PROGRAM TRANSFERS

It is the responsibility of the SELPA to establish and monitor procedures for the orderly transfer of programs from one LEA program operator to another. Approval for the transfer of special education programs shall, at a minimum, take into consideration 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 are represented in the planning process.

The timeline for program transfers shall be pursuant to Education Code requirements and SELPA policies and regulations. Certificated and classified staff affected by program transfers, shall be afforded rights to employment in accordance with EC 44903.7 and EC 45120.2. If either the sending or receiving LEA disagrees with a proposed transfer, the matter shall be resolved by the alternative resolution process outlined in the local plan.

Legal Reference:

CALIFORNIA EDUCATION CODE
56207
44903.7
45120.2

Program Transfers
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Adopted 09/15/10
Glenn County SELPA
Governance Committee
PROGRAM TRANSFERS

Definition

A change in program status is considered a program transfer when the proposed change results in a change in LEA of service and the movement of students from one service provider to another.

Examples of program transfers include, but are not limited to the following:

1. The transfer of an intact, identifiable class which results in the creation of a teaching position by the receiving program operator and a reduction of a teaching position by the sending program operator.
2. The transfer of students from several classes combined to form an intact, identifiable class or full inclusion caseload which results in the creation of a teaching position by the receiving program operator and a reduction of a teaching position by the sending program operator.
3. The transfer of students served by a related service provider e.g. speech therapist which results in the creation of a certificated position by the receiving program operator and a reduction of a certificated position by the sending program operator.

In cases where it is unclear whether a change constitutes a program transfer, the decision will be made by the Governance Committee.

A program transfer process is not required when students who are served in a program operated by a LEA other than the district of residence, are returned to their district of residence via the IEP process.

Request Procedures

The requesting LEA (sending or receiving LEA) shall submit a letter of intent to the affected LEA(s), the Governance Committee and the SELPA Director. The letter of intent shall, at a minimum, identify the sending and receiving LEAs, the programs/services, including FTE, to be transferred and the date the transfer is to take effect.

Timelines

The letter of intent shall be submitted at least one year and one day prior to the year when the transfer(s) is to take effect. The timeline may be waived by unanimous agreement of the Governance Committee.

Upon receipt of the letter of intent, the SELPA Director shall place the request on the agenda for the first available Governance Committee meeting.
Glenn County Special Education Local Plan Area

SELPA Administrative Regulation

Transfer Plan

Prior to the transfer of any special education programs, the requesting LEA shall submit a plan and timeline to the Governance Committee for their approval. The plan shall address, at a minimum, each of the following areas:

- How the proposed transfer will affect the students being transferred and, in the case of a partial transfer, the students remaining in the current program
- Pupil needs and continuation of the current individualized education program
- The availability of a full continuum of placements and services for all affected students and the provision of services in the least restrictive environment
- The maintenance of all appropriate support services i.e., psychologists, program specialists, administration, etc.
- The involvement and participation of parents of all affected students and staff in the planning process, including a schedule of public meetings for parents and meetings for affected staff including general education teachers and administrators, where appropriate.

If the proposed transfer involves a change in personnel or site of service, the plan shall include a detailed description of those changes and how any possible negative effect on students will be addressed. The plan shall also include written assurance that the LEA will comply with all federal and state laws and regulations and special education local plan area policies.

Staff Employment Rights

In the event of a program transfer, certificated and classified staff affected by the transfer shall have employment rights as described in EC 44903.7 and EC 45120.2. In cases where students who are served in a program operated by a LEA other than the district of residence are returned to their district of residence via the IEP process and the movement of students results in a reduction in certificated and, or classified positions in the sending district and an increase in certificated and, or classified positions in the receiving district, the affected employees shall have employment rights as described above.

Dispute Resolution

If either the sending or receiving LEA disagrees with a proposed program transfer, the matter may be submitted to the SELPA Director to be resolved through the dispute resolution process described in the local plan.
year. Appointments for extended periods of time must be submitted in writing to the SELPA Director prior to the date of the first meeting the designee is scheduled to attend. The SELPA Director as a non-voting member shall assist in the preparation of agendas, gather special education program information, and complete other duties as requested by the Governance Committee.

The Governance Committee meets monthly during the school year to implement the business of the SELPA and to provide the necessary direction and guidance to the SELPA Director with regard to SELPA related issues. The Committee may meet more or less often depending on the needs of the SELPA, but no less than 4 times per year. All meetings shall comply with Brown Act requirements and be posted accordingly. Summary minutes of each meeting shall be distributed to each superintendent at least 3 calendar days prior to the next Governance Committee meeting.

Voting in the Governance Committee shall be on a one agency-one vote system. A two thirds vote of the total number of eligible voting members of the Governance Committee, including at least one vote from each of the following, a unified school district, a joint unified school district and an elementary school district, is required in order to approve an action item. Two thirds of the voting members, including at least one representative from each of the following, a unified school district, a joint unified school district and an elementary school district, must be present to constitute a quorum. If a school district is without a superintendent, either the person designated to act as temporary superintendent or a person designated by the district governing board will be considered a valid voting member of the Governance Committee until the permanent superintendent is available.

Unless otherwise agreed upon, the Governance Committee shall annually elect one of the members to act as chairperson which will be voted on at the February SELPA Governance meeting with the term beginning July of the current year. If the chairperson is unable to attend a Committee meeting, the chairperson will appoint a substitute from among the remaining Committee members to act as chairperson for the meeting. Examples of the duties of the chairperson include the following:

- Review and become familiar with agenda items prior to each meeting
- Consult with the SELPA Director as appropriate regarding agenda items
- Facilitate the meeting process

The duties of the Governance Committee include but are not limited to the following:

- Establish policies and procedures for the implementation of the local plan.
- Approve SELPA financial actions including distribution of special education funding, development of cost containment agreements and procedures, and review the budgets of the AU and other program operators
- Monitor the appropriate use of State, Federal, and local funds allocated for special education programs. Annually reviews the prior year expenditures and the proposed budgets of the SELPA AU and the LEAs providing special education programs and services, regionalized services, and program specialist services