

## SANTA BARBARA COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

### Administrative Regulation: Program Transfers

(3208 AR)

The Santa Barbara County SELPA will implement the following procedures for program transfers. Within this procedure, the term LEA refers to all members of the SELPA, including school districts, LEA charter schools, and county office of education.

Program transfer rules apply to both special education programs and related services and are both referred to generally as “program” in this administrative regulation. The transfer of any program shall not interfere with the provision of a free appropriate public education (“FAPE”) to any student who has an individualized education program (“IEP”). The transfer of any program shall not impede the ability of SELPA member small school districts and SELPA member LEA charter schools from meeting the needs of their students with IEPs. Program transfers shall not interfere with the implementation of federal and/or state law.

The types of program transfers are give backs, take backs, give back/take back combination, and closure. These types of program transfers can take place on a regular, late, or fast track as specified below. LEAs will follow the regular track unless there are exceptional or uncommon and unforeseen factors involved.

Unless otherwise agreed upon, materials and equipment billed out and/or embedded in the fees for service for the regionalized program must be transferred to the receiving program and become the property of the receiving LEA until another program transfer takes place. Material and equipment purchased with low incidence funding are the property of the State of California and remain with the student.

Student records maintained by the sending program must be transferred with the student to the receiving program.

Program transfers are transferred in FTE increments; it is not required to transfer a full 1.0 FTE. Change in the number of students served after the transfer process is completed may result in a commensurate adjustment to the amount of FTE to be transferred. LEAs shall comply with California Education Code section 44903.7 for certificated employees and California Education Code section 45120.2 for classified employees affected by the transfer.

#### I. Regular Track Program Transfers

**It is the intent of the SELPA that program transfers will take place on the regular track.** Under California Education Code section 56207, regular track program transfers will take effect no earlier than the first day of the second fiscal year following the year in which the request is filed with the SELPA. Therefore, a transfer that is requested by the deadline during the 2025-2026 fiscal year will not take place until the first day of the 2027-2028 fiscal year.

##### A. Give Backs

A give back is a program transfer where the current LEA running a regionalized program pursuant to the SELPA’s policies and administrative regulations (also known as the sending LEA) desires to give the program to another LEA to operate.

During at least August through October preceding the November 1 letter of intent deadline, the sending LEA must confer with the receiving LEA(s) to determine if the receiving LEA(s) is willing and able to participate in the give back process and to consider the information required in (a) through (g) in preparation for the sending LEA’s submission of the letter of intent. A receiving LEA(s) unwillingness and/or ability to participate in the give back and become a receiving LEA shall not prevent a sending LEA from submitting a letter of intent. The requirement is for meaningful conferencing and consultation to take place between LEAs. The SELPA Executive Director shall also be included in this conference and consultation process.

For a regular track give back the LEA wishing to give back a program to another LEA shall submit a letter to the SELPA by November 1 of the current fiscal year. The letter expressing an intent to give back shall include how the transfer will continue to provide for the following:

- a. Pupil needs—a description of required services and other descriptive information regarding the affected pupils.
- b. The availability of the full continuum of services to the affected pupils—a description of the proposed means through which the affected pupils will be ensured an appropriate program and what physical changes are proposed to occur when the transfer is made. Information regarding the proposed transfer of personnel, materials, equipment, and assessments will be included.
- c. The proposed functional continuation of the current individualized education programs of all affected pupils.
- d. The proposed provision of services in the least restrictive environment from which affected pupils can benefit.
- e. The proposed maintenance of all appropriate support services.
- f. The assurance that there will be compliance with all federal and state laws and regulations as well as the SELPA JPA, local plan, policies, and procedures, including how this was discussed and addressed in the conference and consultation process with the receiving LEA(s) prior to November 1.
- g. The means through which LEA staff were represented in the planning process for this give back.

Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed as the “letter” that is required to be submitted for the November 1 deadline.

An LEA may withdraw a give back request at any point in the process prior to the JPA Board’s vote on the give back in the February JPA Board meeting. If the Council votes to approve, the LEA may no longer withdraw.

After the give back is approved through the process contained herein, the SELPA Executive Director will review the give back with parents at a community advisory committee (“CAC”) meeting that will address the topic of program transfers.

After the give back is approved through the process contained herein, the receiving LEA shall submit a plan to the SELPA by November 1 of the next fiscal year after the give back was approved that includes the specifics of how the transfer program meets, the following items (a) through (g) above (e.g., for a take back approved in February of 2026, the receiving LEA shall submit the plan by November 1, 2026 for receiving a program starting with the 2027-2028 fiscal year). Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed for this plan that must be submitted to the SELPA

If, after review of the fully developed plan addressing items (a) through (g) above and consultation with both the LEA intending to give back the program and the LEA identified to receive the program, the SELPA Executive Director has concerns about the implementation of the plan activities, the SELPA Executive Director reserves the right to present those concerns to the JPA Board to request a reconsideration of the approval of the give back plan.

