

Template update October 2024

Legal Framework: CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

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Broad Category: CHILD FIND

PROCEDURES:

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 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.

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 a timely manner and the parent and District Special Education Personnel agree to a specific timeframe for completion of the evaluation.

In-State Transfers During the School Year

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 during the 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 20 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 During the School Year

District and Campus Special Education Personnel will continue to provide special education services for a student who transfers to the District from another district outside of Texas during the 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 the initial FIIE within 45 school days of receipt of written informed 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 FIIE is not necessary, the ARD Committee must develop, adopt, and implement a new IEP within 20 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.

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. For students transferring from the District to a public school not in Texas, Campus Personnel and Campus Special Education Personnel will respond to all requests for records, including special education records, by mailing the records via U.S. mail or confirmed email, to the school within 10 school days of the request. However, Campus Personnel must ensure that any method used for sharing special education documentation is done through a secure system to ensure confidentiality.

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, which shall not exceed 45 school

days from the date of the consent. 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 During the School Year

Within a reasonable time following enrollment of a student with a disability who transfers during the school year 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 Personnel shall initiate and hold a Transfer Meeting for the student with the parents, and appropriate Campus Special Education Personnel, Administration, and District or Campus Assessment Personnel present. This Transfer Meeting is not an ARD Committee meeting. Instead, at the Transfer Meeting, appropriate 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.

At the Transfer Meeting, 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, the District only has 20 school days to complete the evaluation and conduct the initial ARD meeting. 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 20 school days from the date the student is confirmed to be eligible for special education services, an ARD Committee Meeting must be held in which the student’s ARD Committee 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 During School Year

Within a reasonable time, following enrollment of a student with a disability who transfers to the District during the school year from another school outside of Texas, Campus Special Education Personnel shall initiate and hold a Transfer Meeting for the student with the parents and the appropriate Campus Special Education Personnel, Administration, and Campus or District Assessment Personnel present. This Transfer Meeting is not an ARD Committee meeting. Instead, 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.

At the Transfer Meeting, 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. 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 informed consent and conducting the FIE, the student's ARD Committee must hold an initial ARD meeting within 30 calendar days of the completion of the FIE to develop, adopt, and implement an appropriate IEP.

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 an appropriate IEP within 20 school days of the date the student is confirmed to be eligible for special education services. The REED process to determine when a transfer student needs a re-evaluation is 1) to review the existing FIE report, 2) verify that all criteria is met for a disabling condition, 3) if additional evaluation data is needed, complete the evaluation within timeline.

The District will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

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
- Documentation for the state in TSDS, PEIMS, and SPP
- District forms