

# Special Education Caseload Waivers

Caseloads, Class Size and FAPE

*Special Education Bureau, PED*

# FAPE = Free Appropriate Public Education

## Hallmarks of FAPE:

- Standards of Excellence (6.29.1 NMAC)
- Least Restrictive Environment (LRE)
- Student Intervention System (Rtl)
- ***Weighted Caseloads***

# Weighted Caseloads

- Limits number of IEPs each teacher monitors.
- NM Law
- Benefits students and teachers







**Big point -  
The greater the level  
of service, the fewer  
IEPs each teacher  
monitors.**

# Levels of Service

**Used to calculate maximum caseload**

- A Level- 35 IEPs maximum (0.029 FTE)
- B Level- 24 IEPs maximum (0.042 FTE)
- C Level- 15 IEPs maximum (0.067 FTE)
- D Level- 8 IEPs maximum (0.125 FTE)

**Question:**  
**How do I know**  
**if I need a**  
**waiver?**



# Answer:

- Your EA (who is yours?)
- Your calculation
- STARS

- The STARS report titled “Teacher and SLP Caseload and Waiver Requirements” will flag each teacher with an overage.

Staff Namea	Staff ID	Assignment Code	Contract FTE	Staff Loc	Student ID	A	AG	ASO	B	BG	BSO	C	CG	D	DG	Program	Grade	Primary Disability	Primary Setting	Student Loc ID			
[REDACTED]	[REDACTED]	97	1.00	152	[REDACTED]									X			09	ID	SA03	152			
					[REDACTED]								X			12	AU	SA03	152				
					[REDACTED]								X			09	ID	SA03	152				
					[REDACTED]								X			10	AU	SA03	152				
					[REDACTED]								X			12	ID	SA03	152				
											0	0	0	0	0	0	2	0	9	0	0	Caseload FTE:	1.26
											0.00	0.00	0.00	0.00	0.00	0.00	0.13	0.00	1.13	0.00	0.00	Contract FTE:	1.00
																		Waiver Required	-0.26				



# Waivers are NOT THE NORM

Caseload overages tell PED that:

- Students aren't getting enough attention
- Teachers are overworked
- School not contracting enough teachers / contracting enough time per teacher



# Avoid overages when you can



# Where can I find a caseload waiver request?

- Your EA
- The PED website:  
[www.ped.state.nm.us](http://www.ped.state.nm.us)
  - Go to the A-Z Directory
  - Go to “Waiver Requests”
  - Select “Special Education Caseload Waiver Request”

# Completing and submitting waiver requests

- The LEA Special Education Director, Special Education Coordinator, or STARS Coordinator must complete the waiver request.
- Submit completed waiver requests via email to Lorianne Romero in the Office of the Secretary at [lorianne.romero@state.nm.us](mailto:lorianne.romero@state.nm.us)
- Always be sure to cc your EA when submitting a waiver request.

# How to complete a caseload overage waiver request

## SECTION 1

## SECTION 3

PED Tracking Number _____						Number of Students in Each Level of Service					Total # of Students =	FTE Calculation =	RATIONALE/JUSTIFICATION FOR REQUEST: 1. Explain <u>what you want to do</u> and <u>how a waiver will help you?</u> Include how the waiver's overall <u>intent fits into school and district policy.</u> 2. <u>Identify</u> any <u>supporting documentation on file.</u>	What <u>steps</u> will the district take to <u>properly staff</u> the district and <u>insure compliance</u> with requirements in NMAC 6.29.1.9 (H)? (see State Rule Tab)	What <u>steps</u> will the district take to <u>insure FAPE</u> is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved?	
EMPLOYEE NAME	Contract FTE	Adjusted Contract FTE	Position Code	This teacher is rated as highly qualified:		Minimum	Moderate	Extensive	Maximum	3Y/4Y						
				YES	NO	A	B	C	D							

## SECTION 2

# How to complete a caseload overage waiver request- SECTION 1

PED Tracking Number \_\_\_\_\_

EMPLOYEE NAME	Contract Full Time Equivalent (FTE)	Adjusted Contract FTE	Position Code	This teacher is rated as highly qualified.	
				YES	NO
<b>ENTER:</b> Name of employee who has an <u>overage</u> in Contract FTE here	<b>ENTER:</b> Total time employee is hired in terms of Full Time Equivalency (FTE). Check STARS reporting for accuracy	<b>(only for use with SLPs, otherwise leave blank)</b>	<b>ENTER:</b> Code 94,96 or 97 (The code which is relevant to the services provided should be used)		



# How to complete a caseload overage waiver request-

## SECTION 2

Number of Students in Each Level of Service					Total # of Students =	FTE Calculation =
Minimum	Moderate	Extensive	Maximum			
A	B	C	D	3Y / 4Y		
Total number of students for each level of service.		ENTER:			ENTER: The sum of A, B, C, D & 3Y/4Y students.	ENTER: The sum of all FTE for each student (i.e. the total FTE equivalent of students by caseload weight)

