

**Office of Early Learning and School Readiness
Preschool Special Education- Waiver REQUEST to Exceed Itinerant Teacher Caseload**

Overview

Districts are required to provide services for an eligible child upon his/her third birthday. Preschool special education is designed to provide an individualized, appropriate education to preschool children with disabilities.

A preschool special education teacher providing itinerant services alone can serve up to twenty preschool children with disabilities who are not enrolled in a preschool special education centerbased classroom. Unless otherwise specified on the IEP, a minimum of four hours of service per month shall be provided for each child receiving itinerant services. A teacher with a center-based caseload may provide itinerant services to four children in addition to the center-based caseload.

Waivers may be requested to exceed the maximum caseload of twenty preschool children with disabilities.

Waivers are granted specific to one child and one teacher. A separate request must be submitted for each child. Any request is examined to determine the total number of children being served by the district under waiver status. If a district has requested multiple waivers, it is necessary for the agency to examine local planning efforts and address any need for additional staff/classrooms.

Districts will receive a faxed or emailed confirmation of the approval or denial of the request.

Waivers approved prior to Dec. 1 will be provided to EMIS so that state preschool special education unit funding is not affected. Licensing personnel receive all approved waivers to note variations that may appear during a licensing visit.

Rule

Rule 3301-51-09 of the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* provides for waivers to be granted as follows:

(K) Waiver

- (1) If a school district, county board of DD or other educational agency exceeds the ratio requirements in paragraph (I) of this rule a waiver request must be filed with the Ohio Department of Education, Office for Exceptional Children [or the Office of Early Learning and School Readiness]. A school district, county board of DD or other educational agency may be granted a waiver for individual service provider ratios or for age-range per instructional period as required by this rule.
- (2) Requests must be submitted in writing to the Ohio Department of Education, Office of Early Learning and School Readiness. The written request shall include, but not be limited to, the following:
 - (a) Identification of the specific rule for which a waiver is being requested;
 - (b) Specific period of time for which the waiver is requested; and
 - (c) Rationale for the request.
- (3) Each school district, county board of DD or other educational agency shall annually review the reason for its request as it plans for the delivery of services through the strategic planning process as required by paragraph (A)(9) of rule 3301-35-03 of the Administrative Code.

Waiver Request Requirements

All elements of the waiver request must be met prior to final approval. This includes the form, rationale, plan and assurances. However, **conditional approval may be granted upon receipt of the application**. The Board approval may be sent as soon as available.

The Office of Early Learning and School Readiness may grant a waiver during a school year. No additional waivers will be granted one year from the original waiver request according to the Doe settlement (October 2009)

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District Name: _____ Date: _____

Required Supporting Documentation for Waiver Applications

- Provide documentation regarding the actions taken to avoid requesting a waiver such as but not limited to the following: contacting colleges, internet advertisements, newspaper advertisements, contacts to the professional associations, documentation of the rate of pay the district is offering compared to the rate of pay in the region the district is located in, etc.
- Provide information pursuant to housing, facilities, materials, equipment and supplies such as room dimensions, storage of special equipment and teaching materials and a list of equipment available in the classroom. A statement of adequate materials is sufficient. Specific lists of equipment, materials may be supplied upon request.
- Provide documentation to this office that verifies that the waiver request has been approved by local school board.
- The district will provide two district self- assessments regarding current status of students affected by the waiver that would include information regarding student progress towards achieving goals and objectives. One evaluation will be conducted at the mid-year point of the period specified in the waiver. A second evaluation will be conducted prior to the end date of the waiver.
- Provide documentation that notice of the waiver request has been provided to the parents of each child affected by the proposed waiver (all children on the itinerant teacher caseload). The notice shall include the following:
 - a. A statement that FAPE cannot be denied due to the operation of the waiver;
 - b. Notice of how and when parents may present any concerns that they have about the proposed waiver to the public agency and ODE;
 - c. Notice that the public agency seeking the waiver will provide them with a copy of *Whose IDEA Is This?* upon request;
 - d. Contact information for the person within the public agency to whom parents' concerns should be directed; and
 - e. Notice of the web page link to the information, if applicable.
- Provide documentation to this office that the board is assuring that services will be provided consistent with the requirements under IDEA and Operating Standards.
- After the waiver expires, provide documentation to the Ohio Department of Education Office of Early Learning and School Readiness verifying that the district is in compliance regarding the issue the waiver was granted to address.

Denied Waivers

Waivers may not be granted based upon the following conditions or combinations:

- The request is to serve compulsory school-age children in a preschool special education class;
- The waiver request occurs before December 1;
- The waiver request is not related to children transitioning from Part C or family mobility;
- The waiver is not complete;
- The waiver does not adequately address the needs of all children.
- The district has had multiple waivers in previous years and continues to request waivers.

Requirements for Waivers that are not Approved

If the district is not granted the waiver, the district must either:

- a. Provide documentation verifying compliance; or
- b. Provide a corrective action plan as to how the district will come into compliance with the date that the corrective action must be completed.

