that the written notice of the ARD committee meeting must be provided at least five (5) school days prior to the meeting. If the parent agrees to a shorter timeframe, UT Tyler University Academy must make every reasonable effort to hold the ARD committee meeting prior to the first day of the new school year if the parent agrees to the meeting time.

19 TAC 89.1050(j)(4), (5).

b. When Eligibility Cannot Be Verified Prior to the New School Year

When a student enrolls in UT Tyler University Academy during the summer from an in-or out-of-state school district, and UT Tyler University Academy cannot verify that the student had an IEP in effect in the previous district prior to the first day of the new school year, the timelines set forth in Section 2 of this Policy apply.

While UT Tyler University Academy waits for verification, UT Tyler University Academy must take reasonable steps to provide, in consultation with the student’s parents, services comparable to those the student received from the previous district if UT Tyler University Academy has been informed by the previous school district of the student’s special education and related services and placement.

19 TAC 89.1050(j)(4), (7).