



TASB Student Solutions

CHILD FIND

CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

September 2025

Model operating procedure created by



and

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CHILDREN WHO TRANSFER OR RECENTLY REGISTERED

What is Required

District and Campus Special Education Personnel must ensure that students with disabilities transferring to and from another LEA (public school district, public charter school, or other public school system) located within Texas or outside of Texas continue to receive FAPE at all times.

Transmittal of Records

When a student with a disability transfers into or registers in the district from another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly obtain the student's records, including all ARD documents, any evaluation information, and any other records relating to the provision of special education or related services to the student, as well as other educational records including relevant discipline and/or threat assessment records. The previous LEA is responsible for providing such records promptly, which is defined in Texas law as not later than the tenth working day after the date the request is received. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before requesting the student's special education records if the records are requested for purposes related to the student's enrollment in the district.

When a student with a disability transfers from the district and registers at another LEA, Campus Personnel and/or Campus Special Education Personnel must take reasonable steps to promptly respond to a request from the student's new school for the student's education records, including all ARD documents, any evaluation information, and any other records related to the provision of special education or related services to the student, as well as other educational records including relevant discipline and/or threat assessment records. Campus Personnel and/or Campus Special Education Personnel should provide these records within ten (10) working days after the date the district receives the request. Campus Personnel and/or Campus Special Education Personnel are not required to obtain parental consent before providing the student's records to the new school if the records are requested for purposes related to the student's enrollment in the new school.

Verification of IEP

For the purposes of the procedures related to transfer or recently registered students, "verify" or "verification of an IEP" means the Campus has received a copy of the student's IEP that was in effect in the previous LEA.

If a parent hasn't already provided a copy of the IEP that was in effect in the previous LEA and the district has been unable to obtain the IEP from the previous LEA by the 15th working day after the date a request for the records was submitted to the prior LEA, Campus Special Education Personnel must seek verification (i.e., a copy of the IEP) from the student's parent. If the parent is unwilling or unable to provide such verification, Campus Special Education Personnel will continue to take reasonable steps to obtain the student's IEP and other records from the previous LEA.

Students Who Transfer Within the State of Texas

If a student with a disability transfers to or registers in the district from another LEA within Texas during the same school year, and the parents or previous LEA verifies that the student has an IEP that was in effect in the previous LEA, the student's ARD Committee must either:

- Adopt the student's IEP from the previous LEA; or
- Develop, adopt, and implement a new IEP.

The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services. The first school day after the campus receives a copy of the student's IEP from the prior LEA begins the 20-school day timeline.

If the student from another LEA in Texas enrolls or registers in the district during the summer when students are not in attendance for instructional purposes, the student is still considered a transfer student and the procedures and timelines explained above will apply.

Students Who Transfer From Outside of Texas

If a student with a disability transfers or registers in the district from another LEA outside of Texas during the same school year, and the parents or previous LEA verifies that the student has an IEP that was in effect in the previous LEA, the district must:

- If determined necessary, conduct a full individual and initial evaluation (FIIIE) and make an eligibility determination and, if eligible, develop, adopt, and implement a new IEP; or
- If an evaluation is not necessary and eligibility has been verified, develop, adopt, and implement a new IEP.

Based on information received from the previous LEA and/or parents, District or Campus Special Education Assessment Personnel will determine if an evaluation is necessary for

the transfer student to determine eligibility for special education services. If District or Campus Special Education Assessment Personnel determine that an evaluation is necessary, District or Campus Special Education Assessment Personnel must conduct a full individual and initial evaluation (FIE) and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP within the timeline established by 19 TAC 89.1011 for a FIE. See [EVALUATION PROCEDURES]. In accordance with these procedures, the FIE must be completed (with some exceptions for absences and late in the school year evaluations), 45 school days from receipt of written consent for the evaluation from the student's parent or guardian. The ARD Committee must then meet to develop an IEP for the student within 30 calendar days from the date of completion of the FIE.

