

**POLICY 17**

**PROGRAM TRANSFER**

*Adopted by Superintendents' Council 4/3/00*  
*Revised 1/9/06, 12/5/11*

## SONOMA COUNTY SELPA

### PROGRAM TRANSFER POLICY

It is the responsibility of the SELPA to establish and monitor procedures for the orderly transfer of programs that ensure maintenance of quality and accessibility of services for students with disabilities.

#### Timelines for Program Transfer

1. Pursuant to Section 56207(b) of the California Education Code, requests may be implemented no earlier than the first day of the fiscal year following the fiscal year in which the request is filed, provided that the request is approved by a unanimous vote of the SELPA's Governing Board. If the request is not approved by a unanimous vote of the SELPA's Governing Board, it may not be implemented any earlier than the first day of the second fiscal year beginning after the date upon which the sending or receiving LEA has informed the other LEA and the SELPA Governing Board of the intended program transfer.
2. If either the sending or receiving agency disagree with the proposed transfer, the matter shall be resolved by the alternative resolution process established by the SELPA pursuant to California Education Code section 56205(b)(5).

#### Program Standards

No program may be transferred unless the receiving LEA has complied with the SELPA transfer plan requirements which must address, at a minimum, all of the following:

- A. Pupil needs.
- B. The availability of a full continuum of services to affected pupils.
- C. The functional continuation of the current IEPs of all affected pupils.
- D. The provision of services in the least restrictive environment from which affected pupils can benefit.
- E. The maintenance of all appropriate services.
- F. The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies.
- G. The means through which parents and staff were represented in the planning process.

#### Annual Service Plan Reporting

All program transfers must be a part of the Annual Service Plan reporting process required in Education Code section 56205(b)(1).

Certificated employees whose positions are affected by the program transfer may retain certain employment rights pursuant to Education Code 44903.7.

Legal Reference:

Education Code 56205, 56207, 44903.7