

Sec. 1. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SAME SCHOOL YEAR

a. Texas Transfers

When a student transfers to Texas Works from another school within Texas, Texas Works shall provide a free appropriate public education (“FAPE”) to the student. Texas Works shall provide comparable services as those described in the individualized education program (“IEP”) the student transferred with until Texas Works adopts the student’s IEP from the previous school, or develops, adopts, and implements a new IEP.

34 CFR 300.323(e); 19 TAC 89.1050(j)(1).

b. Out-of-State Transfers

If the student with a disability transfers to Premier High School from a school outside of Texas, Texas Works shall provide the student with FAPE, including comparable services, until Texas Works conducts an evaluation and develops, adopts, and implements a new IEP.

A new IEP must be implemented within 20 school days from the date the student is verified as being a student eligible for special education services.

34 CFR 300.323(f); 19 TAC 89.1050(j)(2)

If a student transfers from Texas Works, Texas Works will furnish the student’s special education records to the student’s new school not later than the 10th working day after the date a request for the information is received by Texas Works.

19 TAC 89.1050(j)(3).

If a student was in the process of being evaluated for special education eligibility by another public school and enrolls in Texas Works before the previous school completed the full individual and initial evaluation, Texas Works must coordinate with the previous school as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R. 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011

Sec. 1. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SUMMER

A student with a disability who has an IEP in place from a previous in- or out-of-state LEA and who enrolls in a new LEA during the summer is not considered a transfer student for the purposes of 34 CFR 300.323(e) or (f) and corresponding state law and/or regulations.

The new LEA must; (1) implement the IEP from the previous LEA in full on the first day of class of the new school year; or (2) must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

19 TAC 89.1050(j)(4).