



SPECIAL EDUCATION CASELOAD WAIVERS

FAPE, Caseloads and Class Size

Charlene Marcotte

Education Administrator and Post-Secondary Transition Coordinator

Special Education Bureau

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

Components of FAPE:

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

WEIGHTED CASELOADS

- Limit number of IEPs each teacher monitors
- Benefits students and teachers



LEVELS OF SERVICE

Maximum caseloads per service level:

- 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)

WAIVERS ARE THE EXCEPTION NOT THE RULE

Caseload overages tell PED that:

- Students are not getting enough attention
- Teachers are overworked
- Local Education Agency (LEA) not contracting enough teachers/
contracting enough time per teacher



CASELOAD WAIVER REQUESTS SUBMISSION

- Caseload Waivers must be submitted for all teachers with overages:

Teachers' Position Codes	Description of Position
94	Gifted Teacher
95	Special Education Speech Language Pathologist Acting as a Caseload Manager (6-21 year olds)
95S	Special Education Speech Language Pathologist Acting as a Caseload Manager (3-5 year olds)
96	Special Education Preschool Teacher
97	General Special Education Teacher (K-12)

NEW FORM FOR SY 2016-2017



Public Education Department

SPECIAL EDUCATION CASELOAD WAIVER REQUEST



Instructions: Please complete this form electronically from the superintendent, charter school administrator or designee and e-mail to Lorianne Romero, Lorianne.Romero@state.nm.us.

Note: The response boxes automatically expand as you add text.

Superintendent or Charter School Administrator

District/Charter School

Mailing Address

State **NM**

Zip Code

Phone

Fax

Email

Secondary Contact

Mailing Address

State **NM**

Zip Code

Phone

Fax

Email

School Code

Date of Submission
Please mark one

☐ 40th day

☐ 80th day

☐ 120th 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

NEW FORM VS. OLD FORM

New Form	Old Form
Word Document	Excel Document
1 File	4 Tabs
Justification not required on each line	Justification all inclusive of each situation
Separate forms for Special Education and Gifted	Same form for Special Education and Gifted

NEW FORM – SECTION 1

Instructions: Please complete this form electronically from the superintendent, charter school administrator or designee and e-mail to Lorianne Romero, Lorianne.Romero@state.nm.us.

Note: The response boxes automatically expand as you add text.

Superintendent or Charter School Administrator

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Mailing Address

State **NM**

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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

NEW FORM - SECTION 2

Instructions. Please indicate below the number of students being served by each teacher for whom a waiver is being requested.

Note: Caseload waivers are granted by the Secretary of Education on a case-by-case basis.

[illegible]

NEW FORM - SECTION 3

Rationale/Justification for Request

Instructions: 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. Identify any supporting documentation.

Staffing and Compliance with NMAC 6.29.1.9(H)

Instructions: Explain the steps that will be taken by the district to insure compliance with NMAC 6.29.1.9(H) for staffing.

Assurances of FAPE

Instructions: Explain the steps the district will take to ensure that a free and appropriate education (FAPE) is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved. FAPE means special education and related services that meet all requirements of 34 CFR Sec. 300.17 and, pursuant to Sec. 300.17(b), meet all applicable department rules and standards, including—but not limited to—these rules (6.31.2 NMAC).

WHERE TO FIND A CASELOAD WAIVER REQUEST

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

TEACHER AND SLP CASELOAD WAIVER (V5) REPORT

- Run the STARS, Teacher and SLP Caseload Waiver report once the data has been finalized.
- Complete a waiver form and list all staff for whom a waiver is required, using the data from the report.
- This report provides information for position/assignment codes: 95, 95S, 96 and 97

DRILL DOWN: CASELOAD SECTION																				
Staff Name	Staff ID	Assign ment	CFTE	Student ID	A *.029	AG *.029	ASO *.017	B *.042	BG *.042	BSO *.029	C *.067	CG *.067	D *.125	DG *.125	3Y4Y *.125	Grade	Primary Disability	Primary Setting	Student Loc ID	Speech Only
Poppins, Mary	111111111	97	Total	17	1	0	0	3	0	0	10	0	3	0	0			Contract FTE:	1.00	
				0.029 0.000 0.000 0.126 0.000 0.000 0.670 0.000 0.375 0.000 0.000														WAIVER REQUIRED	Caseload --- Over/Under	1.20 (0.20)
Explorer, Dora	222222222	94	Total	11	2	0	0	1	0	0	2	0	6	0	0			Contract FTE:	0.05	
				0.058 0.000 0.000 0.042 0.000 0.000 0.134 0.000 0.750 0.000 0.000														WAIVER REQUIRED	Caseload --- Over/Under	0.98 (0.93)
McStuffins, Doc	333333333	96	Total	10	0	0	0	0	0	0	0	0	0	0	10			Contract FTE:	1.00	
				0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 1.250														WAIVER REQUIRED	Caseload --- Over/Under	1.25 (0.25)

GIFTED ONLY – TEACHER CASE OVERLOAD

- Run the STARS, Gifted Only – Teacher Case Overload report once the data has been finalized.
- Complete a waiver form and list all staff for whom a waiver is required, using the data from the report.
- This report provides information for position/assignment codes: 94

Assignment Code	# Staff with Overload	Total Overload			
94	4	0.99			
Staff Name	Primary Location Name	Assignment Code	Contract FTE	Caseload FTE	Overload
Manny, Handy	HAPPY HIGH	94	0.80	1.11	0.31
Tomorrowland, Miles	HAPPY MIDDLE	94	0.33	0.47	0.14
Wonderland, Alice	HAPPY MIDDLE	94	0.50	0.66	0.16
Face, Happy	HAPPY HIGH	94	0.74	1.12	0.38

HOW TO COMPLETE A CASELOAD OVERAGE WAIVER REQUEST-

SECTION 1

Instructions: Please complete this form electronically from the superintendent, charter school administrator or designee and e-mail to Lorianne Romero, Lorianne.Romero@state.nm.us.

