

# Demystifying RSP/SLP Caseloads



# Rsp Caseloads

- Resource specialist program shall provide a “resource specialist or specialists who shall provide instruction and services for those pupils whose needs have been identified in an individualized education program . . . and who are assigned to regular classroom teachers for a majority of schoolday.” (Educ. Code sec. 56362(a)(1)).
- No resource specialist shall have a caseload that exceeds 28 pupils (Educ. Code sec. 56362(c)).
- Caseload includes all pupils for whom the resource specialist performs any of the services described in 56362(a). (Educ. Code sec. 56362.1).
- At least 80% of RSPs in a local plan shall be provided an IA (Educ. Code sec. 56362(f)).
- The continuum of program options shall include an RSP pursuant to Ed Code § 56362 (Educ. Code sec. 56361).
- Waiver Standard – 5 Cal. Code Reg. 3100.



# What about SAI positions?



- Districts around the state are creating specialized academic instruction (SAI) positions to get around caseload limits in the Ed Code.
- If SAIs perform RSP responsibilities (see 56362(a)), they are protected by the Ed Code caseload limits.

# 56362(a) duties

- (1) Provision of instruction and services for those pupils whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of a schoolday.
- (2) Provision of information and assistance to individuals with exceptional needs and their parents.
- (3) Provision of consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members.
- (4) Coordination of special education services with the regular school programs for each individual with exceptional needs enrolled in the resource specialist program.
- (5) Monitoring of pupil progress on a regular basis, participation in the review and revision of IEPs, as appropriate, and referral of pupils who do not demonstrate appropriate progress to the IEP team.
- (6) Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