Additionally, after the give back is approved through the process contained herein, and the receiving LEA submits a plan to the SELPA in November; by February 1 of the next fiscal year after the give back was approved the LEA will confirm that the plan including the specifics of how the transfer program has met the following items (a) through (g) above (e.g., for a take back approved in February of 2026, the receiving LEA shall submit the completed plan activities by February 1, 2027 for receiving a program starting with the 2027-2028 fiscal year). Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed for this plan that must be submitted to the SELPA.

Give backs apply to whole programs only. This means that the sending LEA’s students will remain in the program that will now be run by the receiving LEA. If the sending LEA wishes to keep its own students and send only non-sending LEA students to the receiving LEA program, the sending LEA must complete the give back/take back process below.

All LEAs agree to maintain the standard of program delivery provided by the sending LEA unless they receive approval through the program transfer process described herein to change the nature of the program. An LEA may only change the nature of the program if they can continue to implement the IEPs of the students affected by the program transfer.

Upon approval, the receiving LEA will operate the program for at least three years.

## B. Take Backs

A take back is a program transfer that occurs when an LEA assumes the responsibility for serving its own students who are currently served through the SELPA's regionalized provider program. The take back process does not apply when an LEA wishes to assume responsibility for a full regionalized provider program that includes students from other LEA(s); such a transfer of program needs to take place under the give back procedures.

During at least August through October preceding the November 1 letter of intent deadline, the LEA taking back must confer with the LEA from which they are taking back to consider the information required in (a) through (g) in preparation for the receiving LEA's submission of the letter of intent. The SELPA Executive Director shall also be included in this conference and consultation process.

For a regular track take back, the LEA wishing to take back a program back from another LEA shall submit a letter to the SELPA by November 1 of the current fiscal year. The letter expressing an intent to take back shall include how the transfer will continue to provide for the following:

- a. Pupil needs—a description of required services and other descriptive information regarding the affected pupils.
- b. The availability of the full continuum of services to the affected pupils—a description of the proposed means through which the affected pupils will be ensured an appropriate program and what physical changes are proposed to occur when the transfer is made. Information regarding the proposed transfer of personnel, materials, equipment, and assessments will be included.
- c. The proposed functional continuation of the current individualized education programs of all affected pupils.
- d. The proposed provision of services in the least restrictive environment from which affected pupils can benefit.
- e. The proposed maintenance of all appropriate support services.
- f. The assurance that there will be compliance with all federal and state laws and regulations as well as the SELPA JPA, local plan, policies, and procedures, including how this was discussed and addressed in the conference and consultation process with the LEA from whom the program is being taken back.
- g. The means through which LEA staff were represented in the planning process for this take back.

Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed as the "letter" that is required to be submitted for the November 1 deadline.

An LEA may withdraw a take back request at any point in the process prior to the JPA Board's vote on the take back in the February JPA Board meeting. If the JPA Board votes to approve, the LEA may no longer withdraw.

After the take back is approved through the process contained herein, the SELPA Executive Director will review the take back with parents at a community advisory committee ("CAC") meeting that will address the topic of program transfers.

After the take back is approved through the process contained herein, the receiving LEA shall submit a plan to the SELPA by November 1 of the next fiscal year after the take back was approved that includes the specifics of how the transfer program meets, the following items (a) through (g) above (e.g., for a take back approved in February of 2026, the receiving LEA shall submit the fully developed plan by November 1, 2026 for receiving a program starting with the 2027-2028 fiscal year). Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed for this plan that must be submitted to the SELPA.

If, after review of the fully developed plan addressing items (a) through (g) above and consultation with both the LEA intending to take back the program and the LEA currently operating the program, the SELPA Executive Director has concerns about the implementation of the plan activities, the SELPA Executive Director reserves the right to present those concerns to the JPA Board to request a reconsideration of the approval of the take back plan.

Additionally, after the take back is approved through the process contained herein, and the receiving LEA submits a plan to the SELPA in November; by February 1 of the next fiscal year after the take back was approved the LEA will confirm that the plan including the specifics of how the transfer program has met the following items (a) through (g) above (e.g., for a take back approved in February of 2026, the receiving LEA shall submit the completed plan activities by February 1, 2027 for receiving a program starting with the 2027-2028 fiscal year). Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed for this plan that must be submitted.

