

## **Sec. 1. SPECIAL EDUCATION VERIFICATION**

For purposes of the requirements set forth in this Policy, “verify” means that Life School has received a copy of the student’s individualized education program (“IEP”) from the previous district. *19 TAC 89.1050(j)(6)*.

## **Sec. 2. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SAME SCHOOL YEAR**

In accordance with 34 CFR § 300.323(g), Life School shall take reasonable steps to promptly obtain the student’s records from a previous school or district in order to facilitate the student’s transition, and for students transferring from Life School, Life School 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 Life School. *34 CFR 300.323(g); 19 TAC 89.1050(j)(3)*.

### ***a. Texas Transfers***

When a student transfers to Life School from another school within Texas, Life School shall provide a free appropriate public education (“FAPE”) to the student. Life School shall provide comparable services as those described in the individualized education program (“IEP”) the student transferred with until Life School adopts the student’s IEP from the previous school, or develops, adopts, and implements a new IEP. Life School must either adopt the student’s IEP from the previous school or develop, adopt, and implement a new IEP within 20 school days from the date the student is verified as being a student eligible for special education services.

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

### ***b. Out-of-State Transfers***

If the student with a disability transfers to Life School from a school outside of Texas and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, Life School shall provide the student with FAPE, including comparable services, until Life School conducts an evaluation, if appropriate, and develops, adopts, and implements a new IEP.

If Life School determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 TAC 89.1011(c) and (e). Life School must then develop, adopt, and implement a new IEP within 30 calendar days of the completion of the evaluation report.

If Life School determines that an evaluation is not necessary, Life School shall develop, adopt, and implement a new IEP 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).*

### **Sec. 3. 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 school district and who enrolls in a new local educational agency (“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.

#### ***a. When Eligibility Can Be Verified Prior to the New School Year***

If the parents or in- or out-of-state school district verifies before the new school year begins that the student had an IEP that was in effect in the previous school district, Life School, must:

1. implement the IEP from the previous school district in full on the first day of class of the new school year; or
2. convene an admission review and dismissal (ARD) committee meeting during summer to revise the student’s IEP for implementation on the first day of class of the new school year.

If Life School wishes to convene an ARD committee meeting to consider revision to the student’s IEP prior to the beginning of the school year, Life School must determine whether the parent will agree to waive the requirement that the written notice of the ARD committee meeting must be provided at least five (5) school days prior to the meeting. If the parent agrees to a shorter timeframe, Life School must make every reasonable effort to hold the ARD committee meeting prior to the first day of the new school year if the parent agrees to the meeting time.

*19 TAC 89.1050(j)(4), (5).*

#### ***b. When Eligibility Cannot Be Verified Prior to the New School Year***

When a student enrolls in Life School during the summer from an in-or out-of-state school district, and Life School cannot verify that the student had an IEP in effect in the previous district prior to the first day of the new school year, the timelines set forth in Section 2 of this Policy apply.

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

*19 TAC 89.1050(j)(4), (7).*