



Kentucky Department of

Our Children,

Our Commonwealth

Education

Special Education Waivers 101



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Types of Waivers

- **Program Teacher Assignment**
- **Request to Exceed Caseload**
- **Request to Exceed Class Size per Period**
- **Request to Exceed Grade Range**
- **Notice of Shortened School Day**
- **Notice of Shortened School Week**



Program Teacher Assignment Waivers (PTA) 16 KAR 4:020



PTA waivers must be requested when there is a special education teacher assigned to an area in which they are not certified. . If a teacher does not have the certification in a certain area, a waiver needs to be requested. Reminder for a student who has autism, that student may be served under either an LBD or MSD teacher depending on who is providing his services.



Learning and Behavior Disorders Certification (student IQ no more than two standard deviations below the mean)	Moderate and Severe Disabilities Certification (student IQ is three standard deviations below the mean)	Hearing Impaired Certification	Visually Impaired Certification
Specific Learning Disability	Functional Mental Disability	Hearing Impaired	Vision Impaired
Mild Mental Disability			
Emotional Behavioral Disability			
Orthopedic Impairment			
Other Health Impaired			

2019-2020 (LEAD) Report



- The Local Educator Assignment Report (LEAD) is a semi-annual report completed by local school districts to ensure there is a properly certified educator in every position.
- Fall LEAD dates
 - September 1, 2019 - October 30, 2019
- Spring LEAD dates
 - January 15, 2020 – February 22, 2020

PTA Documentation



- PTA waivers must be requested within 15 calendar days of the need for a waiver.
- Documentation to be submitted:
 - Teacher schedule which includes the number of children by disability
- Program Teacher Assignments are processed by the Division of IDEA Monitoring and Results but approved by Educators Professional Standards Board (EPSB)
- It is highly recommended to notify the parents in writing there student is going to be taught by a teacher not certified in the area of assignment

PTA documentation

- PTA waivers will not be processed if:
 - Certification does not match area requested
 - Teacher holds an emergency certificate
 - There is missing information on the waiver form





Request to Exceed Caseload 707 KAR 1:350, Sections 2 and 3

Caseload Waivers

- ***Special Class*** – Caseload and Class size for special classes is interchangeable. It is both the number of children with disabilities assigned to a teacher of exceptional children for the purpose of providing individualized specially designed instruction and related services in a special class setting and the number of folders the teacher assigned. (707 KAR 1:002, Section 1).



Caseload Waivers

- ***Resource Class*** - Caseload is the number of student records for whom a teacher can be assigned. This does not mean that this teacher will not provide specially designed instruction to other special education students.



Caseload Waivers

- ***Collaboration*** – If a teacher provides services through the collaborative model, the maximum caseload shall not exceed twenty (20) children with disabilities for secondary, and fifteen (15) children with disabilities for primary.



Request to Exceed Caseload Waivers

- **Within 30 calendar days of exceeding caseload, the district must submit a waiver.**
- **Decision is based on the Caseload Requirement Chart (handout)**



Case Load Requirements

For Middle School Programs, Teachers with ONLY 7th and 8th Grade Students on the Roster Use the Secondary Case Load. However, whenever there is a 6th (or Lower) Grade Student on the Roster, the Primary Case Load is Used.

Teacher Assignment, Code and Class Plan	Maximum Case Load	Waiver without Teacher Assistant	Waiver With Full Time Teacher Assistant
Visual Disability			
6010 Special Class	10	11	12
6012 Resource Plan	10	11	12
6012 (Itinerant)	10	11	12
Hearing Impaired			
6020 Special Class	6	7	8
6022 Resource Plan	8	9	10
6022 (Itinerant)	8	9	10
Mental Disability			
Mild Level:			
6030 Special Class			
Primary – 8	15	16	17
Secondary 7-12	15	16	17
6032 Resource Plan			
Primary – 8	15	16	17
Secondary 7-12	20	21	22
Mental Disability			
Functional Level			
6120 Special Class	10	11	12
6122 Resource Plan	10	11	12
Emotional-Behavioral Disability			
6040 Special Class			
6042 Resource Plan	8	9	10
	15	16	17
Learning Disability			
6060 Special Class			
Primary – 8	10	11	12
Secondary 7-12	15	16	17
6062 Resource Plan			
Primary – 8	15	16	17
Secondary 7-12	20	21	22
Collaboration Model			
6263 Collaboration Model			
Primary – 8	15	No Waivers	No Waivers
Secondary 7-12	20	No Waivers	No Waivers
Physical Disability and Other Health Impaired			
6070 Special Class	16	17	18
6072 Resource Plan	20	21	22
Speech/Language			
6102 Resource Plan	65	No Waivers	No Waivers
6103 One SLPA	97	No Waivers	No Waivers
6104 Two SLPA	130	No Waivers	No Waivers
Multiple Disability			
(FMD)			
6133 Special Class	10	11	12
6134 Resource Plan	10	11	12
(MMD)			
6135 Special Class	10	11	12
6136 Resource Plan	10	11	12



Request to Exceed Caseload Waivers

- **Accompanying documentation:**
 - **Teacher schedule with students by disabilities**
 - **Plan for reducing caseload prior to the beginning of next school year**





Request to Exceed Class Size per Period

707 KAR 1:350, Sections 2 and 3

Class Size per Period Waiver

- ***Special Class*** – Class sizes for the special class are the same as for the Case Load of a special class and are based on the disability category of the majority of students served by a teacher.