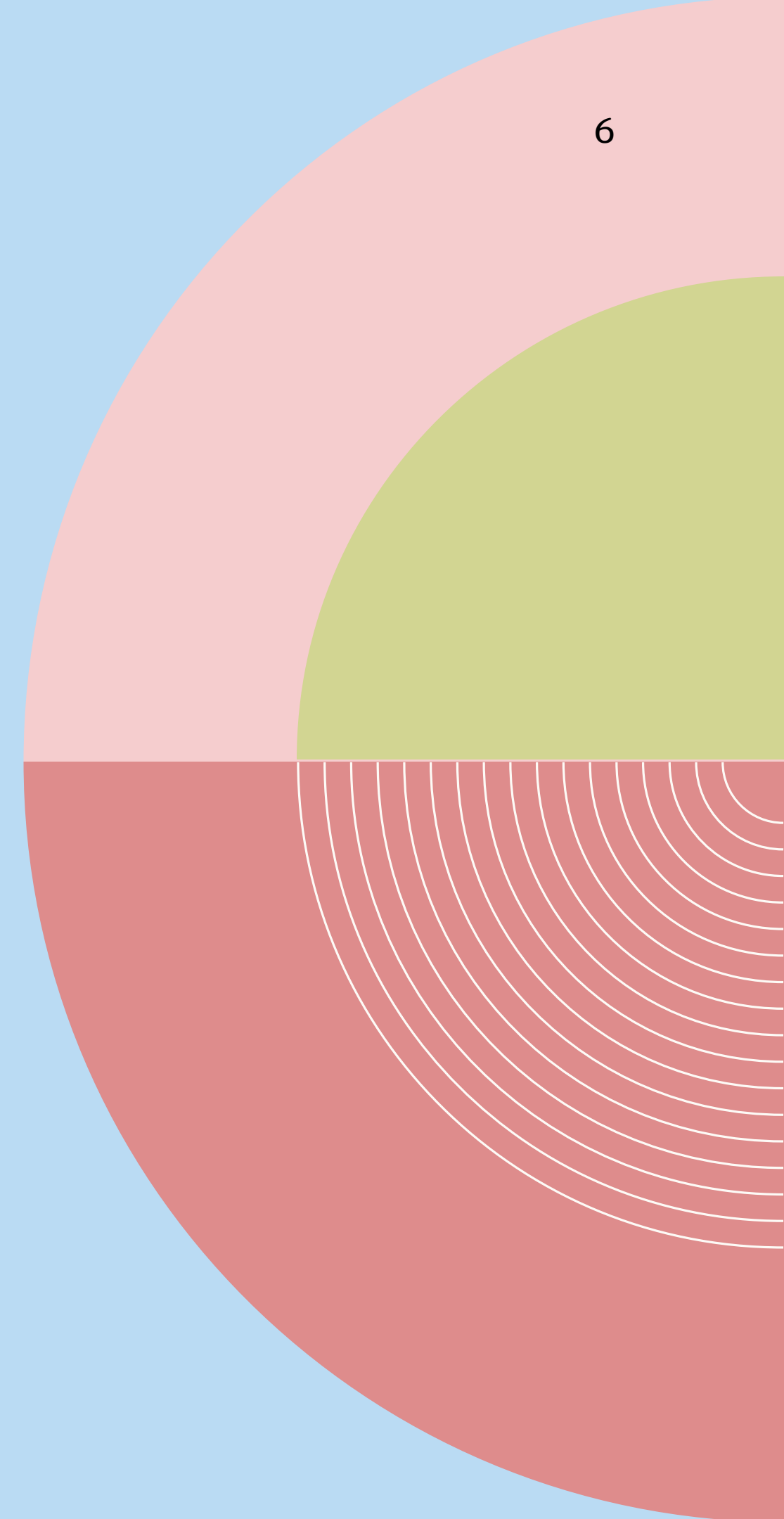
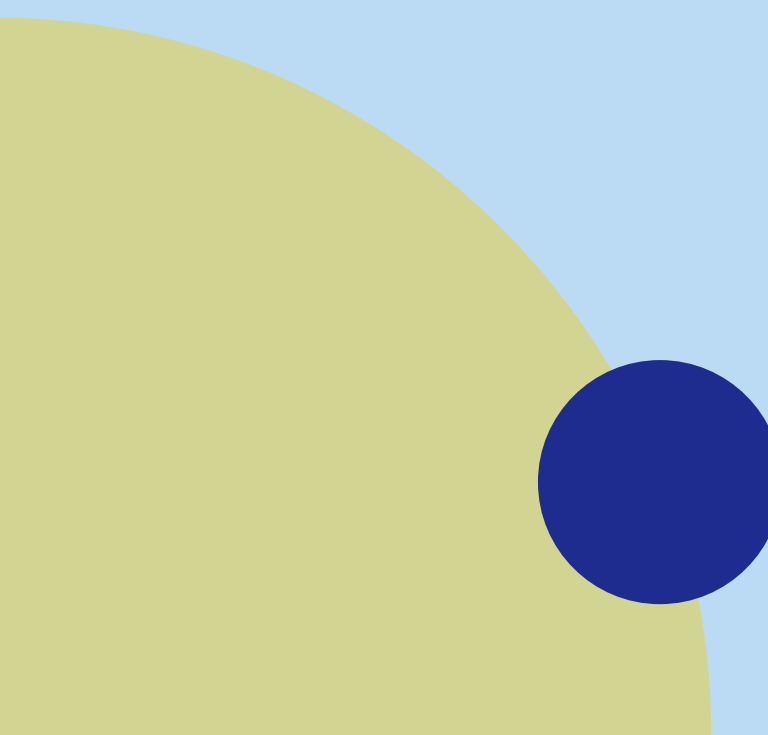
# SLP Caseloads

- Caseloads of full-time equivalent language, speech and hearing specialists providing instruction and services within the district, SELPA, or county office shall not exceed a district-wide, SELPA-wide, or county-wide average of 55 individuals unless prior written approval has been granted by the SSPI. (5 Cal. Code Reg. 3501.1, Educ. Code 56363.3)
- For children ages 3-5, the maximum caseload is 40 students. (Educ Code 56441.7).
- For mixed classes, the CDE has said that caseloads will be prorated to achieve an approximated cap of 55. In other words, each student between the age of 3 and 5 is equivalent to 1.375 students over the age of 5.

...shall not exceed a district-wide, SELPA-wide, or county-wide average of 55...

# What does that mean?

It's the average within the "Local Plan."



# What is a local plan?

Governing boards of school districts must elect to participate either in a single-district SELPA, a multi-district SELPA, or to join with the COE to provide SpEd services and supports. (Educ Code sec. 56195.1).

The single- or multi-district SELPA or COE then has the responsibility to develop and administer a local plan, policies, and a budget. (Educ Code sec. 56195, 56195.7(h)).

