PARADISE INDEPENDENT SCHOOL DISTRICT
SPECIAL EDUCATION OPERATING PROCEDURES:
CHILDREN WHO TRANSFER

PARADISE ISD has entered into an Interlocal Agreement to cooperatively operate its special education programs under the authority of Tex. Ed. Code § 11.157. The Wise County Shared Services Special Education Services Cooperative may provide for the efficient delivery of legally required special education and related services to PARADISE's eligible students with disabilities as set forth in the Interlocal Agreement, including the implementation of these Special Education Operating Procedures.

Paradise ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Paradise ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Paradise ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act ("IDEA"), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Paradise ISD's website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Paradise ISD's *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Paradise ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Paradise ISD into compliance with the requirements of IDEA. Paradise ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Paradise ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

How does the District verify whether a new student to the District may be eligible for special education and related services?

Regardless of whether a new student registers during the school year or during the summer, the WCSS Records Clerk takes reasonable steps to promptly obtain the student's records, including the student's special education records, if any, from the previous school district and verify whether the student has an IEP in effect.[1] To "verify" that the student requires special education and related services, the District must receive a complete copy of the student's IEP that was in effect in the previous district.[2] The first ***school*** day after the District receives a complete copy of the student's IEP that was in effect in the previous district, whether received from the student's parent or from the previous district, is 'day one' for calculating the timelines in this Operating Procedure.[3]

[1] 19 TEX. ADMIN. CODE § 89.1055(s)(4))
[2] 19 TEX. ADMIN. CODE § 89.1055(s)(6)
[3] 19 TEX. ADMIN. CODE § 89.1055(s)(6)

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In addition to contacting the previous school district, the WCSS Records Clerk may also ask the parent to provide verification of eligibility by seeking a complete copy of the student's IEP that was in effect in the previous district.[4]

What if we are unable to verify eligibility through records from the previous school within 15 working days?

If a parent hasn't already provided a complete copy of the IEP that was in effect in the previous school and the District has been unable to obtain a complete copy of the IEP that was in effect in the previous district by the 15th ***working*** day after first requesting records from the prior school, The WCSS Records Clerk will request the complete copy of the IEP that was in effect from the parent on the 15th ***working*** day.[5] If the parent does not provide the complete IEP, the WCSS Records Clerk will notify the Diagnostician and Coordinator of Assessment and Compliance and continue to take reasonable steps to obtain the student's records from the previous district.[6]

What services do we provide if we cannot verify whether the student received special education and related services in the previous public school district?

While the District awaits verification, the District will take reasonable steps to provide, in consultation with the student's parent, services comparable to those the student received from the previous district if the District has been informed by the previous school district of the student's special education and related services and placement.[7] Comparable services includes the provision of Extended School Year (ESY) services if the District has reason to believe that the student would be eligible for ESY Services.[8]

What process do we follow for students who are new to the District and who register during the school year?

Transfers from other Texas public schools

When a student transfers to the District from another public school within Texas, in the same school year, and the parent or previous school district verifies that the student had an IEP that was in effect in the previous district, the District must follow **the District's FAPE Composite Operating Procedure and convene an ARD committee meeting to develop, adopt and implement a new IEP** no later than the 20th school day after the student is verified as being eligible for special education services.[9]

Between the time of the student's enrollment and the time the District convenes a meeting of the student's Admission, Review, and Dismissal committee, the District, in consultation with the

[4] 19 TEXAS ADMIN. CODE § 89.1055(s)(5)
[5] 19 TEX. ADMIN. CODE § 89.1055(s)(5)
[6] Id.
[7] 19 TEX. ADMIN. CODE § 89.1055(s)(7)
[8] 19 TEX. ADMIN CODE § 89.1055(s)(8)
[9] 19 TEX. ADMIN. CODE § 89.1050(j)(1)

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student's parents, must provide a free appropriate public education, including services comparable to those described in the student's IEP from the previous district.[10]

Transfers from public schools in states other than Texas

When a student transfers from a school district in another state, in the same school year, and the parent or previous school district verifies that the student had an IEP that was in effect in the previous school district, the District must follow **the District's FAPE Composite Operating Procedure and convene an ARD committee meeting to develop, adopt and implement a new IEP** no later than the 20th school day after the student is verified as being eligible for special education services, **UNLESS the District determines that an evaluation is necessary**.[11]

If the District determines an evaluation is necessary, it is considered a full individual and initial evaluation and the evaluation must be completed consistent with **the District's Evaluation Procedures Operating Procedure,** including the timelines specified in that procedure for an initial evaluation and convening an ARD committee meeting to develop, adopt and implement a new IEP.[12]

Between the time of the student's enrollment and the time the District convenes a meeting of the student's Admission, Review, and Dismissal committee, the District, in consultation with the student's parents, must provide a free appropriate public education, including services comparable to those described in the student's IEP from the previous district.[13]

What process do we follow for students who are new to the District and who register during the summer?

For students who register in the District during the summer when students are not in attendance for instructional purposes, the District follows its Operating Procedures for students who register during the school year, based upon whether the student is coming from an in-state or out-of-state school district. Once the District verifies that the student had an IEP in effect at the previous district, comparable services must be provided. Comparable services include provision of ESY services if those services are identified in the previous IEP or if the District has reason to believe that the student would be eligible for ESY services..[14]

How does the District determine whether an evaluation is necessary?

The Diagnostician will determine whether an evaluation is necessary consistent with **the District's Child Find Duty and Evaluation Procedure Operating Procedures**.[15] [16]

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[10] 34 C.F.R. § 300.323(e)
[11] 19 TEX. ADMIN. CODE § 89.1050(j)(2)
[12] *Id.*
[13] 34 C.F.R. § 300.323(f)
[14] 19 TEX. ADMIN. CODE § 89.1050(j)(4)
[15] 34 C.F.R. § 300.323(f)(1)
[16] 19 TEX. ADMIN. CODE § 89.1055(s)

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How do we proceed when students who are new to the District are in the process of being evaluated for special education by another public school but transfer before the other school's evaluation is complete?

If a student is in the process of being evaluated for special education eligibility by another public school district and enrolls in the District before the evaluation is completed, the District will coordinate with the student's previous school district to ensure prompt completion of the initial evaluation. If the student transfers from another public school district when an initial evaluation is pending, the timelines for conducting the evaluation apply to Paradise ISD unless:

- the District is making sufficient progress to ensure a prompt completion of the evaluation; and
- the parent and the District agree to a specific time when the evaluation will be completed.

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Texas Record Exchange (TREX) requests
- Telephone logs of calls to prior school districts and demonstrating calls to students' parents seeking collaboration
- Records from prior schools
- Training materials
- Parent meeting documentation

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