

RIO GRANDE CITY CISD SPECIAL SERVICES

LEGAL FRAMEWORK: CHILD FIND

CHILDREN WHO TRANSFER

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DISCLAIMER: These operating procedures provide general information to assist the district. It is not intended to be an exhaustive restatement of law, nor should it be considered specific legal advice. Please consult an attorney to receive specific legal advice.

RIO GRANDE CITY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

CHILDREN WHO TRANSFER

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Rio Grande City CISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Rio Grande City CISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Rio Grande City CISD *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 Rio Grande City CISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Rio Grande City CISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Rio Grande City CISD 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 Rio Grande City CISD into compliance with the requirements of IDEA. Rio Grande City CISD 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. Rio Grande City CISD 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.

RIO GRANDE CITY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

CHILDREN WHO TRANSFER

What is Required:

The District must comply with the Parent and the Adult Student and Transfer of Rights frameworks, as appropriate and with the Consent for Disclosure of Confidential Information and the When Consent is Not Required to Disclose Information frameworks.

TRANSMITTAL OF RECORDS-

The Family Educational Rights and Privacy Act does not require the child's new and previous Districts to obtain parental consent before requesting or sending the child's special education records if the disclosure is for purposes related to the child's enrollment or transfer. To facilitate the transition for the child with a disability who transfers from one District to another:

- The new District in which the child enrolls must take reasonable steps to promptly obtain the child's record from the previous district in which the child was enrolled including:
 - The individualized education program (IEP) and supporting document; and
 - Any other records relating to the provision of special education or related services to the child;
- The previous District in which the child was enrolled must take reasonable steps to:
 - Promptly respond to such request from the new District by furnishing the new district with a copy of the student's records including the student's special education records:
 - ❑ Not later than the tenth working day after the date a request for information is received by the previous district.

WHEN AN INITIAL EVALUATION IS PENDING-

If a child is in the process of being evaluated for special education eligibility and enrolls in a new District, the new district must coordinate with the previous district, as necessary and as expeditiously as possible, to ensure prompt completion of the initial evaluation. The receiving District must comply with the CONSENT FOR INITIAL EVALUATION and the EVALUATION PROCEDURES frameworks except as provided in this framework.

If the child transfers from another District when an initial evaluation is pending, the timelines for conducting the evaluation set out in the EVALUATION PROCEDURES framework apply to the new District unless:



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

IEP FOR THE CHILD WHO TRANSFERS WITHIN THE STATE-

If the child transfers to a new District in the same state within the same school year and the parents or the previous District verify that the child was receiving special education services in the previous District, the new District must, in consultation with the parents, provide the child with a free appropriate public education (FAPE) including services comparable to those described in the IEP from the previous District until the new District either:

- Adopts the IEP from the previous District; or
- Develops, adopts, and implements a new IEP that is consistent with the Admission, Review, and Dismissal Committee frameworks.

The new District's timeline for adopting the IEP from the previous District or developing, adopting, and implementing a new IEP is 30 school days from the date the student is verified as being eligible for special education services.

IEP FOR THE CHILD WHO TRANSFERS FROM OUTSIDE THE STATE-

If the child transfers to a new LEA in another state within the same school year and the parents or the previous LEA verify that the child was receiving special education services in the previous LEA, the new LEA must, in consultation with the parents, provide the child with FAPE including services comparable to those described in the IEP from the previous LEA and the new LEA must:

- If the new LEA determines necessary, conduct an evaluation in compliance with the [EVALUATION PROCEDURES](#) framework; or
- Within 30 school days from the date the child is verified as being a child eligible for special education services:
 - Develop a new IEP, if appropriate, that is consistent with the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE frameworks.

PROCEDURES:

1.0 CHILD FIND

1.7 *What about students who transfer?*

1.8 *What protections are available for students who have not been identified but may qualify for IDEA's disciplinary safeguards?*

1.0 CHILD FIND.

The Rio Grande City Consolidated Independent School District (CISD or “the District”) has an obligation to identify, locate and evaluate each child, birth to age 21 inclusive, residing within the jurisdiction of the District who has a disability or is suspected of having a disability, regardless of the severity of the disability, and who is in need of special education and related services. This *Child Find* obligation—mandated by the Individuals with Disabilities Education Improvement Act (IDEIA or, more commonly, IDEA) and Texas special education law¹—extends to all children with disabilities, including those who are homeless, highly mobile, migrants, in foster care, homeschooled, court-involved or attending private schools within the jurisdiction of the District.²