# How to complete a caseload overage waiver request-

## SECTION 3

<p><b>RATIONALE/ JUSTIFICATION FOR REQUEST:</b></p> <p>Instructions: Explain what you want to do and how a waiver will help you. Include how the waiver's overall intent fits into school policy. Identify any supporting documentation on file.</p>	<p>What steps will the district take to properly staff the district and insure compliance with requirements in NMAC 6.29.1.9 (H) (see state rule tab)</p>	<p>What steps will the district take to insure FAPE is provided as defined in NMAC 6.31.2.7(b)(6) if this waiver is approved? A Free Appropriate Public Education (FAPE) means special education and related services which meet all requirements of 34 CFR §300.17.</p>
<p><b>ENTER</b></p> <p><u>WHY</u> your LEA needs a waiver: How will it help you? Mention any supporting documentation.</p>	<p><b>ENTER</b></p> <p><u>WHAT</u> your LEA is going to do to:</p> <ul style="list-style-type: none"> <li>- become properly staffed?</li> <li>- Ensure compliance with all regulations?</li> </ul>	<p><b>ENTER</b></p> <p><u>WHERE</u> your LEA plans to go from here: How will you ensure FAPE is delivered? How will you avoid future overage?</p>



# Common Errors to Avoid

- Caseload  $\neq$  Classload  $\neq$  Class size
- Cutting and pasting errors
- Blank responses, “see above”, etc.
- Inappropriate or incomplete responses, not enough information
- Stating the LEA is in compliance / citing NMAC without understanding regulations



# How NOT to complete a caseload overage waiver

PED Tracking Number _____						Number of Students in Each Level of Service					Total # of Students =	FTE Calculation =	RATIONALE/JUSTIFICATION FOR REQUEST: 1. Explain <u>what you want to do</u> and <u>how a waiver will help you?</u> Include how the waiver's overall <u>intent fits into school and district policy.</u> 2. <u>Identify</u> any <u>supporting documentation on file.</u>	What <u>steps</u> will the district take to <u>properly staff</u> the district and <u>insure compliance</u> with requirements in NMAC 6.29.1.9 (H)? (see State Rule Tab)	What <u>steps</u> will the district take to <u>insure FAPE</u> is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved?	
EMPLOYEE NAME	Contract FTE	Adjusted Contract FTE	Position Code	This teacher is rated as highly qualified:		Minimum	Moderate	Extensive	Maximum	3Y / 4Y						
				YES	NO	A	B	C	D							
John Doe	1.00		93S	X		2	3	4	4	0	10	.95				

Can you spot the three **ERRORS**?

- Contract FTE is 1.00, FTE Calculation is .95; No caseload overage waiver needed.
- Position code is incorrect: 93S cannot carry caseload.
- Total number of students = 13, not 10 as indicated



# How NOT to complete a caseload overage waiver

## RATIONALE/JUSTIFICATION FOR REQUEST:

1. Explain what you want to do and how a waiver will help you? Include how the waiver's overall intent fits into school and district policy.
2. Identify any supporting documentation on file.

What steps will the district take to properly staff the district and insure compliance with requirements in NMAC 6.29.1.9 (H)? (see State Rule Tab)

What steps will the district take to insure FAPE is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved?

*Our Special Education Teacher teaches 5 students for 1<sup>st</sup> period, 10 for 2<sup>nd</sup> period then has the rest of the day to do paperwork. There are currently no hiring initiatives because we are in compliance with the regulations.*

*We are in compliance with the regulation because our staff person has the rest of the day to do paperwork.*

*Same as above*

# SAMPLE-Using the Teacher and SLP Caseload and Waiver Requirements report in STARS

## Teacher and SLP Caseload and Waiver Requirements v4



Snapshot Date: 2014-12-15 - 80D  
Charters & Non-Charters

**1 – 5:** Information required to complete a waiver request

**4**

**5**

Staff Name	Staff ID	Assignment Code	Contract FTE	Staff Loc	Student ID	A	AG	ASO	B	BG	BSO	C	CG	D	DG	Program	Grade	Primary Disability	Primary Setting	Student Loc ID
Jane Doe	000	97	1.00		xxxxx1									X			09	AU	SA02	xx1
					xxxxx2									X			10	ED	SA02	xx1
					xxxxx3									X			11	MD	SA02	xx1
					xxxxx4									X			12	OHI	SA02	xx1
					xxxxx5									X			09	MD	SA02	xx1
					xxxxx6									X			10	ED	SA02	xx1
					xxxxx7									X			11	ID	SA02	xx1
					xxxxx8									X			12	TBI	SA02	xx1
					xxxxx9									X			10	OI	SA02	xx1
						0	0	0	0	0	0	0	0	0	9	0	0			
						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.13	0.00	0.00			
																			Caseload FTE:	1.13
																			Contract FTE:	1.00
																			Waiver Required	-0.13

