

DONNA INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: CHILDREN WHO TRANSFER

The Donna Independent School District has entered into an Interlocal Agreement to cooperatively operate its special education programs under the authority of Tex. Ed. Code § 11.157. The Special Education Services Cooperative may provide for the efficient delivery of legally required special education and related services to the Donna Independent School District's eligible students with disabilities as set forth in the Interlocal Agreement, including the implementation of these Special Education Operating Procedures.

DONNA ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Donna ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Donna ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act ("IDEA"), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Donna ISD's website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Donna ISD's *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Donna ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Donna ISD into compliance with the requirements of IDEA. Donna ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Donna ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

What about students who transfer?

If a student is in the process of being evaluated for special education eligibility by another public school district and enrolls in the District before the evaluation is completed, the District will coordinate with the student's previous school district to ensure prompt completion of the initial evaluation. If the student transfers from another public school district when an initial evaluation is pending, the timelines for conducting the evaluation apply to Donna ISD unless:

- the District is making sufficient progress to ensure a prompt completion of the evaluation; and
- the parent and the District agree to a specific time when the evaluation will be completed.

If a student transfers from another school district in Texas with an Individualized Education Plan (IEP), the District will provide a free appropriate public education to the transfer student by providing services comparable to the services described in the student's IEP from the student's previous school district until:

- the District adopts the student's IEP from the previous school district, or

- the District develops, adopts and implements a new IEP in accordance with the procedures outlined in **the District's FAPE Composite Operating Procedure**.¹

If a student transfers from another state with an IEP, the District will offer services comparable to the services described in the IEP from the sending school district until the District takes the following actions:

- conducts a new full and individual evaluation, as described in **the District's Evaluation Procedure Operating Procedure**, if the Special Education Assessment Personnel determines that a new evaluation is necessary; and
- develops, adopts and implements a new IEP, if appropriate, in accordance with the procedures outlined in **the District's FAPE Composite Operating Procedure**.²

Additionally, the District will take reasonable steps to promptly obtain a transfer student's special education and general education records from the sending school district.³

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Texas Record Exchange (TREX) requests
- Telephone logs of calls to prior school districts and demonstrating calls to students' parents seeking collaboration
- Records from prior schools
- Training materials
- Parent meeting documentation

¹ 34 C.F.R. § 300.323(e)

² 34 C.F.R. § 300.323(f)

³ 34 C.F.R. § 300.323(g)