Take backs apply to whole programs only. This means that the sending LEA's students will remain in the program that will now be run by the receiving LEA. If the sending LEA wishes to keep its own students and send only non-sending LEA students to the receiving LEA program, the sending LEA must complete the give back/take back process below.

For at least three years after the take back, the LEA that takes back will serve its own students who would otherwise be served in the program that was taken back.

#### C. Give Back/Take Back Combination

A give back/take back combination occurs when a sending LEA wants to give back a regionalized provider program but keep its own students in the sending LEA rather than transferring them to the receiving LEA under the give back procedures. The LEA wishing to proceed with this type of program transfer must comply with Sections I(A) and I(B) above.

An LEA may withdraw a give back/take back combination request at any point in the process prior to the JPA Board's vote on the give back/take back combination in the February JPA Board meeting. If the JPA Board votes to approve, the LEA may no longer withdraw.

#### D. Program Closures

If a regionalized program provider wishes to close a program without giving it back (meaning that the program will cease to exist), the LEA must submit a letter to the SELPA by November 1 of the current fiscal year.

During at least August through October preceding the November 1 letter of intent deadline, the sending LEA must confer with all other LEAs that are/were served by the program for which the closure is proposed to consider the information required in (a) through (g) in preparation for the submission of the letter of intent. The SELPA Executive Director shall also be included in this conference and consultation process.

The letter expressing an intent to close a program shall include how, with the closure, the LEA will continue to provide for the following:

- a. Pupil needs—a description of required services and other descriptive information regarding the affected pupils.
- b. The availability of the full continuum of services to the affected pupils—a description of the proposed means through which the affected pupils will be ensured an appropriate program and what physical changes are proposed to occur when the transfer is made. Information regarding the proposed transfer of personnel, materials, equipment, and assessments will be included.
- c. The proposed functional continuation of the current individualized education programs of all affected pupils.
- d. The proposed provision of services in the least restrictive environment from which affected pupils can benefit.
- e. The proposed maintenance of all appropriate support services.
- f. The assurance that there will be compliance with all federal and state laws and regulations as well as the

SELPA JPA, local plan, policies, and procedures.

- g. The means through which LEA staff were represented in the planning process for this give back.

Nothing in this Administrative Regulation shall prevent the SELPA from developing a form that must be completed as the “letter” that is required to be submitted for the November 1 deadline.

An LEA may withdraw a program closure request at any point in the process prior to the JPA Board’s vote on the program closure in the February JPA Board meeting. If the JPA Board votes to approve, the LEA may no longer withdraw.

After the program closure is approved through the process contained herein, the SELPA Executive Director will review the program closure with parents at a community advisory committee (“CAC”) meeting that will address the topic of program transfers.

For at least three years after the closure, the LEA that closed the program will serve its own students who would otherwise have been served in the program.

## II. Fast Track Program Transfers

It is the intent of the SELPA that fast track program transfers will only take place in **exceptional circumstances**. A fast track program transfer happens on an expedited basis, allowing the transfer to take place on the first day of the first fiscal year following the year in which the request is filed with the SELPA. Therefore, a transfer that is requested by the deadline during the 2025-2026 fiscal year will take place on the first day of the 2026-2027 fiscal year.

The SEAM and JPA Board must find, that the program transfer request is appropriate for fast track. If the SEAM does not recommend that the transfer be fast tracked, and/or if the JPA Board finds that the program transfer is not appropriate for fast track, the transfer will be considered on the regular track.

### A. Give Backs

For a fast track give back, the LEA wishing to transfer a program back to another LEA shall submit a letter to the SELPA by November 1 of the current fiscal year. The letter expressing an intent to give back shall include the same information required for a regular track give back and shall also include the exceptional circumstances that justify why a fast track give back is necessary and appropriate. All other provisions contained in Section I(A) apply to fast track program give backs.

### B. Take Backs

For a fast track take back, the LEA wishing to take back a program shall submit a letter to the SELPA by November 1 of the current fiscal year. The letter expressing an intent to take back shall include the same information required for a regular track take back and shall also include the exceptional circumstances that justify why a fast track take back is necessary and appropriate. All other provisions contained in Section I(B) apply to fast track program take backs.

### C. Give Back/Take Back Combination

For a fast track give back/take back combination, the LEA wishing to proceed with this type of program transfer must comply with Sections II(A) and II(B) above.

### D. Program Closures

For a fast track program closure, the LEA wishing to close the program must comply with the provisions of Section I(D) above.

