Sec. 1. SPECIAL EDUCATION VERIFICATION

For purposes of the requirements set forth in this Policy, "verify" means that the new school district has received a copy of the student's individualized education program ("IEP") that was in effect in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines set forth in 19 Texas Administrative Code § 89.1055(s)(1), (2).

19 T.A.C. § 89.1055(s)(6).

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

In accordance with 34 C.F.R. § 300.323(g), Academy of Accelerated Learning, Inc., (AAL) 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 AAL, AAL will furnish a copy of the student's records, including the student's special education records, to the student's new school not later than the 10th working day after the date AAL received the request for information.

34 C.F.R. § 300.323(g); *Tex. Educ. Code § 25.002; 19 Tex. Admin. Code § 89.1055(s)(4).*

a. Texas Transfers

When a student transfers to AAL from another school district within Texas, AAL shall provide a free appropriate public education ("FAPE") to the student. AAL shall provide comparable services as those described in the IEP the student transferred with until AAL adopts the student's IEP from the previous school, or develops, adopts, and implements a new IEP. AAL must either adopt the student's IEP from the previous school district 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 C.F.R. § 300.323(e), (g); 19 Tex. Admin. Code § 89.1055(s)(1).

b. Out-of-State Transfers

If the student with a disability transfers to AAL from a school district 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, AAL shall provide the student with FAPE, including comparable services, until AAL conducts an evaluation, if appropriate, and develops, adopts, and implements a new IEP.

If AAL 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 Texas Administrative Code § 89.1011.
If AAL determines that an evaluation is not necessary, AAL 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.

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34 C.F.R. § 300.323(f); 19 Tex. Admin. Code § 89.1055(s)(2).

c. Comparable Services Pending Verification

While AAL waits for verification, AAL 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 AAL has been informed by the previous school district of the student's special education and related services and placement.

19 Tex. Admin. Code § 89.1055(s)(7).

d. Comparable Services Following Verification

Once AAL receives verification that the student had an IEP in effect at the previous district, AAL shall provide comparable services to the student during the timelines established under subparagraphs (a) and (b) of this Section. Comparable services include provision of Extended School Year ("ESY") services if those services are identified in the previous IEP or if AAL has reason to believe that the student would be eligible for ESY services.

19 Tex. Admin. Code § 89.1055(s)(8).

e. Requirements If Unable to Obtain Verification

If a parent hasn't already provided verification of eligibility and the AAL has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date AAL submitted a request for the records to the previous district, AAL shall seek verification from the student's parent. Nothing prohibits AAL from asking the parent to provide verification of eligibility before that date. If the parent is unwilling or unable to provide such verification, AAL shall continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the AAL.

19 Tex. Admin. Code § 89.1055(s)(5).

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

Students who register in AAL during the summer when students are not in attendance for instructional purposes are considered transfer students. The provisions in 19 Texas Administrative Code § 89.1055(s)(1) shall apply if the student comes from an in-state school district, and the provisions in 19 Texas Administrative Code § 89.1055(s)(2) shall apply if the student comes from an out-of-state district.

19 Tex. Admin. Code § 89.1055(s)(3).

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