

# Students with Disabilities Who Transfer In-State and Out-Of-State Quick Guide



When students with disabilities transfer within the state ([19 Texas Administrative Code \(TAC\) §89.1055\(s\)\(1\)](#)) or from another state ([19 TAC §89.1055\(s\)\(2\)](#)), it is essential to ensure a smooth transition while respecting their rights and providing the necessary support. This quick guide outlines federal and state requirements and procedures for students new to the local educational agency (LEA) because they have transferred from in or outside the state.

The term “parent(s)” will be used throughout this quick guide but is aligned to [the 34 Code of Federal Regulations \(CFR\), §300.30](#).






## Procedures for Students with Disabilities Who Transfer Within the State

	<p>When a student transfers to a new LEA within the state in the same school year, the new LEA must:</p> <ul style="list-style-type: none"><li>• Verify with the parent or the previous LEA that the student had an individualized education program (IEP) that was in effect in the previous LEA.<ul style="list-style-type: none"><li>➤ Verify means that the new LEA receives a copy of the student’s IEP in effect in the previous LEA.</li></ul></li><li>• In consultation with the parent, provide a free appropriate public education (FAPE), including services comparable to those described in the student’s IEP from the previous LEA.</li></ul>
	<p>The new LEA either</p> <ul style="list-style-type: none"><li>• Adopts the child’s IEP from the previous LEA</li><li>or</li><li>• Develops, adopts, and implements a <b>new</b> IEP.</li></ul>
	<p>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 eligible for special education services.</p>
	<p>If the LEA also determines that this in-state transfer student requires a reevaluation, it must ensure that the reevaluation occurs according to <a href="#">34 CFR, §300.303</a>. A reevaluation may occur not more than once a year unless the parent and the LEA agree otherwise, but one must occur at least every three years unless the parent and the LEA agree that it is not necessary. The LEA would treat the administration of the reevaluation the same way it would for a reevaluation of any other student with an IEP in the LEA.</p>

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## Procedures for Students with Disabilities Who Transfer from Another State

	<p>When a student transfers to a new LEA from another state in the same school year, the new LEA must:</p> <ul style="list-style-type: none"><li>• Verify with the parent or the previous LEA that the student had an IEP in effect in the previous LEA.<ul style="list-style-type: none"><li>➢ Verify means that the new LEA receives a copy of the student's IEP in effect in the previous LEA.</li></ul></li><li>• In consultation with the parent, provide FAPE, including services comparable to those described in the student's IEP from the previous LEA.</li></ul>
	<p>If deemed necessary, the new school LEA must conduct a full individual and initial evaluation (FIIE), make an eligibility determination, and, if appropriate, develop, adopt, and implement a new IEP within the timeline established for initial evaluations and initial ARD meetings.</p>
	<p>If the new LEA determines that an evaluation is not necessary, the timeline for the new LEA to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.</p>



The new LEA must take reasonable steps to promptly obtain the student's records from the previous LEA. The previous LEA must furnish the new LEA with a copy of the student's records, including the student's special education records, **not later than the 10th working day after the date a request** for the information is received by the previous LEA. (19 TAC §89.1055(s)(4))



## Procedures for Students Who Register During the Summer

Students who register in the summer in a new LEA and received special education and related services in their previous LEA are not under a different process than other school-year transfer students. Follow the timelines for in-state and out-of-state transfer students. (19 TAC §89.1055(s)(3))

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## Students Who Transfer During an Initial Evaluation



When a student is in the process of being evaluated for special education eligibility and transfers to a new LEA, the new LEA must coordinate with the previous LEA as necessary to ensure completion of the evaluation as expeditiously as possible.



The timelines established by the previous LEA do not apply if the new LEA is making sufficient progress to promptly complete the evaluation **and** the parent and the new LEA agree to a specific time when the evaluation will be completed.

 <b>Legal Resources</b>	 <b>State Resources</b>
 <a href="#">Code of Federal Regulations-Evaluation Procedures</a>	 <a href="#">19 TAC §89.1011(f) Full Individual and Initial Evaluation</a>
 <a href="#">Code of Federal Regulations-Initial Evaluations</a>	 <a href="#">19 TAC §89.1055(s) The Admission, Review, and Dismissal Committee</a>
 <a href="#">Office of Special Education and Rehabilitative Services (OSERS): Q&amp;A on Individualized Education Programs, Evaluations, and Reevaluations</a>	