Class Size per Period Waiver

- ***Resource Class*** – Class size for the Resource Class are different than the Case Load but like the Special Class are also based on the disability category of the majority of the students served by a teacher.



Class Size per Period

For Middle School Programs, Teachers with ONLY 7th and 8th Grade Students in the Class Use the Secondary Class Size. However, Whenever there is a 6th (or Lower) Grade Student in the Class, the Primary Class Size is Used.

Teacher Assignment, Code and Class Plan	Maximum Class Size	Waiver without Teacher Assistant	Waiver with a Teacher Assistant During Excess Class Size
Visual Disability			
6010 Special Class	N/A	N/A	N/A
6012 Resource Plan	8	9	10
6012 (Itinerant)	8	9	10
Hearing Impaired			
6020 Special Class	N/A	N/A	N/A
6022 Resource Plan	8	9	10
6022 (Itinerant)	8	9	10
Mental Disability			
Mild Level:			
6030 Special Class			
Primary – 8	N/A	N/A	N/A
Secondary 7-12	N/A	N/A	N/A
6032 Resource Plan			
Primary – 8	10	11	12
Secondary 7-12	10	11	12
Mental Disability			
Functional Level			
6120 Special Class	N/A	N/A	N/A
6122 Resource Plan	8	9	10
Emotional-Behavioral Disability			
6040 Special Class	N/A	N/A	N/A
6042 Resource Plan	8	9	10
Learning Disability			
6060 Special Class			
Primary – 8	N/A	N/A	N/A
Secondary 7-12	N/A	N/A	N/A
6062 Resource Plan			
Primary – 8	10	11	12
Secondary 7-12	10	11	12
Collaboration Model			
6263 Collaboration Model			
Primary – 8	N/A	N/A	N/A
Secondary 7-12	N/A	N/A	N/A
Physical Disability and Other Health Impaired			
6070 Special Class	N/A	N/A	N/A
6072 Resource Plan	10	11	12
Speech/Language			
6102 Resource Plan			
6103 One SLPA			
6104 Two SLPA			
Multiple Disability			
(FMD)			
6133 Special Class	N/A	N/A	N/A
6134 Resource Plan	8	9	10
(MMD)			
6135 Special Class	N/A	N/A	N/A
6136 Resource Plan	8	9	10



Request to Exceed Class Size per Period Waivers

- Within 30 calendar days of exceeding class size, the district must submit a waiver.
- Accompanying documentation:
 - Teacher's schedule with students by disabilities and by class per period
 - Plan for reducing class size prior to the beginning of next school year





Request to Exceed Grade Range 707 KAR 1:350, Sections 2 and 3

Request to Exceed Grade Range Waivers

- Grade Range issues are based on teacher certification, location of the class and the level of the non-disabled students on campus.
- Special education students must be located on the same campus as their same grade peers.
- Within 30 calendar days of a special education student not receiving services on a grade appropriate campus, the district must submit a request for a grade range waiver.



Request to Exceed Grade Range Waivers

- **Accompanying documentation:**
 - **Teacher schedule with students by disabilities and by grade**
 - **Plan for reducing grade range prior to the beginning of next school year**





Shortened School Day Notice & Shortened School Week Notice

Shortened School Day/Week Notice

- There may be times in a student's school career, they are unable to attend school for the required amount of time.
- According to a signed physician's statement it may be in their best interest to attend for a shortened school day or a shortened school week.
- When this situation occurs, a Shortened School Day or Shortened School Week Notice would be submitted by the district.



Shortened School Day/Week Notice

- The ARC would meet and document discussion of:
 - the determination of the need for a shortened day or week
 - a signed physician's statement
- After the ARC meets, the local Board of Education must meet to approve shortened school day or shortened school week.
- Shortened school day and shortened school week waivers are not requests for approval but a notice from the district.



Shortened School Day/Week Notice

- **Accompanying documentation must include:**
 - **Conference Summary has documented the determination of the student's needs for shortened school day or week and the signed physician's statement**



Directions to Upload Files

- Upload waivers in the [DoSE secure server](#)
- Name waivers by the abbreviated type and teachers last name.
- Number files if more than one file is uploaded.
 - PTAJones1
 - PTAJones2



Directions to Upload Files

- For example:
 - PTAJones
 - CLJones (class size)
 - CSJones (caseload)
 - SSDJones (shortened school day)
 - SSWJones (shortened school week)
 - TGRJones (total grade range)



Resources

- [Go Teach KY](#) Go Teach KY is an initiative of the Kentucky Department of Education aimed at inspiring the next generation of leaders for the Commonwealth's classrooms and eliminating the current teacher shortage.
- [8 Alternate Routes to Certification](#)
- [KDE Waiver web page](#)



Contacts

Waiver questions

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Technical assistance

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