



Birdville INDEPENDENT SCHOOL BIRDVILLE SPECIAL EDUCATION OPERATING PROCEDURES: CHILDREN WHO TRANSFER

Birdville ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Birdville ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Birdville 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 Birdville ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Birdville ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Birdville 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 Birdville ISD into compliance with the requirements of IDEA. Birdville ISD maintains systems to ensure that all students with disabilities residing in the Birdville ISD, 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. Birdville 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.

How does the Birdville ISD verify whether a new student to the Birdville ISD may be eligible for special education and related services?

Regardless of whether a new student registers during the school year or during the summer, the campus based diagnostician, ARD Facilitator or Speech Language Pathologist takes reasonable steps to promptly obtain the student's records, including the student's special education records, if any, from the previous school Birdville and verify whether the student has an IEP in effect.¹ To “verify” that the student requires special education and related services, the Birdville ISD must receive a complete copy of the student’s IEP that was in effect in the previous Birdville.² The first ***school*** day after the Birdville ISD receives a complete copy of the student’s IEP that was in effect in the previous Birdville, whether received from the student’s parent or from the previous Birdville, is ‘day one’ for calculating the timelines in this Operating Procedure.³

In addition to contacting the previous school Birdville, the campus based diagnostician, ARD Facilitator or Speech Language Pathologist may also ask the parent to provide verification of

¹ 19 TEX. ADMIN. CODE § 89.1055(s)(4))

² 19 TEX. ADMIN. CODE § 89.1055(s)(6)

³ 19 TEX. ADMIN. CODE § 89.1055(s)(6)

eligibility by seeking a complete copy of the student's IEP that was in effect in the previous district.⁴

What if we are unable to verify eligibility through records from the previous school within 15 working days?

If a parent hasn't already provided a complete copy of the IEP that was in effect in the previous school and the Birdville ISD has been unable to obtain a complete copy of the IEP that was in effect in the previous Birdville by the 15th **working** day after first requesting records from the prior school, the campus based diagnostician, ARD Facilitator or Speech Language Pathologist will request the complete copy of the IEP that was in effect from the parent on the 15th **working** day.⁵ If the parent does not provide the complete IEP, the campus based diagnostician, ARD Facilitator or Speech Language Pathologist will notify the Executive Director of Specialized Services and Support and continue to take reasonable steps to obtain the student's records from the previous Birdville.⁶

What services do we provide if we cannot verify whether the student received special education and related services in the previous public school Birdville?

While the Birdville ISD awaits verification, the Birdville ISD will take reasonable steps to provide, in consultation with the student's parent, services comparable to those the student received from the previous district if the Birdville ISD has been informed by the previous school district of the student's special education and related services and placement.⁷ Comparable services includes the provision of Extended School Year (ESY) services if the Birdville ISD has reason to believe that the student would be eligible for ESY Services.⁸

What process do we follow for students who are new to the Birdville ISD and who register during the school year?

Transfers from other Texas public schools

When a student transfers to the Birdville ISD from another public school within Texas, in the same school year, and the parent or previous school district verifies that the student had an IEP that was in effect in the previous district, the Birdville ISD must follow **the Birdville ISD's FAPE Composite Operating Procedure and convene an ARD committee meeting to develop, adopt and implement a new IEP** no later than the 20th school day after the student is verified as being eligible for special education services.⁹

Between the time of the student's enrollment and the time the Birdville ISD convenes a meeting of the student's Admission, Review, and Dismissal committee, the Birdville ISD, in consultation

⁴ 19 TEXAS ADMIN. CODE § 89.1055(s)(5)

⁵ 19 TEX. ADMIN. CODE § 89.1055(s)(5)

⁶ Id.

⁷ 19 TEX. ADMIN. CODE § 89.1055(s)(7)

⁸ 19 TEX. ADMIN CODE § 89.1055(s)(8)

⁹ 19 TEX. ADMIN. CODE § 89.1050(j)(1)

with the student's parents, must provide a free appropriate public education, including services comparable to those described in the student's IEP from the previous district.¹⁰

Transfers from public schools in states other than Texas

When a student transfers from a school district in another state, in the same school year, and the parent or previous school district verifies that the student had an IEP that was in effect in the previous school district, the Birdville ISD must follow **the Birdville ISD's FAPE Composite Operating Procedure and convene an ARD committee meeting to develop, adopt and implement a new IEP** no later than the 20th school day after the student is verified as being eligible for special education services, **UNLESS the Birdville ISD determines that an evaluation is necessary.**¹¹

If the Birdville ISD determines an evaluation is necessary, it is considered a full individual and initial evaluation and the evaluation must be completed consistent with **the Birdville ISD's Evaluation Procedures Operating Procedure**, including the timelines specified in that procedure for an initial evaluation and convening an ARD committee meeting to develop, adopt and implement a new IEP.¹²

Between the time of the student's enrollment and the time the Birdville ISD convenes a meeting of the student's Admission, Review, and Dismissal committee, the Birdville ISD, in consultation with the student's parents, must provide a free appropriate public education, including services comparable to those described in the student's IEP from the previous Birdville.¹³

What process do we follow for students who are new to the Birdville ISD and who register during the summer?

For students who register in the Birdville ISD during the summer when students are not in attendance for instructional purposes, the Birdville ISD follows its Operating Procedures for students who register during the school year, based upon whether the student is coming from an in-state or out-of-state school Birdville. Once the Birdville ISD verifies that the student had an IEP in effect at the previous district, comparable services must be provided. Comparable services include provision of ESY services if those services are identified in the previous IEP or if the Birdville ISD has reason to believe that the student would be eligible for ESY services.¹⁴

How does the Birdville ISD determine whether an evaluation is necessary?

The campus based diagnostician or Speech Language Pathologist will determine whether an evaluation is necessary consistent with **the Birdville ISD's Child Find Duty and Evaluation Procedure Operating Procedures.**^{15 16}

¹⁰ 34 C.F.R. § 300.323(e)

¹¹ 19 TEX. ADMIN. CODE § 89.1050(j)(2)

¹² *Id.*

¹³ 34 C.F.R. § 300.323(f)

¹⁴ 19 TEX. ADMIN. CODE § 89.1050(j)(4)

¹⁵ 34 C.F.R. § 300.323(f)(1)

¹⁶ 19 TEX. ADMIN. CODE § 89.1055(s)

How do we proceed when students who are new to the Birdville ISD are in the process of being evaluated for special education by another public school but transfer before the other school's evaluation is complete?

If a student is in the process of being evaluated for special education eligibility by another public school district and enrolls in the Birdville ISD before the evaluation is completed, the Birdville ISD 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 Birdville ISD unless:

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

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 and demonstrating calls to students' parents seeking collaboration
- Records from prior schools
- Training materials
- Parent meeting documentation