

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

BRAZOS ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of BRAZOS ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. BRAZOS 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 BRAZOS ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. BRAZOS ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. BRAZOS 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 BRAZOS ISD into compliance with the requirements of IDEA. BRAZOS 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. BRAZOS 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?

SPECIAL EDUCATION DEPT. 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 day that 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 zero” for calculating the timelines in this Operating Procedure.

¹ 19 TEX. ADMIN. CODE § 89.1050(j)(3)

² 19 TEX. ADMIN. CODE § 89.1050(j)(6)

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.³

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.⁴

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.**⁵

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.⁶

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.⁷

³ 19 TEX. ADMIN. CODE § 89.1050(j)(1)

⁴ 34 C.F.R. § 300.323(e)

⁵ 19 TEX. ADMIN. CODE § 89.1050(j)(2)

⁶ *Id.*

⁷ 34 C.F.R. § 300.323(f)

How does the District determine whether an evaluation is necessary?

EVALUATION STAFF will determine whether an evaluation is necessary consistent with **the District's Child Find Duty and Evaluation Procedure Operating Procedures**.^{8 9}

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

For students who are new to the District and who register during the summer, SPECIAL EDUCATION DEPARTMENT must take reasonable steps to verify before the new school year begins whether the student had an IEP that was in effect in the previous district. If the District verifies that the student had an IEP in effect in the previous district, the District must implement the IEP from the previous school district in full on the first day of class of the new school year or 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.¹⁰

If the District proposes to convene an ARD committee meeting to consider revision to the student's IEP before the beginning of the school year, the District must offer five school-days' notice as specified in **the District's Parent Participation Operating Procedure**, unless the parent agrees to waive the five school-day notice requirement¹¹

What 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 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 District has been informed by the previous school district of the student's special education and related services and placement.¹²

For students who register during the summer, if the student's eligibility for special education and related services cannot be verified before the start of the new school year, the 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 District has been informed by the previous school district of the student's special education and related services and placement; if verified during the school year, the process specified for students who are new to the District and who register during the school year will be followed.¹³

⁸ 34 C.F.R. § 300.323(f)(1)

⁹ 19 TEX. ADMIN. CODE § 89.1050(j)(2)

¹⁰ 19 TEX. ADMIN. CODE § 89.1050(j)(4)

¹¹ 19 TEX. ADMIN. CODE § 89.1050(j)(5)

¹² 19 TEX. ADMIN. CODE § 89.1050(j)(7)

¹³ 19 TEX. ADMIN. CODE § 89.1050(j)(4)

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 **BRAZOS 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