



Program Transfer Policy

Participating Humboldt – Del Norte Local Education Agencies (LEAs) Arcata School District, Big Lagoon Union School District, Blue Lake Union School District, Bridgeville School District, Cuddeback Union School District, Cutten School District, Del Norte County Office of Education, Del Norte Unified School Districts, Eureka City Schools, Ferndale Unified School District, Fieldbrook School District, Fortuna Elementary School District, Fortuna Union High School District, Freshwater School District, Garfield School District, Humboldt County Office of Education, Hydesville School District, Jacoby Creek School District, Klamath-Trinity Joint Unified School District, Kneeland School District, Loleta Union School District, Maple Creek School District, Mattole Unified School District, McKinleyville Union School District, Northern Humboldt Union High School District, Northern United – Humboldt Charter, Orick School District, Pacific Union School District, Pacific View Charter 2.0 Peninsula Union School District, Rio Dell School District, Scotia Union School District, South Bay Union School District, Southern Humboldt Unified School District, Trinidad Union School District

Humboldt-Del Norte SELPA Program Transfer Policy

The County Office of Education (COE) and other Local Educational Agencies (LEA) can be a regionalized service provider for other LEAs within the Humboldt-Del Norte SELPA. The regionalized programs are designed to meet the needs of students with specific disability conditions, functional levels, and age/grade ranges. When a LEA is considering opening a regional program and/or pulling students from a regional program to open a district-only program, it is important that the LEA communicate with and discuss implications with the LEAs that may be impacted by this proposed plan. Nothing in this policy overrides the IEP team's right to make individual decisions regarding a student's placement in the least restrictive environment (LRE) or the provision of a free appropriate public education (FAPE).

Education Code Requirements

Pursuant to Education Code Section 56207(a):

No educational programs and services already in operation in school districts or a COE pursuant to Part 30 (commencing with Section 56000) shall be transferred to another school district or a COE or from a COE to a school district unless the SELPA 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.

To meet this requirement, each LEA pursuing a program transfer will be required to complete a "Program Transfer Assurances" (Appendix 1) and to sign off on the "Detailed Plan for Special Education Program Transfers" (Appendix 2) by February 15 of the year prior to initiating the new program services.

Definition of a Formal Program Transfer

A program change is presumptively considered a program transfer if the circumstances in either A or B exist:

A. Transfer of Students from a Single Class

- (1) The proposed change involves the movement of students from one LEA to another LEA, where the receiving LEA is expanding its service to replicate a program;
- (2) The change involves the movement of funding locally from one LEA to another; and
- (3) The change involves one or more employees who would be affected by the provisions of California Education Code Section 44903.7.

B. Transfer of Students from Multiple Classes

- (1) The proposed change involves the movement of students from multiple classes into an intact, identifiable class operated by a different LEA;
- (2) The movement of students will cause one or more classes run by another LEA to close due to low enrollment; and
- (3) The change involves one or more employees who would be affected by the provisions of California Education Code Section 44903.7.

Program transfer is not required when students who are served in a program operated by an LEA matriculate and return to their home districts via the IEP process.

Transfer Guidelines/Factors

Pursuant to section 56207(a) of the California Education Code, in order for a proposed program transfer to be approved, the factors set forth below must be considered. Further, prior to transferring special education programs from one LEA to another LEA, the receiving LEA must implement the Detailed Plan for Special Education Program Transfers, which must address all of the factors described below:

- A. Is the program transfer consistent with pupil needs?
- B. Will the program transfer ensure the availability of a full continuum of services to affected pupils?
- C. Will the program transfer impact the functional continuation of the current IEPs of all affected pupils?
- D. Will the program transfer allow the provision of services in the least restrictive environment from which affected pupils can benefit
- E. Will the program transfer affect the maintenance of all appropriate services?

- F. The assurance that there will be compliance with all federal and state laws and regulations and SELPA policies
- G. The means through which parents and staff were represented in the planning process.

Program Standards

In order to assure program continuity and quality, all program operators agree to maintain the standard of program delivery provided by the original LEA unless they receive approval to change the nature of the program. LEAs may only change the nature of the program if they can continue to implement the IEPs of the students affected by the program transfer. The receiving LEA agrees to operate the program for at least three years unless otherwise agreed to by the SELPA Governing Board.

LEA Responsibilities When Operating Centralized Programs

Some LEAs within the Humboldt Del Norte SELPA do not have enough students to operate programs of their own. The SELPA Local Plan assures service to these students by providing regional programs through member LEAs. When one of these programs is subject to transfer, the receiving LEA will enter into an MOU with the SELPA, guaranteeing the continuation/provision of services to students outside the LEA's attendance area who were served by the prior LEA's program. Completion of the MOU will be required prior to approval of the transfer by the SELPA Governing Board.

