

INTERDISTRICT TRANSFER STUDENTS

PLACEMENT IN PROGRAM OUTSIDE OF DISTRICT OF RESIDENCE

1. INTRODUCTION

The district of residence of students with exceptional needs is responsible for providing a free appropriate public education (FAPE) to all students identified as eligible for special education and related services residing within its geographical boundaries. This responsibility includes providing a continuum of placement options to meet the unique needs of eligible students in the least restrictive environment.

As part of the Shasta County SELPA's efforts to coordinate the provision of a full continuum of special education and related services options, districts may enter into agreements whereby students can be placed in other member district's LEA's special education programs when the student's IEP team deems it appropriate (IEP Team referrals). In addition, students receiving special education services may seek to attend school in a district other than their district of residence via a parent request (inter-district transfers).

A uniform method of handling these IEP Team referrals for out of district placements as well as inter-district transfers (under California Education Code sections 46600 et seq.) will promote a fast, efficient and fair functioning of the inter-district attendance system within the Shasta County SELPA, which will insure to the benefit of affected students. It is the intent of the Shasta County SELPA that students with disabilities are treated in a manner equal to their non-disabled peers in the administration of special education referrals and related inter-district attendance agreements and memorandum of understanding (MOU).

2. DEFINITION OF TERMS

- 2.1 District of Service (DOS) means the district that is receiving the student from the district of residence in order to provide a program and/or services to a student.
- 2.2 District of Residence (DOR) means the school district in which a student resides for purposes of school attendance.
- 2.3 Parent means the student's parent(s) or legal guardian(s).

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3. TRANSFER OF PUPILS UNDER THE PROVISIONS OF EDUCATION CODE SECTION 46600 (i.e., inter-district attendance at parents' request and preference for reasons other than employment).

3.1 PROCEDURE

- 3.1.1 All requests for transfer shall first be approved by the District of Residence ("DOR").
- 3.1.2 All requests for transfer shall be submitted to the potential District of Attendance ("DOA")'s representative for determination of available classroom space and other non-arbitrary criteria for acceptance determined by the DOA.
- 3.1.3 School assignment shall be designated by the DOA's representative on the basis of available classroom space and other non-arbitrary criteria determined by the DOA.

3.2 ACCEPTANCE/DENIAL CONSIDERATIONS

- 3.2.1 Denial of an inter-district transfer request cannot be based upon race, ethnicity, sex, disability, parental income, scholastic achievement or other arbitrary considerations. Non-arbitrary considerations, such as class/program space or availability, are proper considerations for the acceptance/denial decision. The child-care need of the student may also be an acceptable consideration.
- 3.2.2 A pupil who has been determined by personnel of either the DOA or DOS to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the DOA shall, at the request of the person having legal custody of the pupil, be given priority for inter-district attendance.

3.3 DURATION/RENEWAL

- 3.3.1 Transfers under this Section may be permitted, pursuant to agreement between the governing boards of the DOR and DOA, for a term not to exceed five school years. Once the student is enrolled in the DOA, the student shall reapply for inter-district transfer as required by the interdistrict transfer agreement.. A DOR or a DOA shall not require renewal or rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

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3.3.2 Individual transfer agreements may stipulate terms and conditions established by the DOR and DOA under which the permit may be revoked, in accordance with applicable law.

3.4 INTER-DISTRICT RESPONSIBILITIES

3.4.1 Except as enumerated in Education Code 46607, the DOA shall receive credit for the average daily attendance of students transferred to it under this section.

3.4.2 Any and all costs for special education assessment of a student not previously identified as a student with a disability under the IDEA, 20 U.S.C 1400 et seq., who is attending the DOA on an inter-district transfer shall be the primary responsibility of the DOA.

3.4.3 The DOR shall be notified with regard to any assessment of the student and shall be notified of the IEP team meeting at which the assessment will be reviewed in a timely manner.

3.4.4 If a student is deemed eligible and in need of special education and related services, the DOA will provide special education and related services for the remainder of the student's enrollment in the DOA.

3.4.5 If the DOA does not have a FAPE available for the student due to capacity concerns, or, would need to create a new program or a new service to provide FAPE, the DOA may be permitted to deny the transfer request.

3.5 TRANSPORTATION

3.5.1 Parents requesting a transfer of their child pursuant to Education Code Section 46600 are responsible for transporting the student to and from the school of requested attendance.

3.6 DENIAL NOTIFICATION

3.6.1 The district considering the transfer under this section shall notify the student's parents of the decision within thirty (30) days of the projected date when a decision can be made. The student shall have appeal rights pursuant to Education Code Section 46601.

4. IEP TEAM REFERRAL FROM STUDENT'S DISTRICT OF RESIDENCE FOR STUDENT'S RECEIPT OF SPECIAL EDUCATION FROM ANOTHER MEMBER DISTRICT WITHIN THE SELPA. [This is not an inter-district transfer and does not shift responsibility for the provision of a FAPE away from the student's district of residence.]

4.1 PROCEDURE

- 4.1.1 If the IEP team of a student's DOR determines that it does not or may not have available programs and/or services that are appropriate to meet the student's needs, the IEP team may explore placement and service options within other member districts in the SELPA.
- 4.1.2 The IEP team from student's DOR may not make an offer of placement or services involving another member district in the SELPA without that member district's prior authorization and participation in any IEP team meeting in which that program, placement, and/or services is to be determined.
- 4.1.3 With consent of the student's parent(s) or upon an applicable exception to confidentiality laws pertaining to student records, the prospective DOS must have the opportunity, upon request, to review relevant students records and the opportunity to observe the student prior to agreeing to be the DOS for the student.
- 4.1.4 If the DOR requests that another member district within the SELPA be the student's service provider, the respective districts must enter into an Intra-SELPA Agreement for Serving Students with Exceptional Needs or a Memorandum of Understanding in order to clarify the specific responsibilities of each district.

4.2 ACCEPTANCE/DENIAL CONSIDERATIONS

- 4.2.1 The decision to recommend placement and/or services for a student outside the DOR must be made by the student's IEP team, taking into account his/her unique educational needs, and the requirement that the student be educated in the least restrictive environment (LRE).
- 4.2.2 A prospective DOS may not decline to provide a placement and/or services to a student based upon race, ethnicity, sex, disability, parental income, scholastic achievement or other arbitrary considerations. Non-arbitrary considerations, such as class/program space or availability, and the availability of appropriate programs within the DOS, are proper considerations in determining whether to authorize the student's

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placement and/or receipt of services within the prospective DOS. Furthermore, no student may be improperly denied access to another district's programs or placements based on the cost of educating that student in that district.

- 4.2.3 If the prospective DOS declines to authorize the student's attendance in its program or receipt of services within its district, the student's DOR remains responsible for offering and funding appropriate services necessary to provide the student with a FAPE in the LRE.

4.3 DURATION/RENEWAL

- 4.3.1 The duration and other terms of a student's attendance in or receipt of services from a DOS shall be determined by the Intra-SELPA Agreement for Serving Students with Exceptional Needs within the SELPA.
- 4.3.2 Nothing in these Procedures or in the Intra-SELPA Agreement for Serving Students with Exceptional Needs is intended to alter the requirements set forth in federal and state law regarding the frequency with which a student's IEP is to be reviewed and revised, the circumstances and frequency in which such students is to be assessed, or any other procedural or substantive requirement in the IDEA.

4.4 TRANSPORTATION

- 4.4.1 The DOR is responsible for arranging and providing transportation for eligible students who are being provided programs and/or services by the DOS under this section.