If District or Campus Special Education Assessment Personnel determine that a FIE is not necessary and eligibility is confirmed, the ARD Committee must 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.. The first school day after the campus receives a copy of the student's IEP from the previous LEA begins the 20-school day timeline.

If the student from another LEA outside of Texas enrolls or registers in the district during the summer when students are not in attendance for instructional purposes, the student is still considered a transfer student and the procedures and timelines explained above will apply.

Comparable Services

While the district waits for verification that a transfer student had an IEP in effect at the prior LEA, the campus must take reasonable steps to provide, in consultation with the student's parents, special education and related services and placement comparable to those the student received from the previous LEA, if the campus has been informed by the previous LEA of the student's special education and related services and placement.

Once the district receives verification that the student has an IEP in effect at the previous LEA (i.e., receives a copy of the current IEP in effect at the prior LEA), comparable services must continue to be provided during the timelines described above. For students who transfer during the summer or if the timeline for adoption or development of the IEP extends to the next school year, comparable services must include the provision of Extended School Year (ESY) services if those services are identified in the previous IEP or if the campus has reason to believe that the student would be eligible for ESY services.

Pending Initial Evaluations from Prior LEA

To ensure that pending initial evaluations of students who transfer from another LEA are completed in a timely manner, District or Campus Special Education Assessment

Personnel must coordinate with the previous LEA, as necessary and as expeditiously as possible to ensure a prompt completion of the initial evaluation. District or Campus Special Education Assessment Personnel are responsible for completing an initial evaluation that the previous LEA was in the process of completing at the time the student enrolled or registered in the district, and must comply with all consent and evaluation procedures, including relevant timelines. See [CONSENT FOR INITIAL EVALUATION] and [EVALUATION PROCEDURES]. However, the 45-school day timeline required by the IDEA for completing an initial evaluation will not apply if the district is making sufficient progress to ensure the evaluation is completed in a timely manner and the parent and District Special Education Personnel agree to a specific timeframe for completion of the evaluation.

Additional Procedures

Transmittal of Records and Verification of IEP

Upon registration or enrollment, the Campus Registrar or other Campus Personnel will review all information provided by the parent and notify (within one school day of enrollment/registration) the Campus Special Education Personnel if any information, including parent information, report cards, or other enrollment records, indicates that the student received special education services at his/her previous school. If the parent provides a copy of a current IEP from the prior LEA during enrollment or registration, the Campus Registrar will provide the copy of the IEP to the Campus Special Education Personnel immediately.

Campus Special Education Personnel will take reasonable steps to immediately obtain the student's records from the previous LEA (no more than three school days following registration or enrollment). Campus Special Education Personnel will request from the previous LEA a copy of the student's current IEP that was in effect in the previous LEA, a copy of the student's most recent evaluation(s), as well as all student records, including all prior IEP documents, any other evaluation information, relevant discipline and/or threat assessment records, and any other records relating to the provision of special education or related services for the student.

Campus Special Education personnel will make efforts to ensure that the previous LEA provides records within 10 working days of the request by contacting the previous LEA at regular intervals (at least one attempt every two school days) until the records are received. Campus or District Special Education Personnel will document all attempts to verify eligibility of special education services in the previous district, including attempts made during the summer months.

If the parent does not provide verification of eligibility (i.e., a copy of the previous IEP) and the previous LEA does not provide a copy of the IEP and other records within a timely

manner, Campus Special Education Personnel will request a copy of the prior IEP and evaluation from the student's parent before the 15th working day after the request was submitted to the prior LEA. Campus Special Education Personnel shall maintain written documentation (i.e., a communication log) of all efforts to verify the student's eligibility for special education services.

Upon receipt of the current IEP from the previous district, the District or Campus Personnel who received the records will document the date of receipt and immediately notify (via email) Campus Special Education Personnel responsible for scheduling ARD Committee meetings as well as the District or Campus Assessment Personnel that the current IEP has been received. The Campus Special Education Personnel responsible for scheduling ARD Committee meetings will ensure that an ARD Committee meeting is scheduled to meet the applicable deadline. The District or Campus Assessment Personnel will also ensure that any evaluation or REED needed is completed to meet the applicable deadlines.