Personnel Considerations

Certificated Employee Transfer Procedures

When a program is being transferred from one LEA to another, the receiving LEA shall observe the following procedures consistent with California Education Code Section 44903.7:

- Subsequent to the reassignment or transfer of any certificated employee as a result of the reorganization of special education programs, pursuant to Chapter 797 of the Statutes of 1980, that employee shall have priority, except as provided below, in being informed of and in filling certificated positions in special education in the areas in which the employee is certificated within the district or county office by which the certificated employee is then currently employed. This priority shall expire 24 months after the date of reassignment or transfer, and may be waived by the employee during that time period.
- A certificated employee who has served as a special education teacher in a district or county office and has been terminated from his or her employment by

that district or county office pursuant to Section 44955, shall have first priority in being informed of and in filling vacant certificated positions in special education, for which the employee is certificated and was employed, in any other county office or school district that provides the same type of special education programs and services for the pupils previously served by the terminated employee. For a period of 39 months for permanent employees and 24 months for probationary employees from the date of termination, the employee shall have the first priority right to reappointment as provided in this section, if the employee has not attained the age of 65 years before reappointment.

Classified Employee Transfer Procedures

When a program is being transferred from one LEA to another, the receiving LEA shall observe the following procedures consistent with California Education Code Section 45120.2:

- A classified employee who is reassigned or transferred as a result of the reorganization of special education programs has priority, except as provided below, in being informed of and in filling classified positions in the classifications in which the employee was employed before the reassignment or transfer. This priority expires 24 months after the date of reassignment or transfer and may be waived by the employee during that time period.
- A classified employee who served in a special education program in a school district or county office and is terminated from his or her employment by that school district or county office pursuant to Section 45114 as a result of the reorganization of a special education program has first priority in being informed of and in filling vacant classified positions for which the employee is qualified or was employed, in the county office or school district that operates the reorganized special education program. Permanent employees have the first priority right reappointment as provided in this section for 39 months from the date of termination. Probationary employees have the first priority right to reappointment as provided in this section for 24 months from the date of termination.

Seniority for Transferred or Reassigned Employees:

When a new employee is hired by the receiving LEA the following shall occur:

Certificated

Consistent with California Education Code Section 44903.7, the reassignment, transfer, or new employment caused by the reorganization of special education programs pursuant to Chapter 797 of the Statutes of 1980, shall not affect the seniority or classification of certificated employees already attained in any school district that undergoes the reorganization. These employees shall have the same status with respect to their seniority

or classification, with the new employer, including time served as probationary employees.

Classified

The reassignment of an employee, transfer of an employee, or new employment of an employee caused by the reorganization of special education programs does not affect the seniority or classification that a classified employee already attained in any school district that undergoes the reorganization. The employee has the same status with respect to his or her seniority or classification, with the new employer, including time served as a probationary employee.

Salary placement for Transferred or Reassigned Employees

Certificated

The total number of years served as a certificated employee with the former district or county office shall be credited, year for year, for placement on the salary schedule of the new district or county office.

Classified

The total number of years served as a classified employee with the former school district or county office shall be credited, year for year, for placement on the salary schedule of the new school district or county office.

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. On a case by case basis, the program transfer may take effect earlier “Fast Track Transfer” (beginning of the next school year) if all parties involved in the transfer agree. If timelines are missed but all parties currently utilizing the existing program involved in the transfer agree, the case shall be presented to the SELPA Governing Board for approval. When timelines are met, all program transfer cases shall go to the SELPA Governing Board as an action item at the mid-year meeting.

Final approval will require all of the following:

- Signed agreement by the sending LEA
- Signed agreement by the receiving LEA
- Signed agreement by the Chairperson of the SELPA Governing Board

For a “Fast Track Transfer,” the receiving LEA shall submit a letter to the proposed sending LEA and the SELPA office prior October 1. The receiving LEA will also submit a plan to the SELPA prior to October 1 addressing all of the requirements contained in E.C. Section 56207(a). The LEA will submit their plan using the application contained in the appendix of this document. The request will be reviewed by the SELPA Directors’ Council. The SELPA Directors’ Council will make a recommendation to the SELPA Governing Board for consideration. If approved by the SELPA Governing Board, the receiving LEA must complete their planning process by May 30.

