

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

a. Texas Transfers

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

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

b. Out-of-State Transfers

If the student with a disability transfers to Positive Solutions Charter School from a school outside of Texas, Positive Solutions Charter School shall provide the student with FAPE, including comparable services, until Positive Solutions Charter School 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 CFR 300.323(f); 19 TAC 89.1050(j)(2).

If a student transfers from Positive Solutions Charter School, Positive Solutions Charter School 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 Positive Solutions Charter School.

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).