# SAMPLE-Using the Teacher and SLP Caseload and Waiver Requirements report in STARS

PED Tracking Number _____						Number of Students in Each Level of Service					Total # of Students =	FTE Calculation =	RATIONALE/JUSTIFICATION FOR REQUEST: 1. Explain <u>what you want to do</u> and <u>how a waiver will help you?</u> Include how the waiver's overall <u>intent fits into school and district policy.</u> 2. <u>Identify any supporting documentation on file.</u>	What <u>steps</u> will the district take to <u>properly staff</u> the district and <u>insure compliance</u> with requirements in NMAC 6.29.1.9 (H)? (see State Rule Tab)	What <u>steps</u> will the district take to <u>insure FAPE</u> is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved?	
EMPLOYEE NAME	Contract FTE	Adjusted Contract FTE	Position Code	This teacher is rated as highly qualified		Minimum	Moderate	Extensive	Maximum							
				YES	NO	A	B	C	D	3Y / 4Y						
1 Jane Doe	3 1.00		2 97			0	0	0	9	0	9	5 1.13				

# SAMPLE- Completing the Justification and Plans of Action Section

## **RATIONALE/JUSTIFICATION FOR REQUEST:**

1. Explain what you want to do and how a waiver will help you? Include how the waiver's overall intent fits into school and district policy.
2. Identify any supporting documentation on file.

What steps will the district take to properly staff the district and insure compliance with requirements in NMAC 6.29.1.9 (H)? (see State Rule Tab)

What steps will the district take to insure FAPE is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved?

*Our district is currently short-staffed with special education teachers due to a teacher resignation and unexpected student enrollment; **our goal is to become fully staffed.** A waiver will help us to serve our special education students which is our district's policy. Evidence of hiring initiatives on file.*

*Currently, we are recruiting special education teachers. Also, we will offer permanent positions to substitutes and support them to obtain their alternative licensure. We are utilizing Educational Assistants to assist with caseloads and in meeting the 8:1 ratio requirement.*

*Professional development and other supports to staff are provided. We will also monitor staff and IEPs to ensure FAPE is provided to students.*



# Key points to remember when completing a caseload overage waiver request:

- **Clear** and **concise** responses.
- Spelling, grammar, punctuation, and numbers.
- If caseload FTE is not over staff contract FTE, **do not** submit a waiver request.
- Double and cross-check all data. Attention to detail matters.

# Don't forget to complete the District Information Tab



New Mexico Public Education Department

## Waiver Request

Please email to Lorianne Romero, [Lorianne.Romero@state.nm.us](mailto:Lorianne.Romero@state.nm.us) from the Superintendent's, Charter School Administrator's, or designee's e-mail.

Superintendent:

District/School (if applicable):

School Code

Mailing Address:

State

NM

Zip:

Phone:

Fax:

Email:

Secondary  
Contact:

Title:

Mailing Address:

ST:

NM

Zip:

Phone:

Fax:

Email:

Date of Submission (please mark one)

40<sup>th</sup>

80<sup>th</sup>

120<sup>th</sup> day

Does local school board policy require board approval prior to this request?

YES

NO

If yes, has board approval been obtained?

YES

NO

Date of Board Approval

# FTE/Class size guidance for integrated classrooms

- Start with the teacher's contract FTE
- Compute the special education caseload as usual.
- Subtract the special education caseload FTE from the teacher's contract FTE.
- The remaining FTE is the general education FTE.
- Multiply the general education FTE by the class size for that grade/class.

# FTE/Class size guidance for integrated classrooms

- Example: Mr. Jones is a full-time teacher of a fourth grade inclusion class and he is certified to teach both general and special education. He is assigned two D-level students. How many general education students can he support without an aide?
- 2 D-level students =  $2/8 = 0.25$
- $1.00$  (contract FTE) –  $0.25$  (Special Ed) =  $0.75$
- $0.75 \times 24$  students (4<sup>th</sup> grade max)  
= 18 general education students



# Considerations:

- Spring projections / staffing
- The SEB tracks waivers (potential two year limit)
- Position codes and licensing / endorsement



# Considerations (Cont'd)

- SEB EA has discretion to recommend waiver requests for approval or denial.
- Substitutes and Alternative Licensing Options.
- Unique caseloads:
  - Preschool caseload
  - SLP Caseload
  - Gifted caseload.

# What happens next?

- Take steps to avoid caseload overages
- Hire staff as needed
- Implement the plans indicated in the waiver



Questions?





# THANK YOU

## Special Education Bureau:

120 S. Federal Place, Room 206

Santa Fe, NM 87501

- Phone: (505) 827 – 1457
- Fax: (505) 954 – 0001

**For questions or support, please contact your  
SEB Education Administrator.**