

**Sec. 1. STUDENTS WHO TRANSFER WITH AN IEP DURING THE SAME SCHOOL YEAR**

**a. *Texas Transfers***

When a student transfers to Erath Excels Academy from another school within Texas, Erath Excels Academy shall provide a free appropriate public education (“FAPE”) to the student. Erath Excels Academy shall provide comparable services as those described in the individualized education program (“IEP”) the student transferred with until Erath Excels Academy adopts the student’s IEP from the previous school, or develops, adopts and implements a new IEP.

*34 CRF 300.323(e); 19 TAC 89.1050(j)(1).*

**b. *Out-of-State Transfers***

If the student with a disability transfers to Erath Excels Academy from a school outside of Texas, Erath Excels Academy shall provide the student with FAPE, including comparable services, until Erath Excels Academy conducts an evaluation and develops, adopts, and implements a new IEP.

A new IEP must be implemented within 30 school days from the date the student is verified as being a student eligible for special education services.

*34 CRF 300.323(f); 19 TAC 89.1050(j)(2).*

If a student transfers from Erath Excels Academy, Erath Excels Academy will furnish the student’s special education records to the student’s new school not later than the 10th working day after the date a request for the information is received by Erath Excels Academy.

*19 TAC §89.1050(j)(3))*

**Sec. 2. 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 LEA and who enrolls in a new LEA during the summer 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 new LEA must; (1) implement the IEP from the previous LEA in full on the first day of class of the new school year; or (2) must convene an ARD committee meeting during the summer to revise the student’s IEP for implementation on the first day of class of the new school year.

*19 TAC 89.1050(j)(4).*