CHILDREN WHO TRANSFER

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

Additional Resources

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	The local education agency (LEA) must comply with the PARENT and the ADULT STUDENT AND TRANSFER OF RIGHTS frameworks, as appropriate.	
P	The LEA must comply with the CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION and the WHEN CONSENT IS NOT REQUIRED TO DISCLOSE INFORMATION frameworks.	
	TRANSMITTAL OF RECORDS	
P	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.	99.31(a)(2) 99.34
P	To facilitate the transition for the child with a disability who transfers from one LEA to another:	300.323(g)
P	• The new LEA in which the child enrolls must take reasonable steps to promptly obtain the child's record from the previous LEA in which the child was enrolled including:	300.323(g)(1)
P	o The individualized education program (IEP) and supporting documents; and	300.323(g)(1)
P	o Any other records relating to the provision of special education or related services to the child;	300.323(g)(1)
P	• The previous LEA in which the child was enrolled must take reasonable steps to:	300.323(g)(2) TEC 25.002
P	o Promptly respond to such request from the new LEA by furnishing the new LEA with a copy of the child's records	300.323(g)(2) TEC 25.002

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	including the child's special education records:	
P	▪ Not later than the 10th working day after the date a request for information is received by the previous LEA.	89.1050(j)(3) TEC 25.002 300.323(g)
	WHEN AN INITIAL EVALUATION IS PENDING	
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.	89.1011(f) 300.304(c)(5)
P	The receiving LEA must comply with the CONSENT FOR INITIAL EVALUATION and the EVALUATION PROCEDURES frameworks except as provided in this framework.	
P	If the child transfers from another LEA when an initial evaluation is pending, the timelines for conducting the evaluation set out in the EVALUATION PROCEDURES framework apply to the new LEA unless:	89.1011(f) 300.301(d)
P	• The new LEA is making sufficient progress to ensure a prompt completion of the evaluation; and	89.1011(f)(1) 300.301(e)
D	• The parent and the new LEA agree to a specific time when the evaluation will be completed.	89.1011(f)(2) 300.301(e)
	IEP FOR THE CHILD WHO ENROLLS DURING THE SUMMER, REGARDLESS OF LOCATION OF PRIOR PUBLIC SCHOOL	
P	If a child with a disability who has an IEP in place from a previous in- or out-of-state school district enrolls in a new LEA during the summer, the new LEA must:	300.323(e) 300.323(f) 89.1050(j)(4)
D	• Implement the IEP from the previous school district in full on the first day of class of the new school year; or	89.1050(j)(4)

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D	• 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.	89.1050(j)(4)
P	The child with a disability who has an IEP in place from a previous in- or out-of-state school district and who enrolls in a new LEA during the summer is not considered a child who transfers during the school year.	89.1050(j)(4)
	IEP FOR THE CHILD WHO TRANSFERS WITHIN THE STATE DURING THE SCHOOL YEAR	
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:	89.1050(j)(1) 300.323(e)
D	• Adopts the IEP from the previous LEA; or	89.1050(j)(1) 300.323(e)(1)
D	• Develops, adopts, and implements a new IEP that is consistent with the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE frameworks.	89.1050(j)(1) 300.323(e)(2)
P	The new LEA's timeline for adopting the IEP from the previous LEA or developing, adopting, and implementing a new IEP is 30 school days from the date the child is verified as being eligible for special education services.	89.1050(j)(1)
	IEP FOR THE CHILD WHO TRANSFERS FROM OUTSIDE THE STATE DURING THE SCHOOL YEAR	
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 was receiving special education services in the previous LEA, 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:	89.1050(j)(2) 300.323(f)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	• If the new LEA determines necessary, conduct an evaluation in compliance with the EVALUATION PROCEDURES framework; or	89.1050(j)(2) 300.323(f)(1)
D	• Within 30 school days from the date the child is verified as being a child eligible for special education services:	89.1050(j)(2) 300.323(f)
D	○ Develop a new IEP, if appropriate, that is consistent with the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE frameworks.	89.1050(j)(2) 300.323(f)(2)

Last Updated: ~~Thursday, February 08, 2018~~Friday, October 22, 2021