In order to be eligible for the fast track time line, the following criteria must be met:

1. The SELPA Governing Board must unanimously approve the request.
2. There must be adequate time to complete the local planning.
3. There must be adequate time to meet all legally required and locally negotiated timelines regarding personnel notifications.

Note: Requests to relinquish programs must be submitted in writing to the SELPA Office. The SELPA Director will forward requests to the SELPA Governing Board for consideration. Until another LEA agrees to operate the program, it will remain the responsibility of the current LEA to operate the program. Any action to transfer the program will follow the procedures and timelines outlined above

Final approval will require all of the following:

- Signed agreement by the sending LEA
- Signed agreement by the receiving LEA
- Signed agreement by the Chairperson of the SELPA Governing Board

The following timelines, displayed as an example, shall be followed for all program transfer requests:

Example:

<i>Notification date for program transfer:</i>	<i>June 30, 2024</i>
<i>Preparation year:</i>	<i>2024-2025</i>
<i>Implementation year:</i>	<i>2025-2026</i>

(beginning with next school year calendar)

Notification Year

It is recommended that any district considering the possibility of making a formal written notification of intent to transfer programs or stop making referrals to a regional provider discuss this with their neighboring districts and the current provider in the spring.

- ❖ June 30: Two years prior to implementation (basically one year and a day), pursuant to Education Code Section 56205, the LEA(s) interested in considering

transfer of one or more programs from one provider to another shall notify Humboldt Del Norte SELPA and Humboldt or Del Norte County Superintendent of Schools or other regionalized service provider of intent to transfer program(s).

Any written preliminary notification shall include whether or not the interested LEA plans to be a regional service provider. LEAs affected by the program transfer are also responsible for submitting a notification of intent letter if they are interested in having the new provider serve their students. Each initial program transfer notification letter shall be provided as an information item on the next Governance Council agendas.

- ❖ May 1: Notification of potential program transfer request to LEAs that may be impacted by the proposed plan.

Preparation Year

- ❖ September 15: COE or other regionalized service providers to notify interested LEA of any possible financial and programmatic impact. The current service provider will address the following in their report:

Determine any adverse fiscal and/or programmatic impact on the remaining county or LEA operated program;

- Identify and evaluate any facility issues; and,
- Address any personnel issues.

The above report shall be provided as an information item on the next Coordinating Council, SELPA Finance, and Governance Council agendas.

- ❖ October 31: Interested LEA(s) to notify Humboldt Del Norte SELPA and COE Superintendent of Schools or other service provider whether or not the LEA will be taking back program(s).
- ❖ November or December: The next scheduled Governance Council agenda will include an action item to approve or disapprove the special education program transfer request. The approval is dependent upon a simple majority vote of the members in attendance.
- ❖ February 15: The required Assurances Page (Appendix 1) and Detailed Plan for Program Transfer (Appendix 2) will be completed and turned into the Humboldt Del Norte SELPA, with a copy provided to the current program service provider.
- ❖ February through June: In any type of program transfers, the new program operator shall be responsible for administrative activities such as scheduling IEP meetings, transfer of files, coordination of related services, notification to parents, and other activities associated with the program transfer.

Note: It is a requirement of all SELPA transfer plans that the functional continuation of the current IEP's of all affected students be provided for. (Ed. Code, §56207(a)(3)) An IEP meeting is required to be convened when there is a request to develop, review or revise the individualized education program of a student. (Ed. Code, §56343) A student's educational placement is defined as "that unique combination of facilities, personnel, location or equipment necessary to provide instructional services to an individual with exceptional needs, as specified in the IEP..." (Cal. Code Regs., tit. 5, §3042). If the alternation of a program operator truly has no impact on the facility, personnel, location or equipment provided to the student, then the change in program operator would not require that an IEP meeting be convened for each affected student.

- ❖ June: The new program operator is responsible for developing a MOU with any other LEA that also provides program transfer notification who plans to access the new program.
- ❖ June: A LEA utilizing a regionalized program other than a county operated class shall complete an Intra-SELPA Transfer form for each student attending such program.

Implementation Year

- ❖ The new program operator will begin providing services effective at the beginning of the next school year calendar. The current program operator provides services during extended school year unless negotiated otherwise. In such cases, the existing MOU applies.

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.