The District annually notifies and informs the Rio Grande City CISD community of a student's right to a free appropriate public education and the programs and services available to eligible students, as well as the right to request an evaluation for special education and related services. The District endeavors to distribute written information in both English and Spanish to every enrolled student's family regarding IDEA's *Child Find* and free appropriate public education (FAPE) requirements, to inform them of the options and requirements for identifying students who may be suspected of having a disability and have an educational need for special education and specially designed instruction. The District's community-wide efforts may include:

- publishing a *Child Find* notice in a local newspaper of general circulation;
- posting or linking the District's *Child Find* notice on the District's website; and
- placing a *Child Find* notice in locations where potentially eligible children and their parent(s) or legal guardian(s) are likely to see it, like disability-related community agencies, hospitals or daycare centers.

The District's *Child Find* notice is included in both English and Spanish in the District's Student Code of Conduct:

https://s3.amazonaws.com/scschoolfiles/1503/2020-21_student_code_of_conduct_revised.pdf which is updated annually and The District's *Child Find* notice is available to the public and to

¹ 34 C.F.R. § 300.111(a); Tex. Ed. Code § 29.001

² 34 C.F.R. § 300.111(c). Homeless and highly mobile students are served via the [District's homeless education liaison](#) as part of the District's participation in TEA's *Texas Education for Homeless Children and Youth (TEHCY)* program.



parents in both [English](#) and [Spanish](#) on the District’s website. Together with the District’s annual *Child Find* notice, the District includes information indicating where members of the Rio Grande City CISD community can access the District’s processes and procedures for initiating a referral for special education services eligibility evaluation.³ The District also offers annual training to teachers and staff regarding the District’s responsibility to actively identify and appropriately refer for evaluation students suspected of being in need of special education and related services, consistent with these *Special Education Operating Procedures* (“Operating Procedures”).

1.7 *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 Rio Grande City CISD 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 **Section 3.0: FAPE**.⁴

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 **Section 2.0: EVALUATION**, if the educational diagnostician determines that a new evaluation is necessary; and
- develops, adopts and implements a new IEP, if appropriate, in accordance with the procedures outlined in **Section 3.0: FAPE**.⁵

³ Tex. Ed. Code § 29.023(b)

⁴ 34 C.F.R. § 300.323(e)

⁵ 34 C.F.R. § 300.323(f)



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.⁶

1.8 *What protections are available for students who have not been identified but may qualify for IDEA's disciplinary safeguards?*

Students not yet eligible for special education and related services may be entitled to the disciplinary protections afforded eligible students, including the manifestation determination review process. The District may be obligated to provide a manifestation determination review and other disciplinary change of placement protections for a student even if the student is not yet determined to be eligible for special education and related services at the time of the violation of the District's conduct code. Disciplinary protections shall be afforded to a student if the District "had knowledge" that the student is a student with a disability prior to the behavioral incident at issue. The District is considered to have knowledge (1) if the parent or guardian expressed concern in writing to supervisory or administrative personnel, or a teacher of the student, that the student is in need of special education and related services; (2) the parent or guardian of the student requested an evaluation of the student pursuant to IDEA; or (3) the teacher of the student, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the District. The District does not have knowledge that the student is a student with a disability if the District sought and the parent refused to permit the student to be evaluated or declined special education and related services, or if the student was evaluated by the District and determined to be ineligible by a duly constituted Admission, Review and Dismissal (ARD) committee.⁷

EVIDENCE OF IMPLEMENTATION:

- Child Find brochures and materials published and distributed by the school district
- Parent Meetings Agendas and Sign In Rosters
- Documentation of Campus Interventions provided to students and outcome
- Documentation of Campus Meetings for Student's Multi-Tiered Systems of Support
- Notice to Parents of Interventions Provided
- Referral for Special Education
- FIE
- ARD/IEP

⁶ 34 C.F.R. § 300.323(g)

⁷ 34 C.F.R. § 300.534



RESOURCES:

[The Legal Framework for the Child-Centered Special Education Process: Child Find Framework--Children Who Transfer--Region 18](#)

[Child Find Frequently Asked Questions--Texas Education Agency](#)

[Child Find, Evaluation and ARD Supports Network](#)

[Referral to Special Education](#)

[Response to Intervention \(RtI\)--Texas Education Agency](#)

