

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), Heritage Academy Charter Schools 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 Heritage Academy Charter Schools, Heritage Academy Charter Schools 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 Heritage Academy Charter Schools 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 Heritage Academy Charter Schools from another school district within Texas, Heritage Academy Charter Schools shall provide a free appropriate public education (“FAPE”) to the student. Heritage Academy Charter Schools shall provide comparable services as those described in the IEP the student transferred with until Heritage Academy Charter Schools adopts the student’s IEP from the previous school, or develops, adopts, and implements a new IEP. Heritage Academy Charter Schools 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 Heritage Academy Charter Schools 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, Heritage Academy Charter Schools shall provide the student with FAPE, including comparable services, until Heritage Academy Charter Schools conducts an evaluation, if appropriate, and develops, adopts, and implements a new IEP.

If Heritage Academy Charter Schools 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 Heritage Academy Charter Schools determines that an evaluation is not necessary, Heritage Academy Charter Schools 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 Heritage Academy Charter Schools waits for verification, Heritage Academy Charter Schools 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 Heritage Academy Charter Schools 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 Heritage Academy Charter Schools receives verification that the student had an IEP in effect at the previous district, Heritage Academy Charter Schools 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 Heritage Academy Charter Schools 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 Heritage Academy Charter Schools has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date Heritage Academy Charter Schools submitted a request for the records to the previous district, Heritage Academy Charter Schools shall seek verification from the student's parent. Nothing prohibits Heritage Academy Charter Schools from asking the parent to provide verification of eligibility before that date. If the parent is unwilling or unable to provide such verification, Heritage Academy Charter Schools 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 Heritage Academy Charter Schools.

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).