



San Mateo  
County  
SELPA

# Special Education Local Plan Area

San Mateo County Office of Education • 101 Twin Dolphin Drive • Redwood City, CA 94065-1064 • (650) 802-5464 • Fax (650) 802-5474

## POLICY

### STUDENT MOVEMENT BETWEEN LEAS

As part of the San Mateo County SELPA's efforts to coordinate the provision of a full continuum of special education service options, and as a means of ensuring that students with disabilities receive a free and appropriate public education (FAPE) in the least restrictive environment, LEAs may enter into agreements whereby students can be placed in other LEAs special education programs when the IEP team deems it appropriate. It is the intent of the San Mateo County SELPA that students with disabilities are treated in a manner equal to their non-disabled peers in the administration of special education referrals and related Inter-district Attendance Agreements.

For purposes of this policy all IEP Team referrals to out-of-district special education programs are referred to as "IEP Team Referrals", not Inter-district Transfers. Inter-district Transfer Agreements are made between LEAs based on parent requests. They are not considered IEP Team Referrals.

**Approved by SELPA Governing Board: 10/3/00**

**Updated and Approved by SELPA Governing Board: 2/24/2015**

## STUDENT MOVEMENT BETWEEN LEAS

### PROCEDURES

#### I. TYPES OF REQUESTS

##### A. IEP Team Referrals

The resident LEA IEP team initiates a referral to another LEA for special education and related services.

The LEA of residence is responsible for "calculated costs" for special education and related services.

When the two LEAs agree that an "IEP Team Referral" is appropriate to meet the needs of the student, a "Transfer of Special Education Funds Agreement" is executed which determines the calculated costs of the special education and related services. Program standards as defined in the current SELPA Local Plan are used as the basis for determining cost. In addition the LEA of residence will reimburse to the LEA of attendance for the costs of any related services that are in excess of LEA staffing. The LEA of attendance receives the special education ADA as special education revenue.

The calculated costs are prorated based on the number of days of enrollment. Therefore, 180 days are equal to 100% of the cost. Costs will be calculated in a uniform manner within the SELPA as defined by the SELPA Governing Board.

##### B. Inter-District Transfers

1. The parent of an identified student requests and is granted an inter-district transfer from both the student's resident LEA and LEA where the student has requested to attend.

The receiving LEA receives the special education ADA. In addition the LEA of residence will reimburse to the LEA of attendance for the costs of any related services that are in excess of LEA staffing.

If an IEP team which, includes both the LEA of attendance and the LEA of residence, subsequently determines that the student needs to be placed outside the LEA in another LEA special day class, SMCOE operated special day class or any other non-LEA placement, then the LEA of residence

would assume fiscal responsibility for all special education and related services costs.

2. Student attending on an Inter-district Transfer Agreement is subsequently referred for special education and determined eligible for special education and related services:

The receiving LEA receives the special education ADA. In addition the LEA of residence will reimburse to the LEA of attendance for the costs of any related services that are in excess of LEA staffing.

If an IEP team which, includes both the LEA of attendance and the LEA of residence, subsequently determines that the student needs to be placed outside the LEA in another LEA special day class, SMCOE operated special day class or any other non-LEA placement, then the LEA of residence would assume fiscal responsibility for all special education and related services costs.

### **C. Non-Inter District Transfers**

1. **Allen Bill** (work related)

Allen Bill transfers apply only to LEAs that have an adopted board policy that allows such transfers. If the LEA has a board policy allowing Allen Bill transfers it would only apply to K-8 students whose parents are employed within the boundaries of the LEA and to K-8 students attending on an Allen Bill who are continuing on to high school in the same LEA. Since the receiving LEA becomes the LEA of residence, the receiving LEA incurs all costs including special education and related services. The new LEA of residence receives the special education ADA.

2. **Tinsley Program** (Desegregation Ravenswood Elementary School District)

The LEA to which the student is assigned becomes the resident LEA. It therefore incurs all costs including special education and related services. The new LEA of residence receives the special education ADA.

3. **Charter Schools**

The Charter School or its chartering agency is responsible for all costs including special education and related services for students enrolled in their school.

## **Disputes Between the LEAs**

Where there is a dispute between LEAs regarding responsibilities and or costs, the parties may contact the SELPA for dispute resolution.

## **Responsibilities, Mediation, Due Process and Litigation**

Responsibilities for costs incurred as a result of mediation, due process, and litigation are determined by agreement from both LEAs. If needed, the SELPA may facilitate dispute resolution.

## **Appeal Procedures**

In accordance with the Education Code Section 46601, the school LEA denying a request for Inter-district Transfer Agreement advises the person requesting the permit of the right to appeal to the San Mateo County Board of Education.