Appendix 1

PROGRAM TRANSFER ASSURANCES

The _____ School District certifies that the agency herein represented will comply with all applicable requirements of federal and state laws and regulations and special education local plan area policies, including compliance with the Individuals with Disabilities Education Act, Section 504 of Public Law, and the provisions of the California Education Code, Part 30, specifically:

- Section 56207(a) – develop a detailed program transfer plan that provides for the following:
- Section 56207(a)(1) and (3) – pupil needs and the continuation of the current IEP for all affected students
- Section 56207(a)(2) and (4) – availability of the full continuum of program placements and services in the least restrictive environment for all affected students
- Section 56207(a)(5) – maintenance of all appropriate support services to include qualified support staff and administrative support
- Section 56207(a)(7) – involvement and representation of parents of all affected students and staff (e.g., special and non-special education teachers, itinerant specialists, administrators, and classified) in the planning process
- Section 44903.7 – certificated employee rights
- Section 45120.2 – classified employee rights
- Section 56822 – transfer of equipment
- Section 56207(c) – & Section 56205(b)(5) – resolving disagreements related to program transfers

Attached is the required **Detailed Plan for Special Education Program Transfers** that delineates how the LEA has or will fulfill these obligations.

Signature of Special Education Administrator

Signature of LEA Superintendent

Date: _____

Date: _____

Appendix 2

DETAILED PLAN FOR SPECIAL EDUCATION PROGRAM TRANSFERS
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LEA Name: _____ Date of Submission: _____

This required Detailed Plan for Special Education Program Transfers complies with Section 56207(a) and other procedural safeguards.

(1) Section 56207(a) (1) and (3) – pupil needs and the continuation of the current individualized education program (IEP) for all affected students.

(a) Direct Instruction

Sample Language:

The students will continue to receive all services as required in their current Individualized Education Programs (IEPs) in the least restrictive environment. New IEPs will be held if needed.

(b) Related Services and Equipment

Sample Language:

The students will continue to be provided all required appropriate supports, including related services, pursuant to their IEPs. All required related services will be provided by qualified support staff with the appropriate training and administrative support. The LEA plans to provide the following required related services: speech and language; counseling and guidance; adapted physical education; health and nursing services; and transition services. The LEA will provide other related services when the needs of students so dictate the need for additional supports.

Regarding equipment, the low incidence equipment will follow the student. The current regionalized service provider will conduct an inventory of current equipment to determine which equipment will stay with the transferring students. The receiving LEA has built funds into the budget to purchase required equipment.

(c) Facilities

Sample Language:

Outlined below is a list of facilities by school available to house the students involved in the program transfer.

School Site	Available Facility	Comments

(d) Services from Non-Educational Agencies

Sample Language:

Interagency agreements with California Children’s Services, Department of Mental Health, and Inland Regional Services are coordinated by the SELPA. The program transfers will not affect the involvement of these non-educational agencies.

(2) **Section 56207(a)(2),(4) – the availability of the full continuum of program services for all affected students and the provision of services in the least restrictive environment from which pupils can benefit.**

(a) Contingency plans for providing services other than those called for in the IEPs

Sample Language:

The LEA may continue to contract with another LEA for special education programs and/or specialized services. The proposed program transfers do not include the all the regionalized service, and the current provider will continue to operate these classes. Also, there will be no change in nonpublic school placements and/or nonpublic agency services.

The opportunities for participation in general education classes and curriculum will be enhanced and more accessible. There will be more opportunities for mainstreaming as the local schools will have ownership of these programs. The LEA is committed to implementing collaborative

programs between general and special education (e.g., Learning Centers, Individual and Small Group Instruction, etc.).

- (b) If program transfer involves students with low-incidence disabilities, the following will occur:

Sample Language:

Existing equipment and materials/supplies purchased with low incidence dollars will follow the child. Low incidence students will receive services pursuant to their IEPs.

(3) Section 56207(a) (5) – the maintenance of all appropriate support services.

- (a) Number (FTEs), Qualifications, and Experience of Support Staff

Sample Language:

All education codes related to employee rights will be followed in cooperation with the current service provider and the receiving LEA. Those positions not filled by existing staff will be filled by qualified LEA-employed staff. The LEA will make every effort in recruiting to fill these positions with qualified staff.

- (b) Availability of other support services

Sample Language:

Administrative support will include ___ FTE Special Education Coordinator to be hired in the spring prior to the transfer of programs to ensure planning, preparation, and a smooth program transition. A ___ FTE clerical will be hired as well.

(4) Section 56207(a) (7) – the involvement and representation of parents of all affected students and staff in the planning process.

- (a) Involvement of Parents

Sample Language:

Meetings with parents involved in the program transfer were held on the following dates at the identified locations.

Date of Meeting	Location of Meeting

(b) Involvement of Staff

Sample Language:

Meetings were held on the following dates and for the identified personnel positions

Date of Meeting	Participants