For students transferring from the district to a new public school in Texas, Campus Personnel and Campus Special Education Personnel will send all documentation through the Texas Record Exchange System (TREx) within 10 working days of receipt of the request for records from the requesting district, including all special education records, discipline records, and threat assessment records. Any additional documentation that cannot be sent through TREx may be mailed or hand delivered to the receiving school. For students transferring from the district to a public school not in Texas, Campus Personnel and Campus Special Education Personnel will respond to all requests for records, including special education records, by mailing the records via U.S. mail or confirmed email, to the school within 10 working days of the request. Campus Personnel must ensure that any method used for sharing student records is done through a secure system to ensure confidentiality.

Students Who Transfer Within the State of Texas

For students who transfer or register in the district from another LEA in Texas, within 20 school days from receipt of the student's prior IEP, the student's ARD Committee will convene an annual ARD Committee meeting to either (1) adopt the student's IEP from the previous LEA or (2) develop, adopt, and implement a new IEP based on ARD Committee decisions. The 20-school-day timeline will not begin until the district is in receipt of the student's current IEP that was in effect at the previous district.

Upon receipt of the current IEP from the previous district, the District or Campus Personnel who received the records will document the date of receipt and immediately notify (via email) Campus Special Education Personnel responsible for scheduling ARD Committee meetings that the current IEP has been received. The Campus Special Education Personnel responsible for scheduling ARD Committee meetings will schedule

the ARD Committee meeting within the 20-school-day timeline to ensure ample time to adopt the previous IEP or develop a new IEP and implement the IEP by the 20-school-day timeline.

District or Campus Assessment Personnel shall review the evaluation information, if any, received from the prior school and determine if the district is accepting the evaluation completed by the prior LEA. An evaluation from another LEA within the state of Texas is acceptable if the evaluation is current and appropriate as determined by District or Campus Assessment Personnel following review of the evaluation. See [EVALUATION].

If the District or Campus Assessment Personnel determine that additional formal evaluation information is needed to develop, adopt, and implement a new IEP, the district must obtain consent from the parent to conduct an evaluation. See [CONSENT] and [EVALUATION PROCEDURES]. The evaluation must be completed and an ARD Committee meeting held to review the evaluation and develop, adopt, and implement a new IEP, if necessary, within 20 school days of verification.

Students Who Transfer From Outside Texas

Upon enrollment or registration of a student from an LEA outside of Texas, District or Campus Special Education Personnel shall verify with the parent or the previous LEA that the student had an IEP in effect in the previous LEA. Upon verification, in consultation with the parent, Campus or District Assessment Personnel shall review the evaluation information received from the prior school, if any. An evaluation from another school outside of Texas may be acceptable if the evaluation is current and meets all TEA disability condition requirements as determined by District or Campus Assessment Personnel following review of the evaluation. See [EVALUATION].

If the student enrolls in the district without an FIE, with an eligibility that is not recognized by TEA, with an FIE that is in other ways inappropriate as determined by District or Campus Assessment Personnel, or an evaluation is not received within 10 working days of the request for records, the district will obtain parent consent to conduct a full individual initial evaluation (FIIIE). See [EVALUATION PROCEDURES] The district will complete a FIIIE, make an eligibility determination, and, if appropriate, develop, adopt, and implement a new IEP within the timeline established for initial evaluations and initial ARD Committee meetings. See [EVALUATION PROCEDURES] and [ARD COMMITTEE MEETING].

If an FIIIE is not necessary and the prior evaluation is received and accepted by the District or Campus Assessment Personnel, the District or Campus Special Education Personnel will hold an initial ARD Committee meeting to determine eligibility and develop, adopt, and implement an appropriate IEP within 20 school days of the date the prior IEP was received. See [REVIEW OF EXISTING EVALUATION DATA].

