

Sec. 1. SPECIAL EDUCATION VERIFICATION

For purposes of the requirements set forth in this Policy, “verify” means that the new school district has received a copy of the student’s individualized education program (“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 set forth in 19 TAC 89.1055(s)(1), (2).

19 TAC 89.1055(s)(6).

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

In accordance with 34 CFR 300.323(g), Treetops 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 Treetops School, Treetops School will furnish a copy of the student’s records, including the student’s special education records, to the student’s new school not later than the 10th working day after the date Treetops School received the request for information.

34 CFR 300.323(g); TEC 25.002; 19 TAC 89.1055(s)(4).

a. Texas Transfers

When a student transfers to Treetops School from another school district within Texas, Treetops School shall provide a free appropriate public education (“FAPE”) to the student. Treetops School shall provide comparable services as those described in the IEP the student transferred with until Treetops School adopts the student’s IEP from the previous school, or develops, adopts, and implements a new IEP. Treetops School must either adopt the student’s IEP from the previous school district 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 89.1055(s)(1).

b. Out-of-State Transfers

If the student with a disability transfers to Treetops School from a school district 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, Treetops School shall provide the student with FAPE, including comparable services, until Treetops School conducts an evaluation, if appropriate, and develops, adopts, and implements a new IEP.

If Treetops 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.

If Treetops School determines that an evaluation is not necessary, Treetops 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 89.1055(s)(2).

c. Comparable Services Pending Verification

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

19 TAC 89.1055(s)(7).

d. Comparable Services Following Verification

Once Treetops School receives verification that the student had an IEP in effect at the previous district, Treetops School shall provide comparable services to the student during the timelines established under subparagraphs (a) and (b) of this Section. Comparable services include provision of Extended School Year ("ESY") services if those services are identified in the previous IEP or if Treetops School has reason to believe that the student would be eligible for ESY services.

19 TAC 89.1055(s)(8).

e. Requirements If Unable to Obtain Verification

If a parent hasn't already provided verification of eligibility and the Treetops School has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date Treetops School submitted a request for the records to the previous district, Treetops School shall seek verification from the student's parent. Nothing prohibits Treetops School from asking the parent to provide verification of eligibility before that date. If the parent is unwilling or unable to provide such verification, Treetops School shall 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 Treetops School.

19 TAC 89.1055(s)(5).

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 when students are not in attendance for instructional purposes 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 provisions in 19 TAC 89.1055(s)(1) shall apply if the student comes from an in-state school district, and the provisions in 19 TAC 1055(s)(2) shall apply if the student comes from an out-of-state district.

19 TAC 89.1055(s)(7).