

Special Education

POLICIES



OKLAHOMA STATE DEPARTMENT OF
EDUCATION
— CHAMPION EXCELLENCE —

Special Education Policies

Oklahoma State Department of Education
Joy Hofmeister, State Superintendent of Public Instruction
Board Approved June 12, 2013

The education of students with disabilities is firmly rooted in the legal guarantees of non-discrimination which involve the “protection of vulnerable minorities.” This relationship means that the provision of services to students with disabilities is a basic civil right. The major special education law passed to ensure these civil right guarantees for individuals with disabilities is the

Individuals with Disabilities Education Improvement Act (IDEA) (20 United States Code, Sections 1400 et.seq)

The purpose of this policy document is to establish legal requirements for the State Education Agency (SEA), local education agencies (LEA), other public agencies involved in the provision of special education and related services to children with disabilities. These policies incorporate by reference all of the IDEA’s statutory requirements (20 U.S.C. Sections 1400 et.seq) and regulatory requirements (34 Code of Federal Regulations, Part 300). In addition, these policies establish additional legal requirements by the state of Oklahoma that exceed federal law.

The IDEA is aligned with the Elementary and Secondary Education Act (ESEA). The IDEA preserves the basic structure and civil rights of previous reauthorizations and emphasizes both access to education and improved results for students with disabilities based on data and public accountability.

Those unfamiliar with the basics of federal statute (20 United States Code (USC) et.seq) and regulations (34 Code of Federal Regulations (CFR), Part 300) related to special education should seek information online at <idea.ed.gov>. The definitive source concerning issues of Oklahoma law and regulation related to schools (including special education) can be found online at <<http://ok.gov/sde/node/3951>> and the Permanent Rules Archive can be found online at <<http://ok.gov/sde/2012-permanent-rules>>.

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

The State is required to inform LEAs in writing of State-imposed rules, regulation or policy. (20 U.S.C. § 1407(a); 34 CFR § 300.199)

Oklahoma Imposed Policies

This policy by the Oklahoma State Department of Education (OSDE) establishes the following state requirements which exceed[s] requirements imposed by the IDEA:

1. Secondary transition services must be in effect at the beginning of the ninth grade year or by age 16, whichever comes first.
2. Forty-five school day initial evaluation timeline.
3. An IEP for move-in students must be in place within 10 school days.
4. Caseload-Class size requirements.

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1. The Individualized Education Program (IEP) must include secondary transition services that are in effect not later than the beginning of the student's ninth grade year or upon turning 16 years of age, whichever comes first, or younger, if determined appropriate by the IEP team, and updated annually.

See 34 CFR § 300.320(b) (Authority: 20 U.S.C. § 1414(d)(1)(A) and (d)(6))

2. The initial eligibility determination must be completed within 45 school days of receiving parental consent for the evaluation. The timeframe does not apply if the parent of a child repeatedly fails or refuses to produce the child for the evaluation. It also does not apply if the child enrolls in a school of another LEA after the relevant timeframe has begun prior to a determination by the child's previous LEA as to whether the child is a child with a disability. However, the subsequent LEA must make sufficient progress to ensure a prompt completion of the evaluation and the parent and the LEA must agree to a specific time when the evaluation will be completed.

See 34 CFR § 300.301(c)(1)(i) (Authority: 20 U.S.C. § 1414(a))

3. When a previously identified child enrolls in a new LEA with a copy of a current IEP, the LEA must contact the parent(s) to determine if they are satisfied with the current IEP. The LEA must document this contact and may use the Record of Parent Contact (OSDE Form 2) for this purpose. If the parent(s) are satisfied with the existing IEP, and the IEP team determines that the current IEP is appropriate and can be implemented as written, no further action is necessary.

However, if the current IEP is not available, or the LEA or parent(s) believes it is not appropriate, an IEP meeting must be conducted within ten school days. If additional information or new evaluations are necessary before a final placement decision can be made, the LEA must provide the child with FAPE, including services comparable to those described in the child's IEP from the previous public agency, until the new IEP is developed. All requirements for written notification of meeting and parent participation must be met. The LEA must ensure that the parent(s) receives a copy of *Parents Rights in Special Education: Notice of Procedural Safeguards*.

4. Class Size: The following chart details class size requirements for placements in special education.

Full Day Self-Contained	Maximum of ten students per classroom	These classrooms are designed predominantly for the support of students with significant, moderate, or multiple disabilities. Multiple courses are taught to the same students for the majority of the day. For example, students who are served inside the general education classroom for less than 40% of the day.
Direct Support/Resource	Grades K-4: Maximum of ten students per classroom Grades 5-12: Maximum of fifteen students per classroom	These classrooms are designed to provide a higher level of support than what is provided in the regular classroom. Students receive direct support services for specific subjects. They are also available for students seeking extra help to complement regular classroom instruction.

Caseload: The following chart details maximum full-time equivalent (FTE) caseload based on each child's placement.

PLACEMENT	CASELOAD	
	PERCENTAGE (FTE)	TOTAL
Regular Class Full-time (inside the regular class more than 80% of the day)--consultation and monitoring only	.025	40
Regular Class Full-time (inside the regular class more than 80% of the day)--collaboration or co-teaching	.04	25
Special Class Part-time (inside the regular class 40% to 80% of the day)	.05	20
Special Class Full-time (inside the regular class less than 40% of the day)	.067	15
Special Class Full-time (inside the regular class less than 10% of the day)	.1	10

Outside of Public School Setting (home instruction, hospitals, institutions public/private residential facilities, public/private separate day school facilities, correctional facilities, parentally placed in private schools)	.025	40
Half-day preschool continuum	.05	20 (10 students per .5 day)
Speech/Language 60 minutes or less per week	.020	50
More than 60 minutes per week	.0250	40

Exceptions to Caseload/Class Size

For permission to adjust caseload/class size for programs serving children with disabilities that exceed the limits set, the LEA must obtain a letter of approval from the OSDE-SES. The LEA must document that exceptions to caseload/class size do not interfere with provision of a FAPE. The LEA must ensure that IEPs are implemented as developed to meet the educational needs of the children served, with special consideration for any potential harmful effects to the child or the quality of the program. To request an exception to caseload/class size, the LEA must submit the Caseload/Class Size Request for Exception form.