

## Job assignment

### **1. At my school, the RS is assigned 60% Special Education and 40% intervention specialist. Is this legal? If it is, is the position determined by the amount of time or number of students? Is there a caseload? (2010 Summer) (2009 Fall)**

Yes. The following is taken directly from Service Delivery for Students with Disabilities, CDE, March 27, 2009:

Ø Special Education teachers must have the appropriate credentials to provide instruction to both students with an IEP and those students without IEPs.

Ø Teachers must be highly qualified - Special Education teachers providing instruction in the core academic subjects must meet the same “highly qualified” requirements and personnel qualifications described in the Individuals with Disabilities Education Act (IDEA) laws and regulations (EC Section 56058). For the full text of EC Section 56058, go to the CDE Laws & Regulations: A Composite of Laws Database at [www3.scoe.net/speced/laws\\_search/searchLaws.cfm](http://www3.scoe.net/speced/laws_search/searchLaws.cfm) (Outside Source) and enter 56058 for the Keyword.

Ø If personnel costs are shared across Special Education and non-Special Education funding sources in a prorated manner based on instructional time, the prorated costs must be in accordance with federal funding requirements.

Ø Funds apportioned to the SELPAs are to assist local educational agencies to provide Special Education and related services to individuals with exceptional needs and shall be expended exclusively for programs under this part (EC Section 56836.04).

Ø Federal funds available through Part B of the IDEA are appropriated through the annual Budget Act and shall only be used for the excess costs of providing Special Education and related services to individuals with exceptional needs. The federal funds are to supplement state, local, and other federal funds and not to supplant those funds (EC Section 56841).

Ø For example, a full-time RSP teacher operating within the required caseload limit of 28, might implement 14 IEPs (one-half of the maximum caseload of 28) and provide instruction in reading as 50% of the position. Special Education funding could be used for the 50% of the Special Education RSP teacher in implementing IEPs and other funding sources could fund the position for the remaining percent. The remaining 14 IEPs must also be implemented by qualified staff.

Ø In the above example, Special Education funds could only be used for the RSP teacher to fund 50% of the position that delivers Special Education and related services. In this case, the Special Education teacher is assigned half-time to Special Education and half-time for instruction to students without IEPs. There is no funding supplanting and the LEA is compliant regarding assignments.