Requirements for Waivers that are not Approved

If the district is not granted the waiver, the district must either:

- a. Provide documentation verifying compliance; or
- b. Provide a corrective action plan as to how the district will come into compliance with the date that corrective action must be completed.

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District Name: _____ Date: _____

This form can be completed electronically to allow for as much space as needed.

Form (pages 3-5) must be returned to: the Office of Early Learning and School Readiness and may be emailed to preschoolspecialeducation@education.ohio.gov. Application may be faxed; originals are not required. FAX: 614-728-2338. Application may be mailed to: 25 S Front Street, Mail Stop 208, Columbus, OH 43215-4183
Waiver requested for:

Serving more than 20 preschool children with disabilities on one itinerant or teacher's caseload

School Year Waiver is Requested		Waiver expiration is at the end of the school year	
District Name Providing Service and/or has unit funding		District IRN	
		County	
Building Name (where child is served)		Building IRN	
Teacher		Teacher State ID # (from EMIS report)	
Child Name		Child's Date of Birth	
Child's Disability		Child's age as of wavier date	
Current Caseload		Proposed new caseload	
Current Number of Buildings in which this itinerant teacher provides services		Proposed Number of Buildings in which this itinerant teacher will provide services	
If ESC or county board of DD providing service, provide name of the district of residence		District of Residence IRN	

DO NOT WRITE BELOW THIS LINE. OFFICE USE ONLY.

Date Received by OEL&SR		Date District Notified by FAX	
Total number of waivers for current school year		Centerbased _____	Itinerant _____
Total number of waivers for previous school year		Centerbased _____	Itinerant _____
Action taken	<input type="radio"/> Approved <input type="radio"/> Denied	Initial/date	
Denial reason			
Exemption file/EMIS (if approved on or before 12/1)	Date: <input type="checkbox"/> NA		Cc: OEL&SR District File <input type="checkbox"/>

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District Name: _____ Date: _____

Rationale for the waiver:

- | | |
|--|--|
| <input type="checkbox"/> Child transitioned from Part C/early intervention | <input type="checkbox"/> Child moved into district |
| <input type="checkbox"/> An ESC is providing services regionally | <input type="checkbox"/> Other |

Provide justification for the waiver request. The district must describe the specific reason(s) for the waiver request. Include information regarding the housing, supplies and materials that will be provided in order to implement the children's IEPs Please see the information required to be submitted as part of the waiver application process located under the heading "Required Supporting Documentation for Waiver Applications."

Plan for meeting the rule (complete all questions):

<i>Date of first waiver in previous school year if applicable OR first waiver for current school year:</i>	<i>Date district will be in compliance without waiver:</i>
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If child transitioned from Part C/early intervention, describe how quarterly reports from Part C and the interagency agreement will assist in meeting compliance (either current strategies or proposed changes in action):

How will the district ensure that all children served will receive a free and appropriate public education (FAPE) and that children's progress will be monitored through the IEP? Include a description of the severity of disabilities for children served on the caseload.

If an ESC, explain how regional needs will be addressed.(only respond if an ESC is requesting the waiver).

Dates for self assessments to be completed: (1) _____ (2) _____

Waiver notice will be provided to parents of each child on the caseload and include:

- a. A statement that FAPE cannot be denied due to the operation of the waiver;
- b. Notice of how and when parents may present any concerns that they have about the proposed waiver to the public agency and ODE;

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- c. Notice that the public agency seeking the waiver will provide them with a copy of *Whose IDEA Is This?* upon request;
- d. Contact information for the person within the public agency to whom parents' concerns should be directed; and
- e. Notice of the web page link to the information, if applicable.

District Superintendent's Statement of Assurance

- All students with disabilities receiving services will receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE) and the child's progress will be monitored through the individualized education program (IEP);
- Any special provisions necessary to provide appropriate instruction during the period in which the waiver is in effect have been made to assist the students and service providers (i.e., paid or volunteer instructional aides, cross-age or peer tutoring, adaptive equipment, specialized instructional materials, environmental adaptations, consultative services);
- Each school district, county board of DD or other educational agency shall review annually the reason for its request as it plans for the delivery of services through its strategic planning process as required that includes a review of the Housing, Facilities, Materials and Equipment and Supplies necessary to provide services for students with disabilities.
- The service provider has been informed of his/her responsibilities regarding the development and implementation of IEPs for children served in accordance with the Individuals with Disabilities Education Improvement Act (IDEA) at 34 C.F.R. §300.323 and 34 C.F.R. §300.324 and the Operating Standards at 3301-51-07.

Superintendent's Name		District of Residence	
Superintendent's Signature		Date	

ESC or county board of DD*

Superintendent's Name		ESC or county board of DD	
Superintendent's Signature		Date	

***Only when an Educational Service Center (ESC) or county board of DD provides support for the school district must both superintendents sign the waiver request. The district superintendent represents the district of residence.**

Contact Name		Title	
Signature		Date	
Phone		Fax	
		Email	