

## **POLICY 0430.406**

### **YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

#### **PROGRAM TRANSFERS**

#### **POLICY:**

It is the responsibility of each member Local Education Agency (LEA) of the Yolo County SELPA to follow the provisions set forth in Education Code and the requirements of this policy.

Pursuant to Education Code Section 56207(a):

No educational programs and services already in operation in school districts or a county office of education pursuant to Part 30 (commencing with Section 56000) shall be transferred to another school district or a county office of education or from a county office of education to a school district unless the special education local plan area has developed a plan for the transfer which addresses, at a minimum, all of the following:

- (1) Pupil needs.
- (2) The availability of the full continuum of services to affected pupils.
- (3) The functional continuation of the current individualized education programs 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 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.

Reference: §56205,56207

Superintendents' Council

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First Reading: December 13, 2006

Second Reading: January 18, 2007

## **PROCEDURE 0430.406**

### **YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)**

#### **PROGRAM TRANSFERS**

#### **PROCEDURES:**

##### **Definition**

A Program Transfer occurs when an educational agency relinquishes administrative responsibility (employment of teacher and aide, provision of materials, equipment, housing and the students) for a program or service to another educational agency plus any associated funding.

It is the intent of the Special Education Local Plan Area (SELPA) to provide a Free and Appropriate Public Education (FAPE) to all eligible students. In both non-regional program transfers and regional program transfers, the new program operator shall be responsible for administrative activities such as scheduling Individualized Education Program (IEP) meetings, transfer of files, coordination of related services, notification to parents, and other activities associated with the program transfer.

A non-regional program transfer involves the transfer, back to a district, of one or more classes or a number of students equal to one or more classes and/or a specific handicapping category. The responsibility for non-resident students who were part of the original transferred class should be designated in the transfer plan.

A regional program is a program identified by the SELPA and the advisory groups PAC Program Administrators' & Chief Business Officials Joint Committee (PAC/CBO), and Community Advisory Committee (CAC) that provides services to students who are residents of multiple local educational agencies. Regional programs are identified in the annual service plan and monitored annually by the SELPA.

- If the new service provider is a district that intends to continue to service students from the entire region, then the transfer plan will include a description of the funding model and service model.

## **PROCEDURE 0430.406**

### **PROGRAM TRANSFERS (Continued)**

- If the proposed regional program is being operated solely by a district, the district does not automatically become a regional service provider. If the district is NOT going to continue to provide services to the entire region, THEN BOTH PARTIES (Current Program Operator and Prospective Program Operator) will need to account in the transfer plan for how those other affected students will access the services that they were receiving from the program prior to the transfer.
- A regional provider who no longer chooses to be a regional provider will begin the program transfer process.

A non-regional program transfer shall address the needs of all affected students to assure the full continuum of services is available.

#### **Itinerant Service Transfers**

An itinerant service transfer occurs when an educational agency relinquishes administrative responsibility and funding for providing an itinerant service (i.e., itinerant teacher(s) for students who are deaf, hard of hearing, visually impaired, or who require adapted physical education or assistive technology support) to another educational agency. Itinerant service transfers are considered a program transfer will follow all of the guidelines for program transfers outlined in Procedure 0430.406.

- If the educational agency to which the service is transferred intends to continue to provide the itinerant service to students from the entire region, then the transfer plan will include a description of the funding model and service model.
- If the educational agency to which the service is transferred intends to only provide the service students served by the district, THEN BOTH PARTIES (Current Itinerant Service Provider and Prospective Itinerant Service Provider) shall provide for how those other affected students will access the itinerant services that they were receiving prior to the transfer in the transfer plan. The transfer plan shall address the needs of all affected students to assure the full continuum of services is available.

## **PROCEDURE 0430.406**

### **PROGRAM TRANSFERS (Continued)**

#### **Program Transfer Timelines**

Pursuant to Education Code Section 56207(b), a program transfer may take effect no earlier than the first day of the second fiscal year beginning after the date on which the sending or receiving agency has informed the other agency and Governance Council. The program transfer may take effect earlier (on the first day of the first fiscal year following that date) if the transfer is unanimously approved by the SELPA Governing Board or individuals identified in EC Section 56205. The program transfer shall include the following:

1. Written Preliminary Notification Provided to SELPA Director and Superintendents' Council.

Please note that any written preliminary notification shall include whether or not the interested LEA plans to be a regional service provider, with a statement of assurance that the districts affected by the program transfer(s) are interested in having the new provider serve their students (residual students).

2. Plan is Submitted Detailing
  - a. Student Access,
  - b. Programmatic Impact,
  - c. Fiscal Impact,
  - d. Status of Regional or Non-Regional Request, and
  - e. Dates of Parent Input Sessions.

## PROCEDURE 0430.406

### **PROGRAM TRANSFERS (Continued)**

#### 3. Follow Timelines

June 30<sup>th</sup> of two years prior to implementation (basically one year and a day) – pursuant to Education Code Section 56207:

Example: Notification Date for Program Transfer Request:

June 30, 2006

Year of Study: 2006-07

Implementation Year: 2007-08

(To include extended school year)

**Yolo County SELPA with the PAC/CBO and CAC Committees will Jointly Review all program transfer request plans for all the following elements:**

:

- A. Fiscal and/or programmatic impact on the remaining SELPA and LEAs within the SELPA,
- B. Facility issues; and;
- C. Personnel issues.
- D. Access to SELPA continuum of program options and least restrictive environment:
  - Planning for services not currently called for in IEPs
  - Effect of new location on access to other regional programs
  - Referral procedures established for new students to the transferred program
  - Regional programs will not deny access due to lack of space.
- E. Support services:
  - Nursing services, specialized health care, other support services listed on current IEPs
  - Administrative support
  - Planning for staff development.

## **PROCEDURE 0430.406**

### **PROGRAM TRANSFERS (Continued)**

F. Timelines:

A preliminary plan will be submitted to PAC/CBO and CAC for review 10 months prior to implementation, with the final implementation plan six months prior to date of transfer. A formal recommendation by the advisory committees will complete the decision making process. The SELPA Superintendents Council will issue a formal approval statement in accordance with Education Code 56207 meeting the timelines and provisions as outlined in the policy and or by formal unanimous vote as required to meet an earlier transfer date.

G. Provision for Growth and Expansion:

When a regional provider reaches maximum operational capacity, the following will occur per SELPA policy and/or Education Code recommendation:

- Review of current placements and/or records review by Operator and SELPA Director
- Site review by Operator and SELPA Director to discuss possible program options
- Proposal with recommendations to PAC/CBO Joint Committee.

H. Transportation is the responsibility of the district of residence to access both the regional and non-regional.

Transportation is covered under the current SELPA agreement and/or will be agreed to through a separate inter-district MOU as needed.

I. Whether or not the transfer involves itinerant services and satisfaction of those requirements as described herein.

### **Fiscal Responsibility**

The fiscal responsibility for regional program operation and expansion is held with the SELPA, (refer to procedure G).

Fiscal responsibility for programs operated by an LEA will be held by the operating LEA. The currently approved SELPA Intra-District Billing Agreement delineates billings procedures for the per pupil placements that will occur intra-SELPA into non-regional LEA programs and will continue to be the agreement of reference.

## **PROCEDURE 0430.406**

### **PROGRAM TRANSFERS (Continued)**

#### **Dispute Resolution**

In the event of a disagreement among local education agencies, and/or the SELPA regarding a program transfer request, procedure, provision of service by a regional operator, or other related issue the intent of the Council is to have all parties resolve the issues at the local level in accordance with the Local Plan.

Superintendents' Council

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