

TVEA PROCEDURES FOR APPROACHING & REACHING MAX RSP / SDC CASELOAD - TVEA SPEC ED COMM

Education Code (EC) Section 56362 (c): No resource specialist shall have a caseload that exceeds 28 students.

Education Code (EC) Section 56101, and California Code of Regulations (CCR), Title 5, Section 3100, resource specialist caseload waiver: "A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in EC Section 56362(c), only if the waiver is necessary or beneficial to either; (1) to the content and implementation of a pupil's individualized educational plan (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."

Education Code Section 56101 and California Code of Regulations, Title 5, Section 3100, to waive Education Code Section 56362(c). Approval of this waiver will allow the resource specialists to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

- **26 students - email site admin, program specialist, Sped Admin; cc TVEA**
"This email is to inform you that I currently have 26 students on my caseload with ___ pending initial assessments. I anticipate that my caseload will likely reach the legal maximum of 28 students by (date) and wanted to provide sufficient notice to both my site administrator and the district office administration."

*If appropriate, include that caseloads have been balanced with other RSP teachers at your site and what numbers they have as well.
- **28 students - email site admin, program specialist, Sped Admin; cc TVEA**
"This email is to inform you that I have reached the Ed Code 56362 legal maximum caseload of 28 students, and have ___ pending initial assessments. I emailed previously on (date) when I had reached 26 students and wanted to follow up by letting you know my current numbers. Please let me know as soon as possible what the plan will be for providing services to any additional students beyond my current 28.

*If appropriate, include that caseloads have been balanced with other RSP teachers at your site and what numbers they have as well.
- **29+ students - email site admin, program specialist, Spec Ed Admin; TVEA**
"This email is to inform you that I have exceeded Ed Code 56362 legal maximum caseload of 28 students, have ___ pending initial assessments, and the 29th student has just qualified for services. I emailed previously on (date) when I had reached 28 students. Please let me know as soon as possible whether the district will be considering a waiver to increase my caseload to 32, assigning the students in excess of 28 to a different case manager, or another solution."
 - **Two weeks later, if no waiver/case mgr/etc (14 days after exceeding legal caseload):**
"This email is to remind you that I am beyond Ed Code 56362 legal maximum caseload of 28 students. I currently have ___ students on my caseload, as well as ___ pending initial assessments. I emailed previously on (date) when I had exceeded 28 students. Please let me know within the next two weeks whether the district will be considering a waiver to increase my caseload to 32, assigning the students in excess of 28 to a different case manager, or another solution."
 - **Two weeks later if no waiver/case mgr/etc (30 days after exceeding legal caseload):**

“This email is to remind you that for the past 30 days I have been beyond Ed Code 56362 legal maximum caseload of 28 students. I currently have ___ students on my caseload and have ___ pending initial assessments. I emailed previously on (date) when I had exceeded 28 students to ask for a solution, but have not yet heard what will be done. Please let me know within the next two weeks whether the district will be considering a waiver to increase my caseload to 32, assigning the students in excess of 28 to a different case manager, or another solution.”

***At this point, TVEA should already be actively intervening on your behalf. It is completely within your legal and professional rights - if you've had no solution 30 days after notifying the district that you have exceeded legal caseload limits AND have also exhausted options at your school site for transferring students to another case manager - to notify the same persons, by email, that as of ___ date you will be providing services to the first 28 students on your caseload and that the following students (list names) will need another service provider assigned.*

The protocol for waiver enforcement:

- 1. As soon as caseload overage begins:*** Teacher(s) notify site Admin & DO Admin (cc to TVEA) in writing re their caseload overage numbers, include the CA Ed Code 56362 caseload limits and CA Ed Code 56101 waiver law regarding same, and a statement as to what the teacher(s) feel is a reasonable time frame (30 days) to continue over caseload without a waiver being offered as required by CDE law. Further, any supports the teacher(s) need during the 30 days should be requested (IA support; extra duty pay; sub days to cover assessments, etc).

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- 2. As reasonable time frame, as stated in #1 nears the end:*** Teacher(s) notify site Admin & DO Admin in writing (cc to TVEA) re their current caseload overage numbers, include again the Ed Code 56362 caseload law and Ed Code 56101 waiver law regarding same, and request that a waiver to continue with up to 32 students be provided for their consideration as soon as possible. **At this time, TVEA / CTA should monitor compliance with Ed Code*

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- 3. 7-10 days after #2, if waiver has not been presented to teacher(s), TVEA / CTA request in writing that district comply with Ed Code regarding caseload and waivers.*
- 4. If no compliance, then a CDE complaint can be considered.*