

## CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

Authorities: 34 CFR Parts 99, 300; Texas Education Code; 19 TAC Chapter 89

<b>Additional Resources</b>	
<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Practice</a>	The local education agency (LEA) must comply with relevant laws related to disclosure of child records. See the <a href="#">PARENT</a> and the <a href="#">ADULT STUDENT AND TRANSFER OF RIGHTS</a> frameworks, as appropriate.
<a href="#">Practice</a>	The LEA must comply with the <a href="#">CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION</a> and the <a href="#">WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION</a> frameworks when disclosing child records.
<b>TRANSMITTAL OF RECORDS</b>	
<a href="#">Practice</a>	The Family Educational Rights and Privacy Act does not require the child's new and previous LEAs to obtain parental consent before requesting or sending the child's special education records if the disclosure is for purposes related to the child's enrollment or transfer. <b>Citations:</b> <a href="#">99.31(a)(2)</a> <a href="#">99.34</a>
<a href="#">Practice</a>	To facilitate the transition for the child with a disability who transfers from one LEA to another: <b>Citations:</b> <a href="#">300.323(g)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>• The new LEA in which the child enrolls must take reasonable steps to promptly obtain the child's records from the previous LEA in which the child was enrolled including:</li> </ul> <b>Citations:</b> <a href="#">300.323(g)(1)</a> <a href="#">89.1050(j)(3)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ The individualized education program (IEP) and supporting documents; and</li> </ul> <b>Citations:</b> <a href="#">300.323(g)(1)</a>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>○ Any other records relating to the provision of special education or related services to the child;</li> </ul>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<p><b>Citations:</b>  <a href="#">300.323(g)(1)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>• The previous LEA in which the child was enrolled must <del>take reasonable steps to:</del><u>furnish:</u></li> </ul> <p><b>Citations:</b>  <a href="#">300.323(g)(2)</a>  <a href="#">TEC 25.002</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>○ <del>Promptly respond to such request from the new LEA by furnishing the</del> <u>The</u> new LEA with a copy of the child's records including the child's special education records:</li> </ul> <p><b>Citations:</b>  <a href="#">300.323(g)(2)</a>  <a href="#">TEC 25.002</a>  <a href="#">89.1050(j)(3)</a></p>
<u>Practice</u>	<ul style="list-style-type: none"> <li>▪ Not later than the tenth working day after the date a request for information is received by the previous LEA.</li> </ul> <p><b>Citations:</b>  <a href="#">300.323(g)(2)</a>  <a href="#">TEC 25.002</a>  <a href="#">89.1050(j)(3)</a></p>
<b>WHEN AN INITIAL EVALUATION IS PENDING</b>	
<u>Practice</u>	<p>If the child is in the process of being evaluated for special education eligibility and enrolls in a new LEA, the new LEA must coordinate with the previous LEA, as necessary and as expeditiously as possible, to ensure prompt completion of the initial evaluation.</p> <p><b>Citations:</b>  <a href="#">89.1011(f)</a>  <a href="#">300.304(c)(5)</a></p>
<u>Practice</u>	<p>The receiving LEA must comply with the <a href="#">CONSENT FOR INITIAL EVALUATION</a> and the <a href="#">EVALUATION PROCEDURES</a> frameworks except as provided in this framework.</p>
<u>Practice</u>	<p>If the child transfers from another LEA when an initial evaluation is pending, the timelines for conducting the evaluation set out in the <a href="#">EVALUATION PROCEDURES</a> framework apply to the new LEA unless:</p> <p><b>Citations:</b>  <a href="#">89.1011(f)</a>  <a href="#">300.301(d)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>The new LEA is making sufficient progress to ensure a prompt completion of the evaluation; and</li> </ul> <p><b>Citations:</b>  <a href="#">89.1011(f)(1)</a>  <a href="#">300.301(e)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>The parent and the new LEA agree to a specific time when the evaluation will be completed.</li> </ul> <p><b>Citations:</b>  <a href="#">89.1011(f)(2)</a>  <a href="#">300.301(e)</a></p>
<b>IEP FOR THE CHILD WHO ENROLLS DURING THE SUMMER, REGARDLESS OF LOCATION OF PRIOR PUBLIC SCHOOL</b>	
<a href="#">Practice</a>	<p><u>TheSo long as the new LEA has received a copy of the child's IEP that was in effect in the previous LEA, the</u> child with a disability who has an IEP in place from a previous in- or out-of-state school district and who <u>enrollsregisters</u> in a new LEA during the summer is not considered a child who transfers during the school year, and the LEA will:</p> <p><b>Citations:</b>  <a href="#">89.1050(j)(4)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>Implement the IEP from the previous school district in full on the first day of class of the new school year; or</li> </ul> <p><b>Citations:</b>  <a href="#">89.1050(j)(4)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>Convene an admission, review, and dismissal committee meeting during the summer to revise the child's IEP for implementation on the first day of class of the new school year.</li> </ul> <p><b>Citations:</b>  <a href="#">89.1050(j)(4)</a></p>