## III. Late Track Program Transfer Requests

The SELPA acknowledges that there are circumstances that are out of an LEA’s control that may necessitate a late give back, take back, give back/take back combination, or program closure request. These requests should be **uncommon and**

**unforeseen** by the November 1 deadline for either a regular track or fast track program transfer.

In order to proceed with a late program transfer, the LEA must comply with the applicable procedure in Section II, except that the letter requesting the program transfer must also include information about:

1. The truly exceptional and uncommon circumstances that led to the late request;
2. The way in which the late request is mutually beneficial to the LEAs and students involved in the late program transfer request; and,
3. How accepting the late program transfer request does not establish a precedent with unforeseen circumstances.

The SEAM must recommend, and the JPA Board must find that late the program transfer was necessary. The SEAM must also recommend, and the JPA Board must also find that there are truly exceptional and uncommon circumstances that led to the late request; that program transfer request is mutually beneficial to the LEAs and students involved in the late program transfer; and, that accepting the late program transfer request does not establish a precedent with unforeseen circumstances. If the SEAM recommends and the JPA Board finds that the late program transfer request was necessary and meets the three additional required criteria, then the program transfer request may proceed. All other program transfer approval and committee processes described in Section IV below will also apply to a late track program transfer request. If the SEAM does not recommend and/or JPA Board finds that the late request was not necessary or that the LEA did not meet the three additional required criteria, then the late program transfer request will be rejected and will not proceed through the program transfer approval process.

An LEA may withdraw a late track program transfer request at any point in the process prior to the JPA Board's vote on the late track program transfer request at the applicable JPA Board meeting. If the JPA Board votes to approve, the LEA may no longer withdraw.

#### **IV. Program Transfer Approval Process**

The SEAM shall consist of each SELPA LEA's choice of special education administrator as well as SELPA staff that the SELPA Executive Director determines are appropriate to participate. The recommendation made to the JPA Board shall be based on a consensus of the SEAM. Each LEA will have an equal say in the consensus process.

The program transfer approval process shall consist of the following steps:

1. The SELPA Executive Director shall meet with the LEA after it submits the program transfer request.
2. The SELPA Executive Director shall meet with any LEAs directly affected (e.g., a proposed receiving LEA) by the requested program transfer request.
3. The SELPA Executive Director shall present all requests as part of an information item at the December JPA Board meeting.
4. The SEAM shall review and analyze the transfer requests to make a recommendation to the JPA Board at the regularly scheduled November SEAM meeting
5. The SEAM's recommendations shall be provided to JPA Board at its February meeting, and the JPA Board shall vote on whether to approve or decline each requested program transfer.

The SEAM shall focus on how a proposed program transfer will affect the SELPA as a whole, rather than focusing on how it affects individual LEAs. LEAs shall not lobby or influence other LEAs in the SELPA about the program transfer process.

The SEAM shall analyze at least the following information, with input from both the sending and receiving LEA, in determining if they recommend the requested program transfers:

1. Student enrollment data across all regionalized provider programs.
2. Student enrollment in the sending and receiving LEAs.
3. The SELPA student loading formula.
4. Fiscal impact of requested program transfer.
5. Severity of the students' disabilities and unique needs in the program for which transfer is requested.
6. Impact of the program transfer on the students in the program for which transfer is requested.
7. Impact of the program transfer on all of the LEAs and students across the SELPA, including the impact on the continuum of placements and services available in all of the geographic regions of the SELPA. This shall include

- a discussion of any objections to the proposed program transfer from any other SELPA LEAs.
8. Impact on transportation of students with IEPs across the SELPA.
  9. Availability, viability, and appropriateness of an alternative regionalized program provider, if applicable, to the program transfer request.
  10. How the program transfer affects facilities.
  11. All of the data and information contained in the program transfer request letter.
  12. Aggregate effect of all requested program transfer requests on all of the LEAs and students across the SELPA.
  13. Other relevant information.

The SELPA Executive Director will take the SEAM's consensus recommendation on program transfers to the JPA Board for consideration in its voting and approval process.

JPA Board shall consider all of the information provided to them in summary format from the SELPA Executive Director. The JPA Board shall then vote to determine which, if any, program transfers to approve.

Any appeal, alternative dispute resolution, and/or penalty for failure to comply with the procedures described in this administrative regulation shall comply with the SELPA's Alternative Dispute Resolution—SELPA and SELPA Member Disputes and Resolution policy and administrative regulation.

#### **V. Bar on Consortiums**

This policy and administrative regulation expressly bar any creation of a consortium or other agreement/organization among SELPA LEA members for purposes of serving students. All programs and services must be provided by the LEA member itself or via the SELPA's joint program and related services model.