

Caseload/Class size

1. I am a new special education teacher in an RTI/Learning Center Model. What is my caseload? (2008 Fall)

If you are serving students in an RTI/Learning Center Model, this implies that you are serving both non-identified (RTI) and identified students (Learning Center). CARS+ believes that the non-identified students should count as part of your caseload. If they don't count as part of your caseload, it will be very difficult for you to fully implement the IEPs of the identified students.

In this model, if your new job description corresponds with the duties and responsibilities of a "resource specialist or specialist" caseload limits would apply. Ed. Code 56362(a) delineates the job responsibilities. For a complete description see the summer 2007 issue of the CARS+ newsletter or "Google" the education code itself.

However, if your new job description does not correspond with the duties and responsibilities of a "resource specialist or specialist," caseload limits may not apply. If this is the case, CARS+ recommends working with your local bargaining unit to get caseload language for this new model. Remember, caseload is essential so students can receive appropriate instruction and IEPs can be fully implemented.

2. The trend in my district is to cut RSP positions to half time and then expand services so that every ½ time RS has 28 students. Is this legal? (2008 Fall)

NO! If a resource specialist/specialist is 50%, his/her caseload is 50%...which is 14 students.

3. Our IEP only says "specialized academic instruction." Is this legal? Does this eliminate the RSP caseload protection?

Yes, the IEP can say "specialized academic instruction." This is legal. Does this eliminate the RSP caseload protection? No!

Part of the definition of the RSP is providing instruction for "pupils who are assigned to regular classroom teachers for a majority of the day." (Ed Code 56362). No matter what you are called, if you are providing service to students who are in general education for a majority of the day, you are providing RSP services. If this is the case you are still protected by the RSP caseload.

4. What is the allowable ratio of students with IEPs and students without IEPs if you are serving both identified and nonidentified students? (2009 Fall) (2010 Summer)

It depends on the funding model and the agreement in the school's single plan for student achievement (SPSA plan). If the Special Educator is funded 50% by Special Education and 50% by other funding sources, the caseload would be 50% of 28 and the number of non-identified students would be stated in the school plan.

5. My district says that there are no longer resource specialists. We are all SAI (specialized academic instruction) teachers. However, we have the same responsibilities as those described in Ed. Code 56362 “resource specialist program”. Because of this change in title, not job description, we are told that we no longer have caseload protection. Is this true? (2010 Fall)

NO.

If it walks like a duck and looks like a duck – it is a duck, even if your district says it is a goose.

If your job is described in Education Code 56362 the code applies to you. The code specifically states “resource specialist or specialist”. You may not be called a resource specialist but you are a “specialist” serving students who are in general education for the majority of the school day. Therefore you have the protections of the resource specialist program, including caseload.

6. In our district all resource specialists are over caseload to the district has said the SDC (special day class) teachers have to put the “over 28 students” on his/her caseload. The SDC teacher does not need to provide instruction but must manage all the IEPs and IEP meetings. Is this legal? (2010 Fall)

NO.

If you are a resource specialist and providing any of the services as described in Education Code 56362 to students on your caseload, they are on your caseload. They cannot be shifted to another caseload.

In addition, there are other serious considerations with this scenario. First, does it make good educational sense for you to provide all services to a student and then not be present for the IEP meeting to make the critical decisions as part of a team? Second, how will the parents or guardians feel about IEP meetings that include a special educator but not the one who works directly with his/her child? Will the team be able to make good decisions without you? Third, what about confidentiality? Does the SDC teacher have the right to know about your student’s records?

It is important that you talk to you site supervisor or special education supervisor immediately to address these concerns.

7. I am a special education teacher with 28 special education students on my caseload and I also serve an additional 30 non-identified students. I cannot meet the IEPS of my special education students with this caseload. What should I do? (2010 Fall)

Your first obligation as a special educator is to implement the IEPs of those special education students assigned to your caseload (Education Code 56040 and 5 Code of Regulations 3042). If this is not possible, you must advocate for the needs of your students in a professional manner.

Contact your immediate site supervisor and explain the situation. It is important that you bring documentation of the specific concerns you have (what IEPs or areas in IEPs that cannot be met under the current situation). If possible present a solution or suggestion for next steps.

If working with your site supervisor does not solve the problem, contact your special education supervisor. Again, it is important to use a non-confrontational manner. Be specific about your concerns and present your documentation and possible solution or next steps.

If you are still unable to solve the problem you may want to contact your local bargaining unit or CARS+ for further assistance.