Comparable Services and Consultation with Parents

Until the district has an IEP in place for a transfer student, District and Campus Service Providers, in consultation with the parents, must take reasonable steps to provide the student with services and placement comparable to those the student received from the previous LEA. Therefore, within three school days following notice from the previous LEA or the parent of the student's special education and related services and placement in the previous LEA, Campus Special Education Personnel will contact the parent to discuss the services and placement provided by the prior school and document the discussion and method of communication with the parent. After consultation with the parent, the Campus Special Education Personnel along with the District or Campus Assessment Personnel will determine and document appropriate comparable services and placement that will be provided by the district on a district-approved form. Campus Special Education Personnel will distribute this information regarding the comparable services in writing to all relevant service providers. In addition, all service providers shall document the receipt of comparable services as well as any progress on these comparable services until an IEP is developed and adopted for the student. Campus Special Education Personnel will also determine whether the student requires ESY services as comparable services based on what is identified in the previous IEP and/or the student's current needs.

The United States Department of Education has declined to define "comparable services" because the Department interpreted "comparable" to have the plain meaning of the word, which is "similar" or "equivalent." As applied with respect to a student who transfers to the district from a previous LEA, "comparable" services means services that are "similar" or "equivalent" to those that were described in the student's IEP from the previous LEA, as determined by the student's newly designated ARD Committee in the district.

Pending Initial Evaluations from Prior LEA

District Special Education Administration will carefully review the records of all transfer students to determine if an initial evaluation is pending and communicate with the parent or guardian or the previous school if more information is needed.

Where an initial evaluation is pending for a student transferring into the district during the school year or registering during the summer, District or Campus Special Education Assessment Personnel will coordinate with the student's previous district to ensure the initial evaluation is completed in a timely manner and to gather any and all information about the pending evaluation.

Within three working days of receipt of information from the prior LEA that an initial evaluation is pending, District or Campus Assessment Personnel will meet with the student's parent or guardian to obtain consent and establish a new timeframe for completing the evaluation, which shall not exceed 45 school days from the date of the consent. The evaluation must be completed within the timeframe established. District or

Campus Assessment Personnel will document all student absences during the evaluation process.

The district will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

[PLEASE REVIEW MODEL AND ADD ANY ADDITIONAL DISTRICT PROCEDURES, AS APPROPRIATE, INCLUDING ENSURING THAT ALL TEA REQUIREMENTS ARE ADDRESSED IN THIS PROCEDURE.]

Evidence of Implementation

- Communication with Previous District for Student Transferring into the District
- Records on Texas Records Exchange System
- Records Received from Prior Schools
- Documentation of All Contacts to Prior School
- Documentation of All Contacts with Parent
- Documentation of Comparable Services
- Documentation of Implementation of Comparable Services
- Review of Outside LEA Data
- REED
- Consent for Initial Evaluation
- Documentation of Timeline for Evaluation
- FIE
- FIIE
- ARD/IEP
- Prior Written Notice
- Notice of Procedural Safeguards
- Documentation for the state in TSDS, PEIMS, and SPP
- **[DISTRICT FORMS]**

Resources

[**The Texas Legal Framework for the Child-Centered Special Education Process: Children Who Transfer or Recently Registered - Region 18**](#)

[**OSERS Letter to State Directors of Special Education \(July 19, 2013\) - U.S. Department of Education**](#)

[**OSERS Letter to Finch \(Aug. 5, 2010\) - U.S. Department of Education**](#)

[**OSERS Letter to Champagne \(Nov. 17, 2008\) - U.S. Department of Education**](#)

[**Questions and Answers on Individualized Education Programs \(IEPs\), Evaluations, and Reevaluations \(Sept. 2011\) - U.S. Department of Education**](#)

[**Notice of Procedural Safeguards - Texas Education Agency**](#)

[**Students with Disabilities Who Transfer In-State and Out-Of-State Quick Guide**](#)

[ADDITIONAL DISTRICT RESOURCES]

Citations

Board Policy EHBAA; Board Policy EHBAB; 20 U.S.C. 1414; 34 CFR 99.31, 99.34, 300.301(d)–(e), 300.304(c), 300.323; Texas Education Code 25.002; 19 TAC 89.1011(f), 89.1050, 89.1055