So, the average comes either from the single-district SELPA, the multi-district SELPA, or the COE.

# HOW DO I FIND THE AVERAGE?

## **THE BUDGET!**

Multi-district SELPAs and COEs are required to maintain a budget for SpEd supports and services which shall be open to the public.

That budget must display:

- the *number and type* of certificated instructional and support personnel, including the type of class setting to which they are assigned, if appropriate;
- the number of instructional aides and other qualified personnel; and
- the number of enrolled individuals with exceptional needs *receiving each type of service provided*.

(See Educ Code Sec. 56195.7(h)).

The budget, along with the local plan, must be posted online and be available both at the SELPA office and at each LEA's office and shall be accessible to any interested party. (Educ Code sec. 56205.5(b))

School districts must enter into agreements with their SELPA/COE that are consistent with those local plans and policies. (Educ Code sec. 56195.7, 56195.8).



# What About Single-District SELPAs?

Single district SELPAs must also post their local plans and annual budget plans online. (Educ Code sec. 56205.5(a))

# Statutory Right to Help Parents/Guardians

(a) An employee of a local educational agency shall not directly or indirectly use or attempt to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce, any person, including, but not limited to, a teacher, a provider of designated instruction and services, a paraprofessional, an instructional aide, a behavioral aide, a health aide, other educators or staff of the local educational agency, a private individual or entity under contract with the local educational agency, or a subordinate of the employee, for the purpose of interfering with the action of that person at any time, to assist a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil. (CA EC 56046)

Waiver process ←

→ Compliance complaint

What are our  
options to address  
RSP caseload  
overages?



# RSP Waiver-

Cal. Code Regs. Tit. 5, § 3100 - Resource Specialist Caseload Waivers

(a) A school district, SELPA, county office of education, or any other public agency providing special education or related services may request the SBE to grant a waiver of the maximum resource specialist caseload, as set forth in Education Code section 56362(c), only if the waiver is necessary or beneficial either **(1) to the content and implementation of a pupil's IEP and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) to the agency's compliance with specified federal law.**

# RSP Waiver- cont.

(b) The SBE shall grant any waiver request submitted in accordance with subdivision (a) only:

(1) when the facts indicate that failure to do so would hinder either:

(A) implementation of a pupil's IEP or;

(B) compliance by the requesting agency with specified federal law; and

(2) when the waiver request meets all of the conditions set forth in subdivisions (c) and (d).

c) A request to waive the maximum resource specialist caseload shall be "necessary or beneficial" within the meaning of subdivision (a) and Education Code section 56101 only if all of the following conditions are met.

(1) The waiver's effective period **does not exceed one past school year and/or the school year in which it is submitted.**

(2) The number of students to be served by an affected resource specialist under the waiver **does not exceed the maximum statutory caseload of 28 students by more than four students.**

(3) **The waiver does not result in the same resource specialist having a caseload in excess of the statutory maximum for more than two school years.**

# **RSP Waiver- cont.**

1. a request to waive the maximum resource specialist caseload shall not "hinder" either (1) implementation of a pupil's IEP or (2) compliance by the requesting agency with specified federal law if all of the following conditions are met:

(1) The requesting agency demonstrates to the satisfaction of the SBE (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions, and (B) that the extraordinary conditions have been resolved or will be resolved by time the waiver expires.

(2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

(3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their IEPs.

# **RSP Waiver- cont.**

- 1.(4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.
- 2.(5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to (A) the resource specialist's pupil contact time and other assigned duties and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

# Additionally.

- 1 Where can I find the waiver?
- 2 Where does the waiver appear on the SBE agenda?
- 3 How do I know my district has submitted a waiver?





# Compliance Complaints



# Compliance Complaint Procedures

## 1 Who can file the complaint?

“Anyone, including parents, students, teachers, and agency representatives, may file complaints. The person filing a complaint is the complainant.” The complaint must meet requirements as explained by the CDE.

## 2 What is a complaint?

“A complaint is a formal request to the CDE to investigate allegations of noncompliance with special education laws, federal or state. CDE ensures public agencies meet the educational needs of students with disabilities.”

## 3 How long do I have to file a complaint?

Within a year of the alleged violation/incident. The CDE will take up to 60 days to complete an investigation after the receipt of the complaint.