



# Child Find

## CHILDREN WHO TRANSFER

August 2023

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## 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 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, as well as other educational records including relevant discipline and/or threat assessment records. 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 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, as well as other educational records including relevant discipline and/or threat assessment records. 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 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 from Prior LEA**

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. 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 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 verifies that the student received special education services.

For the purpose of transfers during the school year, "verify" means that the District has received a copy of the student's current IEP that was in effect in the previous district.

The ARD Committee has 20 school days from the date the student's eligibility for special education is verified to either:

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

The 20-school-day timeline will not begin until the District is in receipt of the student's current IEP that was in effect at the previous LEA.

While the District waits for verification and until the District adopts the student's IEP from the previous LEA or develops, adopts, and implements a new IEP, District and Campus Service Providers, in consultation with the parents, must take reasonable steps to provide the student with services comparable to those the student received from the previous LEA, if the District has been informed by the previous LEA of the student's special education and related services and placement.

### **Transfers from Another State 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 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 verifies that the student received special education services.

For the purpose of transfers during the school year, “verify” means that the District has received a copy of the student’s current IEP that was in effect in the previous district.

Based on information received from the previous LEA and/or parent, District or Campus Special Education Assessment Personnel will also determine if an evaluation is necessary for the transfer student. If District or Campus Special Education Assessment Personnel determine that an evaluation is necessary, District Special Education Assessment Personnel must complete 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 initial FIE 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 verified, which is defined as the District’s receipt of the student’s IEP that was in effect at the previous district.

While the District waits for verification and until the District develops, adopts, and implements a new IEP, District and Campus Service Providers, in consultation with the parents, must take reasonable steps to provide the student with services comparable to those the student received from the previous LEA if the District has been informed by the previous LEA of the student’s special education and related services and placement.

### **Enrollment During the Summer**

A student with a disability who registers in the District during the summer is not considered a “transfer student” if the student’s parent or previous school district verifies before the first day of the school year that the student had an IEP in place from a previous in- or out-of-state school district. The District “verifies” that a student received special education services in the previous LEA upon receipt of a copy of the student’s IEP that was in effect in the previous LEA.

If the District verifies the student’s eligibility for special education and related services prior to the first day of the school year, the District must either (1) implement the student’s IEP from the previous school district in full on the first day of class of the upcoming school year or (2) convene an ARD Committee meeting during the summer to revise the student’s IEP for implementation on the first day of class of the upcoming school year. If, despite reasonable efforts, the District cannot verify the student’s eligibility for special education and related services before the start of the new school year, the student is treated as a transfer student and the procedures and timelines above for in- and out-of-state transfers apply.

Should the District wish to convene an ARD Committee meeting to revise the IEP prior to the first day of the school year, the student’s parent must agree to waive the requirement

that the District provide the parent written notice of the ARD meeting at least five school days before the meeting. If the parent agrees to a shorter timeframe, the District must make every reasonable effort to hold the ARD Committee meeting prior to the first day of the new school year.

## **Additional Procedures**

### **Transmittal of Records and Confirmation of Special Education**

Upon registration or 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 and parent within a reasonable time of registration or enrollment (no more than 3 school days) to request that the parent and the prior LEA provide the District with a copy of the student's current IEP that was in effect in the previous LEA. In addition, the Campus Special Education Personnel will request from the previous LEA all student records, including all prior IEP documents, any evaluation information, and any other records relating to the provision of special education or related services to the student, as well as other educational records including relevant discipline and/or threat assessment records.

Campus Special Education personnel will make efforts to ensure that the previous LEA provides records within 10 working days of the request by contacting the previous LEA at regular intervals (at least 3 attempts) until the records are received.

For students transferring from the District to a new public school in Texas, Campus Personnel and Campus Special Education Personnel will send all documentation through the Texas Record Exchange System (TREx) within 10 working days of receipt of the request for records from the requesting District, including all special education records, discipline records, and threat assessment records. Any additional documentation that cannot be sent through TREx 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 working days of the request. Campus Personnel must ensure that any method used for sharing student records is done through a secure system to ensure confidentiality.

### **Pending Initial Evaluations from Prior LEA**

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.

Within 3 working days of receipt of information from the prior LEA that an initial evaluation is pending, 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.

### **Comparable Services and Consultation with Parents**

Until the District has an IEP in place for a transfer student with a disability, District and Campus Service Providers, in consultation with the parents, must take reasonable steps to provide the student with services comparable to those the student received from the previous LEA. Therefore, within 3 school days following notice from the previous LEA of the student's special education and related services and placement in the previous LEA, Campus Special Education Personnel will contact the parent to discuss the services and placement provided by the prior school and document the discussion and method of communication with the parent. After consultation with the parent, the Campus Special Education Personnel along with the District or Campus Assessment Personnel will determine and document appropriate comparable services that will be provided by the District on a District-approved form. Campus Special Education Personnel will distribute this information regarding the comparable services in writing to all relevant service providers. In addition, all service providers shall document the receipt of comparable services as well as any progress on these comparable services until an IEP is developed and adopted for the student.

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.

### **In-State Transfers During the School Year – Evaluation Information**

Within 20 school days from the date the student is verified to be eligible for special education services, the student's ARD committee will convene an annual ARD meeting to either (1) adopt the student's IEP from the previous LEA or (2) develop, adopt, and

implement a new IEP based on ARD Committee decisions. The 20-school-day timeline will not begin until the District is in receipt of the student's current IEP that was in effect at the previous district.

For in-state transfers, District or Campus Assessment Personnel shall review the evaluation information, if any, received from the prior school and determine if the District is accepting the evaluation completed by the prior LEA. An evaluation from another LEA within the state of Texas is acceptable if the evaluation is current and appropriate. See [EVALUATION]. If the District or Campus Assessment Personnel determines that additional formal evaluation information is needed to develop, adopt, and implement a new IEP, the District must obtain consent from the parent, complete a new FIE, and convene the student's ARD meeting to develop and adopt a new IEP within the 20-school-day timeline.

### **Transfers from Another State During School Year – Evaluation Information**

Upon enrollment, District or Campus Assessment Personnel shall review the evaluation information received from the prior school, if any. 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 working days of the request for records, the Campus Special Education Personnel shall obtain consent from the parent and conduct the evaluation, which will be considered an initial evaluation and the 45-school day timeline is in effect. After obtaining 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. See [EVALUATION].

If an FIE is not necessary and the prior evaluation is received and 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 initial ARD meeting to develop, adopt, and implement an appropriate IEP within 20 school days of the date the student is verified to be eligible for special education services. See [REVIEW OF EXISTING EVALUATION DATA].

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
- Documentation of Comparable Services
- Documentation of Implementation of Comparable Services
- Review of Outside LEA Data
- REED
- 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

## **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](#)

## **CITATIONS**

Board Policy EHBAA; 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