

**POLICY GROUP 6 - SPECIAL EDUCATION  
CHILDREN WHO TRANSFER OR RECENTLY REGISTERED**

**Sec. 1. FAPE FOR STUDENTS WHO TRANSFER**

International Leadership of Texas will 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 a free appropriate public education (FAPE) at all times.

*34 CFR 300.323(e), (f), (g).*

**Sec. 2. TRANSMITTAL OF RECORDS**

When a student with a disability enrolls or registers in International Leadership of Texas, International Leadership of Texas will take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student from the previous LEA in which the student was enrolled. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from International Leadership of Texas, which is defined in Texas law as not later than the tenth working day after the date the request is received. International Leadership of Texas is not required to obtain parental consent before requesting the transfer student's records.

When a student with a disability transfers from International Leadership of Texas to another LEA, International Leadership of Texas will take reasonable steps to promptly respond to a request from the student's new LEA for the student's education records, including the IEP and supporting documents and any other records related to the provision of special education or related services to the student from International Leadership of Texas. International Leadership of Texas shall provide these records within ten (10) working dates after International Leadership of Texas receives the request. International Leadership of Texas is not required to obtain parental consent before providing the student's records to the new LEA if the records are requested for purposes related to the student's enrollment in the new LEA.

*34 CFR 300.323(g); 34 CFR 99.31(a)(2); 19 TAC 89.1055(s)(4); Tex. Educ. Code § 25.002.*

**Sec. 3. VERIFICATION OF IEP**

For the purposes of the procedures related to transfer students, "verify" or "verification of an IEP" means that International Leadership of Texas has received a copy of the student's IEP that was in effect in the previous LEA.

If a parent hasn't already provided verification of eligibility and International Leadership of Texas has been unable to obtain the necessary verification records from the previous LEA by the 15<sup>th</sup> working day after the date a request for the records was submitted to the prior LEA, International

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Leadership of Texas must seek verification from the student's parent. If the parent is unwilling or unable to provide such verification, International Leadership of Texas will continue to take reasonable steps to obtain the student's records from the previous LEA.

*19 TAC 89.1055(s)(5),(6).*

**Sec. 4. STUDENTS WHO TRANSFER WITH AN IEP WITHIN THE STATE OF TEXAS**

If a student with a disability transfers to International Leadership of Texas from another LEA within Texas during the same school year, and the parents or previous LEA verifies that the student had an IEP that was in effect in the previous LEA, International Leadership of Texas must either:

- (1) adopt the student's IEP from the previous LEA; or
- (2) develop, adopt, and implement a new IEP.

The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services. The first school day after International Leadership of Texas receives a copy of the student's IEP begins the 20-school day timeline.

If the student from another LEA in Texas registers with International Leadership of Texas during the summer when students are not in attendance for instructional purposes, the student is still considered a transfer student and the procedures and timelines explained above will apply.

*34 CFR 300.323(e); 19 TAC 89.1055(s)(1), (3).*

**Sec. 5. STUDENTS WHO TRANSFER WITH AN IEP FROM OUTSIDE TEXAS**

If a student with a disability transfers to International Leadership of Texas from another LEA outside of Texas during the same school year, and the parents or previous LEA verifies that the student had an IEP that was in effect in the previous LEA, International Leadership of Texas must:

- (1) if determined necessary, conduct a full individual and initial evaluation (FIIE) and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP; or
- (2) if an evaluation is not necessary and eligibility has been verified, develop, adopt, and implement a new IEP.

If it is determined by International Leadership of Texas that an evaluation is necessary, International Leadership of Texas must conduct the FIIE and make an eligibility determination and, if appropriate, develop, adopt and implement a new IEP within the timeline established by 19 TAC 89.1011 for a FIIE. In accordance with 19 TAC 89.1011, the FIIE must be completed, with

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some exceptions, 45 school days from receipt of written consent and the ARD Committee meeting must make its decisions regarding a student's eligibility and, if appropriate, develop and adopt a new IEP within 30 calendar days from the date of the completion of the written FIIE report.

If it is determined by International Leadership of Texas that an evaluation is not necessary, the timeline to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services. The first school day after International Leadership of Texas receives a copy of the student's IEP begins the 20-school day timeline.

If the student from another LEA outside of Texas registers with International Leadership of Texas during the summer when students are not in attendance for instructional purposes, the student is still considered a transfer student and the procedures and timelines explained above will apply.

*34 CFR 300.323(f); 19 TAC 89.1055(s)(2), (3).*

**Sec. 6.     COMPARABLE SERVICES**

While International Leadership of Texas waits for verification that the student had an IEP in effect at the prior LEA, International Leadership of Texas must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous LEA if International Leadership of Texas has been informed by the previous LEA of the student's special education and related services and placement.

Once International Leadership of Texas receives verification that the student has an IEP in effect at the previous LEA (i.e. has a copy of the current IEP in effect in the prior LEA), comparable services must be provided to the student during the timeline described above. For students who transfer during the summer or if the timeline for adoption or development of the IEP extends to the next school year, comparable services must include the provision of ESY services if those services are identified in the previous IEP or if International Leadership of Texas has reason to believe that the student would be eligible for ESY services.

*34 CFR 300.323(e), (f); 19 TAC 89.1066(s)(1), (2), (3), (7), (8).*

**Sec. 7.     PENDING INITIAL EVALUATIONS FROM PRIOR LEA**

To ensure that initial evaluations of students who transfer from another LEA are completed in a timely manner, International Leadership of Texas will coordinate with the previous LEA, as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation. International Leadership of Texas is responsible for completing an evaluation that the previous LEA was in the process of completing at the time the student enrolled in International Leadership of Texas, and must comply with all consent and evaluation procedures, including relevant

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timelines. However, the 45-school day timeline required by the IDEA for completing an initial evaluation will not apply if International Leadership of Texas is making sufficient progress to ensure the evaluation is completed in a timely manner and the parent and International Leadership of Texas agree to a specific timeframe for completion of the evaluation.

*34 CFR 300.304(c)(5); 300.301(d)(2), (e); 19 TAC 89.1011(f).*