PROGRAM TRANSFER OF PROGRAMS POLICY AND PROCEDURES

It is the intent that all students that require special education intervention receive a free, appropriate public education in the least restrictive environment. As districts experience growth or decline in ADA, and as districts review programs and services offered by the districts to their students, it will be necessary for each LEA to consider special education program and service delivery models. The operation of programs and related services that will facilitate the students being served in the least restrictive environment will be supported by SELPA practices and procedures. The process of changing the delivery of services from one service provider to another will be considered when there are sufficient numbers of students and intent to provide a quality program.

Legal Reference (E.C. 56207)

No educational programs and services already in operation in school districts or a county office of education shall be transferred to another LEA or a county office of education or from a county office of education to an LEA unless the special education local plan area has developed a plan for the transfer that addresses, at a minimum, all of the following:

1) Student needs;
2) The availability of the full continuum of services to affected students;
3) The functional continuation of the current individualized education programs of all affected students;
4) The provision of services in the least restrictive environment from which affected students can benefit;
5) The maintenance of all appropriate support services;
6) The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies;
7) The means through which parents and staff were represented in the planning process.

Program Transfer Procedures

This policy applies to all LEAs, which includes the Shasta County Office of Education, in Shasta County SELPA. The policy incorporates the timeframe established by the California Department of Education (CDE) and must be followed in order to allow an orderly, consistent, legal transfer of program operation that will positively impact the students and employees that will be involved in and affected by the program transfer.

The CDE defines a program transfer and has stated that when the conditions listed below are met, there is a presumptive need to engage in the planning process required. A program transfer is when all of the following conditions are met:

1) The proposed change involves a change in the LEA of service. The movement of students from one service provider to another (LEA) is involved.

2) The change involves the movement of funding locally from one service provider (LEA) to another. The transfer of funds could be accomplished through an agreement between LEAs or through the allocation plan developed by the SELPA.

3) The change must involve one or more employees who would be affected by the provision of the applicable education code.

It is the intent of the SELPA Governing Board that each LEA considering the initiation of special education programs or the transfer of programs being operated by another LEA or by SCOE will participate in the planning process. The SELPA has established a set of procedures that assure compliance and equitable consideration for both the sending and the receiving LEAs, which are detailed below:

1) The SELPA Director will provide information to all LEAs regarding the program transfer intent process no later than **June 30**.

2) All LEAs are required to notify the SELPA Director by **June 30** of their intent to enter into the program transfer planning process. Written notice of the intent to transfer programs or services to an LEA or SCOE will be provided no later than one year and one day prior to the year in which the transfer will be implemented. This is an intent notification that will permit the LEA to withdraw from the planning process at a later date.

3) An informational meeting will be held by the SELPA for the purpose of reviewing all factors to be considered in a program transfer no later than **October 15**. This will include process overview, required documentation, funding considerations, personnel issues, services, student count, housing and facilities, equipment and materials, assessment responsibilities, administrative considerations, required reports and data collection, transportation, medical/nursing issues, Regionalized Services support, and other issues as needed.

4) The LEA will notify the SELPA Director of the decision to complete the program transfer process no later than **January 31**.

5) The procedures for classified and credentialed employee transfer will be completed between **February 1 and February 28**. This will include a formal review of all credential and longevity issues by the Human Resources Department of the sending LEA; informational meetings for the staff of the sending LEA; individual employee contact and meetings scheduled by the receiving LEA and other meetings as needed.

6) A written program transfer plan will be submitted to the SELPA Director no later than **February 15**. The SELPA Director will review the written plan and, if no changes or additions are required, will submit program transfer recommendations to the Superintendents' Executive Council.

7) Any employee that would fall within a "lay-off" situation will receive notification by the employing LEA no later than **March 15**.

8) The SELPA Director will be responsible for obtaining the signature of the sending or receiving LEA Superintendent, and the signature of the Chairperson of the SELPA Governing Board.

9) Unless otherwise approved, the receiving LEA shall assume responsibility for program operation on **July 1** of the implementation year. The sending LEA will maintain responsibility through the completion of the extended school year (ESY).

10) All student records will be transferred to the receiving LEA no later than **June 30** unless there is mutual agreement between the receiving and the sending LEA.

Timelines

The sending or receiving LEA proposing the transfer must inform the other LEA and the SELPA Administrator of the proposed transfer on or before June 30 of the second prior year before July 1 of the fiscal year in which the transfer is proposed to be effective.

If the LEA proposing the transfer intends for the transfer to be effective in the immediately following fiscal year from the date of informing the other LEA and SELPA Administrator, sufficient time must be allowed to develop the program transfer plan, to provide time for Program Advisory Council deliberation of the plan, and to provide time for a SELPA Governing Board meeting if needed in case of an appeal. A six month period is recommended for this process. A transfer intended to be effective in the immediately following year from the date of informing the other LEA and SELPA Administrator requires the unanimous approval of the Program Advisory Council and if appealed to the SELPA Governing Board the unanimous approval of the SELPA Governing Board.

As early as feasible, the SELPA Director shall convene a meeting of key staff of the sending and receiving LEAs. The purpose of the meeting is to identify the information needed for development of the program transfer plan.

Future Responsibilities

LEAs transferring programs assume responsibility for placing current and future students in those programs unless they meet the criteria for a more restrictive setting. Additionally, responsibility for assessment of students served in the transferred program lies with the receiving LEA.

Dispute Resolution

In the event that the LEA initiating a program transfer or any other affected LEA disagrees with the decision of the SELPA Governing Board, the dispute resolution procedures outlined in the SELPA Policy will be followed.

Citations: (E.C. § 56000) (E.C. § 56207)