

5K - SPECIAL EDUCATION EARLY CHILDHOOD PROGRAMS AND SERVICES

Special education pupils under the age of 5 may be counted in membership if they are enrolled in a bona fide special education program and receiving instruction from a certificated special education teacher based upon each pupil's individual needs as specified by the Individualized Educational Plan (IEP). Special education pupils enrolled in a bona fide classroom program operated under Special Education Administrative Rule 340.1754 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 450. Special education pupils enrolled in bona fide early childhood special education services under Special Education Rule 340.1755 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 180.

Hours that special education preschool pupils only receive services (not instruction), such as speech, occupational therapy, physical therapy, psychological or social work services, may not be counted for pupil membership purposes.

Special Education Early Childhood Programs defined in Administrative Rule 340.1754

Special education programs which are operated under R340.1754 are typically classroom programs for special education for children aged 3 to 5. To be a bona fide program, the following must be met:

1. The instruction must be provided by an approved early childhood special education teacher.
2. The program shall be available for a MINIMUM of 360 clock hours and 144 days.
3. The program shall not have more than twelve students for one teacher and one aide at any one time.

Requirements for counting membership for pupils educated under Administrative Rule 340.1754

A local or intermediate school district may count a special education pupil for membership if the district or intermediate district has evidence that ALL of the following occurred:

1. The pupil's individualized education program (IEP) was on file and effective as of count day.
2. The pupil was enrolled and receiving instruction on or before the count day.
3. The pupil was enrolled in a bona fide program as described above on or before the count day.
4. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 450.

NOTE: Pupils enrolled in programs that do not meet the minimum number of days

and hours as required by the rule are ineligible to be counted for membership purposes.

Special Education Early Childhood Services defined in Administrative Rule 340.1755

Special education early childhood services, provided under the Special Education Administrative Rule 340.1755, are typically a set of services delivered to children aged 0-2. This is not a classroom program but is based upon the needs of the individual child as specified in the IEP. To be a bona fide delivery model the following must be met:

1. The services must be provided for a MINIMUM of 2 hours per week and 72 hours within 180 days.
2. Services may be provided by an approved early childhood special education teacher or the child may be assigned to an approved ancillary or related service staff person who provides the instruction under the direction of the approved early childhood special education teacher. This requires the evidence that the early childhood approved special education teacher supervises the content of the instruction.

Requirement for counting membership for pupils educated under Administrative Rule 340.1755

A local or intermediate school district may count a special education pupil for membership if the district or intermediate district has evidence that ALL of the following occurred.

1. The pupil's individualized educational program (IEP) was on file and effective as of the count day.
2. The pupil was assigned to an appropriately approved early childhood special education teacher or related service staff on or before the count day.
3. The pupil was scheduled and provided the minimum of two hours per week during the count period and was enrolled in a bona fide service delivery model.
4. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 180.

NOTE: Pupils not receiving the minimum of 2 hours a week or 72 hours within a 180 days are ineligible to be counted for membership purposes.

Regulatory References

State Aid Act Sections:

388.1606(4)(I)
388.1606(4)(AA)

School Code Sections:

380.1711(1)(f)
380.1751(1)

Administrative Rules:

340.2
340.1754
340.1755

Snow Days

Q #1:

The district's early childhood special education program was scheduled for 146 days. The district canceled pupil instruction on six (6) days that affected the program. How is membership calculated for the pupils in the classroom programs?

A #1:

The special education administrative rules require that any early childhood classroom program operate under Rule 340.1754 which requires that the classroom program schedule and provide a minimum of 144 days and 360 hours. The district scheduled 146 days but only provided 140 days. This does not meet the definition of the rule and no membership is counted for any pupil in the program. If this situation is discovered prior to June 30 of any given year, the district has the option of making up the required number of days or applying for a waiver to the special education administrative rule. No waivers will be given after June 30 for the prior school year.

Counting Membership FTE

Q #2:

A special education preschool pupil attends a special education early childhood program five days a week for 144 days for 2.5 hours per day. Is the pupil eligible to be counted for 1.0 FTE?

A #2:

No. The membership for special education early childhood pupils is no longer calculated on a per day basis. The child who attends 2.5 hours on 144 days is receiving 360 hours of instruction. Section 6(4)(AA), of the State School Aid Act, defines membership as the number of hours scheduled and provided divided by 450 hours. This pupil's membership would equate to .8 FTE ($360 \text{ hours} / 450 \text{ hours} = .8$)

Q #3:

A special education preschool pupil has an IEP that states the pupil is to attend the special education early childhood program five days a week for 2.5 hours per day. The ISD auditor discovered that during the count week, the pupil attended only four days. How is the membership counted?

A #3:

The ISD auditor would look for an "excused" or "unexcused" absence for the child based upon local district policy. If the absence was "excused", the auditor would look for the attendance pattern for the child over the 30 day count period. If the child was in attendance five days a week during the 30 day count window, the auditor would annualize the five days and divide the number hours by 450. If the auditor is not comfortable with the one week during the 30 day window, the auditor may review attendance on each of the weeks during the 30 day window. Excused absence hours count toward membership for preschool special education pupils, just as they would for any pupil educated by the district.

To annualize the FTE: multiply 2.5 hours per days times number of days scheduled divided by 450 hours.

Q #4:

Can a hearing Impaired Teacher Consultant, a Speech Therapist, or a Physical Therapy Assistant provide services to Special Education Early Childhood (SEEC) home based pupils, under the direction of the SEEC teacher, and have that time count toward the pupil's FTE?

A #4:

No. The assistants may not provide services and have that time count for FTE.