

PROGRAM TRANSFER POLICY

Napa County SELPA

January 2017

According to Education Code Section 56207 special education programs may be transferred from a county office of education to school districts, from school districts to the county superintendent of schools and from one district to another. For the purpose of this policy, programs may also be transferred to charter schools that have been granted LEA status.

Program Transfer vs. Program Reorganization

Program Transfer and Reorganization

A program transfer occurs when the proposed change involves a change in the LEA of services, and involves the movement of funding locally from one services provider (LEA) to another. A program transfer is defined as a “reorganization” based on consideration of the following factors: (a) will the membership in the SELPA change? (b) will the SELPA function as it did before? (c) are the changes to the SELPA structure significant? (d) will the change result in modification to the Local Plan?

When there is a proposed change in programs in the LEA of service and it is not certain as to whether the CDE’s definition of program transfer applies, either one or both of the LEA’s superintendents should submit a written request for clarification to CDE to undertake a determination regarding whether a proposed change constitutes a program transfer. Requests are to be forwarded to the Division Director of Special Education and should be signed by the district or county superintendent.

Time Lines and Approval Process

The date on which a transfer will take effect may be no earlier than the first day of the second fiscal year beginning after the date on which the sending or receiving LEA informs the other LEA and the SELPA (regular track), unless the SELPA’s governing body unanimously approves

the transfer taking effect on the first day of the first fiscal year following the day the notice is provided (fast track).

In the case of a reorganization, a revised Local Plan must be filed with CDE before July 1 of the fiscal year when the new organization takes place. CDE recommends submitting the proposal *at least* 60 days in advance to allow adequate time for review and finalization.

Final approval will require all of the following:

- Signed agreement by sending LEA
- Signed agreement by receiving LEA
- Signed agreement by the superintendents of the SELPA Executive Board
- Approval of the California Department of Education, Special Education Division as appropriate (in the case of a reorganization or a program transfer that requires amendment to the Local Plan.

Transfer Guidelines

Prior to transferring special education programs from one LEA to another, the receiving LEA will implement the plan described in the preceding section. The plan will address all of the following (Reference E.C. Section 56207), as outlined in form SED-PT (Rev 4-99).

1. Pupil needs
2. The availability of a full continuum of services to affected pupils
3. The functional continuation of the current IEPs of all affected pupils
4. The provision of services in the least restrictive environment from which affected pupils can benefit
5. The maintenance of all appropriate 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 informed and involved during the planning process

Funding

The adopted Allocation Plan Document is attached as Appendix B.

LEA Responsibilities When Operating Regional Programs

Some LEAs within the Napa County SELPA do not have enough students in certain disability categories to operate programs of their own. The SELPA must assure that there are services to these students through the regionalized services plan or through separate agreements between LEAs as a precondition of approval of a transfer plan.

Program Standards

In order to assure program continuity and quality, all program operators agree to maintain the standard program delivery provided by the sending LEA.

Special Considerations

- Programs may be transferred in increments of more or less than 1.0 FTE.
- It is assumed that the receiving district will continue to serve the same students currently served by the program. Changes in the number of students served may result in a commensurate adjustment in the amount of FTE to be transferred.
- The transfer of any program must not impede the delivery of services to students from small, dependent school districts.
- The SELPA may consider any other factors that are deemed relevant to the proposed transfer, such as LEA identification rates, impact on transportation, etc. The primary consideration, however, must be whether the proposed transfer is consistent with the purpose of the SELPA, which is to provide service to all identified students within its boundaries regardless of their district of residence. The transfer of programs must not in any way interfere that that mission.

Facilities

Transfer of facilities, when appropriate, will be negotiated on a case-by-case basis by the sending and receiving LEA. Whenever a program is transferred from one LEA to another, the receiving LEA assumes responsibility for the facilities (i.e. portable, mobiles, etc.) currently occupied by the program.

Materials and Equipment

Unless otherwise agreed upon, materials and equipment purchased with special education funds by the sending LEA for the program being transferred will be transferred with the program and become the property of the receiving LEA. Any material or equipment purchased with Low Incidence funds is the property of the CDE and will remain with the student.

Student Records

When the transfer of a program has received final approval, the sending and receiving LEAs will develop a plan for the transfer of all student records to the receiving LEA.

Disputes

Whenever there is a dispute within the SELPA over the transfer of special education programs as described above, the involved agencies will follow the dispute resolution procedures described in the governance section of the local plan.

Napa County SELPA: Approved: January 15, 2003

Revisions Approved: February 14, 2017