Note: The response boxes automatically expand as you add text.

Superintendent or Charter School Administrator **Velma Finkle**

District/Charter School **Happy School District**

Mailing Address **123 Happy Street**

State **NM**

Zip Code
55555

Phone **505-123-4567**

Fax **505-765-4321**

Email **velma.finkle@happyschool.com**

Secondary Contact **Mary Poppins**

Mailing Address **123 Happy Street**

State **NM**

Zip Code
55555

Phone **505-123-4567**

Fax **505-765-4321**

Email **mary.poppins@happyschool.com**

School Code **1111**

Date of Submission
Please mark one

☒ 40th day

☐ 80th day

☐ 120th 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 N/A

HOW TO COMPLETE A CASELOAD OVERAGE WAIVER REQUEST-

SECTION 2

Instructions. Please indicate below the number of students being served by each teacher for whom a waiver is being requested.

Note: Caseload waivers are granted by the Secretary of Education on a case-by-case basis.

PED Tracking Number [Click here to enter text.](#)

Number of Students in Each Level of Service

Employee Name	Contract FTE	Adjusted Contract FTE (for position codes 95 or 95S <u>ONLY</u>)	Position Code	Teacher is rated highly qualified		Minimum A	Moderate B	Extensive C	Maximum D	3Y/4Y	Total # of Students	FTE Calculation
				Yes	No							
Mary Poppins	1.0		97	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	3	10	3		17	1.20
Dora Explorer	0.05		94	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2	1	2	3		11	0.98
Doc McStuffins	1.0		96	<input checked="" type="checkbox"/>	<input type="checkbox"/>					10	10	1.25

DRILL DOWN: CASELOAD SECTION

Staff Name	Staff ID	Assignment	CFTE	Student ID	A *.029	AG *.029	ASO *.017	B *.042	BG *.042	BSO *.029	C *.067	CG *.067	D *.125	DG *.125	3Y4Y *.125	Grade	Primary Disability	Primary Setting	Student Loc ID	Speech Only
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					0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	1.250			Caseload	1.25	
																	WAIVER REQUIRED	Over/Under	(0.25)	

HOW TO COMPLETE A CASELOAD OVERAGE WAIVER REQUEST-

SECTION 3

Rationale/Justification for Request

Instructions: 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. Identify any supporting documentation.

Our district is currently short-staffed with special education teachers due to teacher resignations and unexpected student enrollment; our goal is to become fully staffed. A waiver will help our district to serve our special education students and become compliant with staffing requirements of the state and our district policies and procedures. Evidence of the hiring initiatives are on file in the district office and can be provided upon request.

Staffing and Compliance with NMAC 6.29.1.9(H)

Instructions: Explain the steps that will be taken by the district to insure compliance with NMAC 6.29.1.9(H) for staffing.

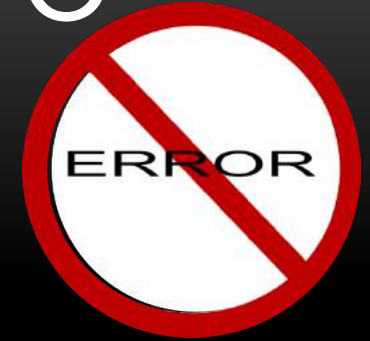
Currently, we are recruiting special education, K-12 and preschool teachers, as well as gifted teachers. We will offer permanent positions to substitutes and support them to obtain their alternative licensure. Our district is utilizing Educational Assistants to assist with caseloads and in meeting the ratio requirements.

Assurances of FAPE

Instructions: Explain the steps the district will take to ensure that a free and appropriate education (FAPE) is provided as defined in NMAC 6.31.2.7 (b)(6) if this waiver is approved. FAPE means special education and related services that meet all requirements of 34 CFR Sec. 300.17 and, pursuant to Sec. 300.17(b), meet all applicable department rules and standards, including—but not limited to—these rules (6.31.2 NMAC).

Professional development and other supports to staff are provided. Our district will monitor staff and IEPs to ensure FAPE is provided to students.

COMMON ERRORS TO AVOID



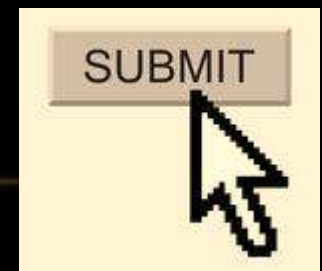
- Caseload \neq Classload \neq Class size
- Cutting and pasting errors
- Blank responses, “see above”, etc.
- Inappropriate or incomplete responses, not enough information
- Stating the LEA is in compliance/citing NMAC without understanding regulations

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.

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
- Always be sure to cc your EA when submitting a waiver request.



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





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.**