



CHILDREN WHO TRANSFER

McKinney ISD

043907

Legal Framework: CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

[Related Resources](#)

Broad Category: CHILD FIND

§300.111 Child Find

(a) **General.**

(1) The State must have in effect policies and procedures to ensure that--

- (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and**
- (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.**

For all of 34 CFR 99.31 FERPA see: <https://www2.ed.gov/policy/gen/reg/ferpa/index.html> For more information on TEC §25.002 Requirements for Enrollment in a Public School see:

<https://tea.texas.gov/about-tea/contact-us/general-inquiry/enrollment-in-public-school>

When a student enrolls on a campus and a school employee (clerk, teacher, administrator, etc.) is informed the student is receiving special education services in the previous district.

- The individual receiving the information notifies the special education staff on the campus
- Special education staff will verify the student received services by:
 - a) phone call with previous district;
 - b) IEP provided by parent;
 - c) Review of current FIE

The special education staff will also:

- Attempt to obtain a Consent for Disclosure of Confidential Information.
- Request from the district special education department for the electronic record to be copied over from the sending district, if applicable.
- Request that the campus registrar submit a TREX request
- Mail or email signed consent to the previous district as soon as possible. Parent consent when requesting records from another Texas school district is not required but may be attempted.
- When special education status has not been verified in writing by the previous district within 10 school days of enrollment and attendance, the District will initiate a MTSS/504/Special Education referral as appropriate.
- Schedule the transfer by agreement meeting, if needed, the day of verification that the student is currently in special education (if at all possible). Services will be provided which are as close as possible to the services documented in the previous district's IEP until such time as the district can gather more data/information.
- In determining comparable services consider the following: amount of special education service minutes, amount of time in general education, IEP goals and any other factors in the IEP which will support this decision.
- Contact the campus evaluation staff for any questions regarding evaluation. If the student has ADHD, ED, AU, and/or Psych Services, consult with an LSSP to determine if the evaluation meets federal and state legal requirements.



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- Depending upon the date of the last evaluation, the transfer by agreement meeting may discuss conducting a REED.
- For in-state transfer students, hold a permanent placement ARD meeting within 20 school days of verification of special education.
- For out of state transfer students that do not need evaluation, follow in-state procedures.
- For out of state transfer students that do require evaluation, hold an ARD after the FIIE has been completed.

§300.304 Evaluation procedures.

(c) Other evaluation procedures.

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same academic year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with §300.301 (d)(2) and (e), to ensure prompt completion of full evaluations.

§300.323 When IEPs must be in effect.

(e) IEPs for children who transfer public agencies in the same state.

If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either---

- (1) Adopts the child's IEP from the previous public agency; or**
- (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§300.320 through 300.324.**

(f) IEPs for children who transfer from another State. **If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency--**

- (1) Conducts an evaluation pursuant to §§300.304 through 300.306 (if determined to be necessary by the new public agency); and**
- (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§300.320 through 300.324.**

(g) Transmittal of records. **To facilitate the transition for a child described in paragraphs (e) and (f) of this section --**

- (1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and**
- (2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.**

TEC §25.007. Transferring Students (records)

(b) In recognition of the challenges faced by students in substitute care, the agency shall assist the transition of substitute students from one school to another by:

- (1) ensuring that school records for a student in substitute care are transferred to the student's new school**



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- not later than the 10th working day after the date the student begins enrollment at the school;
- (2) developing systems to ease transition of a student in substitute care during the first two weeks of enrollment at a new school;
- (3) (see Section 7. Procedural Safeguards for additional information)

For students that transfer out of MISD, a District representative ensures that the special education records are sent to the receiving school district within 10 business days after the request is received. Each records request is saved with the district.

TAC §89.1050 The Admission, Review, and Dismissal (ARD) Committee.

- (s) A school district must comply with the following for a student who is new to the school district.
- (1) When a student transfers to a new school district within the state in the same school year and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, the new school district must meet the requirements of 34 CFR, §300.323(e), by either adopting the student's IEP from the previous school district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.
 - (2) When a student transfers from a school district in another state in the same school year and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, the new school district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in §89.1011 of this title (relating to Full and Individual Initial Evaluation). If the school district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.
 - (3) Students who register in a new school district in the state during the summer when students are not in attendance for instructional purposes, the provisions of paragraphs (1) and (2) of this subsection apply based on whether the students are coming from an in-state or out-of-state school district. All other provisions in this subsection apply to these students.
 - (4) In accordance with 34 CFR, §300.323(g), the new school district must take reasonable steps to promptly obtain the student's records from the previous school district, and, in accordance with TEC, §25.002, and 34 CFR, §300.323(g), the previous school district must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous school district.
 - (5) If a parent hasn't already provided verification of eligibility and the new school district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new school district must seek verification from the student's parent. If the parent provides verification, the new school district must comply with all paragraphs of this subsection. The new school district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous district. If the parent is unwilling or unable to provide such verification, the new district must 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 new district.
 - (6) For the purposes of this subsection, "verify" means that the new school district has received a copy of the student's 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 associated with paragraphs (1) and (2) of this subsection.



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

(8) Once the new school district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under paragraphs (1) and (2) of this subsection. Comparable services include provision of ESY services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

For in-state transfers needing evaluation, the evaluation will be completed within 20 school days from the date of verification that the student is in Special Education. If an evaluation is pending in the previous district, coordination will occur to ensure timely completion. For out-of-state transfers needing evaluation, the evaluation will be completed within 45 school days from the date of received consent. During the evaluation timeline, FAPE will be provided to the student. An ARD will be held 30 calendar days from the date of the FIIE (for out of state transfers only) to review the results of the evaluation.

If the transfer by agreement meeting Committee determines that the IEP objectives of the student cannot be met on the home campus and the student will need placement on a different campus, the student will temporarily continue to receive services on the home campus. The campus special education staff will contact the appropriate special education coordinator. An ARD will be scheduled to include appropriate staff from the possible receiving campus to discuss appropriate placement options for the least restrictive environment.

STAFF RESPONSIBLE:

District Level: Special Populations Department

Campus Level: Campus administrators and staff

TIMELINES FOR CHILDREN WHO TRANSFER:

- Within state transfer IEP paperwork
- Out-of-State transfer IEP paperwork
- FIIE (if necessary)
- Initial evaluation pending

EVIDENCE OF PRACTICE:

- Cumulative records
- IEP paperwork
- Forms or checklists
- Records from previous LEA
- Copy of REED