<a href="#">Document</a>	<p><u>If the new LEA wishes to convene an ARD committee meeting to consider revision to the child's IEP before the beginning of the school year, the new LEA must determine whether the parent will agree to waive the requirement that written notice of the ARD committee meeting be provided at least five school days before the meeting. If the parent agrees to a shorter time frame, the new LEA must make every reasonable effort</u></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
	<p><u>to hold the ARD committee meeting prior to the first day of the new school year if the parent agrees to the meeting time.</u></p> <p><u>89.1050(j)(5)</u></p>
<u>Practice</u>	<p><u>If the new LEA has not received a copy of the child's IEP that was in effect in the previous LEA, the child with a disability who has an IEP in place from a previous in- or out-of-state school district and who registers in a new LEA during the summer will be subject to requirements for children who transfer within the state, or from another state (as appropriate), during the school year.</u></p> <p><b><u>Citations:</u></b> <u>89.1050(j)(4)</u></p>
<b>IEP FOR THE CHILD WHO TRANSFERS WITHIN THE STATE DURING THE SCHOOL YEAR</b>	
<u>Practice</u>	<p>If the child transfers to a new LEA in the same state within the same school year and the parents or the previous LEA verify that the child was receiving special education services in the previous LEA, the new LEA must, in consultation with the parents, provide the child with a free appropriate public education (FAPE) including services comparable to those described in the IEP from the previous LEA until the new LEA either:</p> <p><b>Citations:</b> <u>89.1050(j)(1)</u> <u>300.323(e)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>Adopts the IEP from the previous LEA; or</li> </ul> <p><b>Citations:</b> <u>89.1050(j)(1)</u> <u>300.323(e)(1)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>Develops, adopts, and implements a new IEP that is consistent with the <u>ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</u> frameworks.</li> </ul> <p><b>Citations:</b> <u>89.1050(j)(1)</u> <u>300.323(e)(2)</u></p>
<u>Practice</u>	<p>The new LEA's timeline for adopting the IEP from the previous LEA or developing, adopting, and implementing a new IEP is <u>3020</u> school days from the date the <del>child is verified as being eligible for special education services</del><u>new school district has received a copy of the child's IEP that was in effect in the previous district.</u></p> <p><b>Citations:</b> <u>89.1050(j)(1)</u> <u>89.1050(j)(6)</u></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<b>IEP FOR THE CHILD WHO TRANSFERS FROM OUTSIDE THE STATE DURING THE SCHOOL YEAR</b>	
<u>Practice</u>	<p>If the child transfers to a new LEA in another state within the same school year and the parents or the previous LEA verify that the child <u>had an IEP that was receiving special education services in effect</u> in the previous LEA district, the new LEA must, in consultation with the parents, provide the child with FAPE including services comparable to those described in the IEP from the previous LEA and the new LEA must:</p> <p><b>Citations:</b>  <a href="#">89.1050(j)(2)</a>  <a href="#">300.323(f)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li>If the new LEA determines necessary, conduct an evaluation in compliance with the <a href="#">EVALUATION PROCEDURES</a> framework; or</li> </ul> <p><b>Citations:</b>  <a href="#">89.1050(j)(2)</a>  <a href="#">300.323(f)(1)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li><del>Develop</del> If the new LEA determines that an evaluation is not necessary, <u>develop</u> a new IEP, if appropriate, that is consistent with the <a href="#">ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</a> frameworks.:</li> </ul> <p><b>Citations:</b>  <a href="#">89.1050(j)(2)</a>  <a href="#">300.323(f)(2)</a></p>
<u>Document</u>	<ul style="list-style-type: none"> <li><u>The timeline for developing, adopting, and implementing a new IEP is 20 school days from the date the new school district has received a copy of the child's IEP that was in effect in the previous district.</u></li> </ul> <p><b>Citations:</b>  <a href="#">89.1050(j)(2)</a>  <a href="#">89.1050(j)(6)</a></p>
<b><u>SERVICES WHILE THE NEW LEA AWAITS A COPY OF THE CHILD'S IEP THAT WAS IN EFFECT IN THE PREVIOUS DISTRICT</u></b>	
<u>Practice</u>	<p><u>While the new LEA awaits a copy of the child's IEP that was in effect in the previous district, the new LEA must take reasonable steps to provide, in consultation with the child's parents, services comparable to those the child received from the previous LEA if the new LEA has been informed by the previous LEA of the child's special education and related services and placement.</u></p> <p><b>Citations:</b>  <a href="#">89.1050(j)(7)</a></p>

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