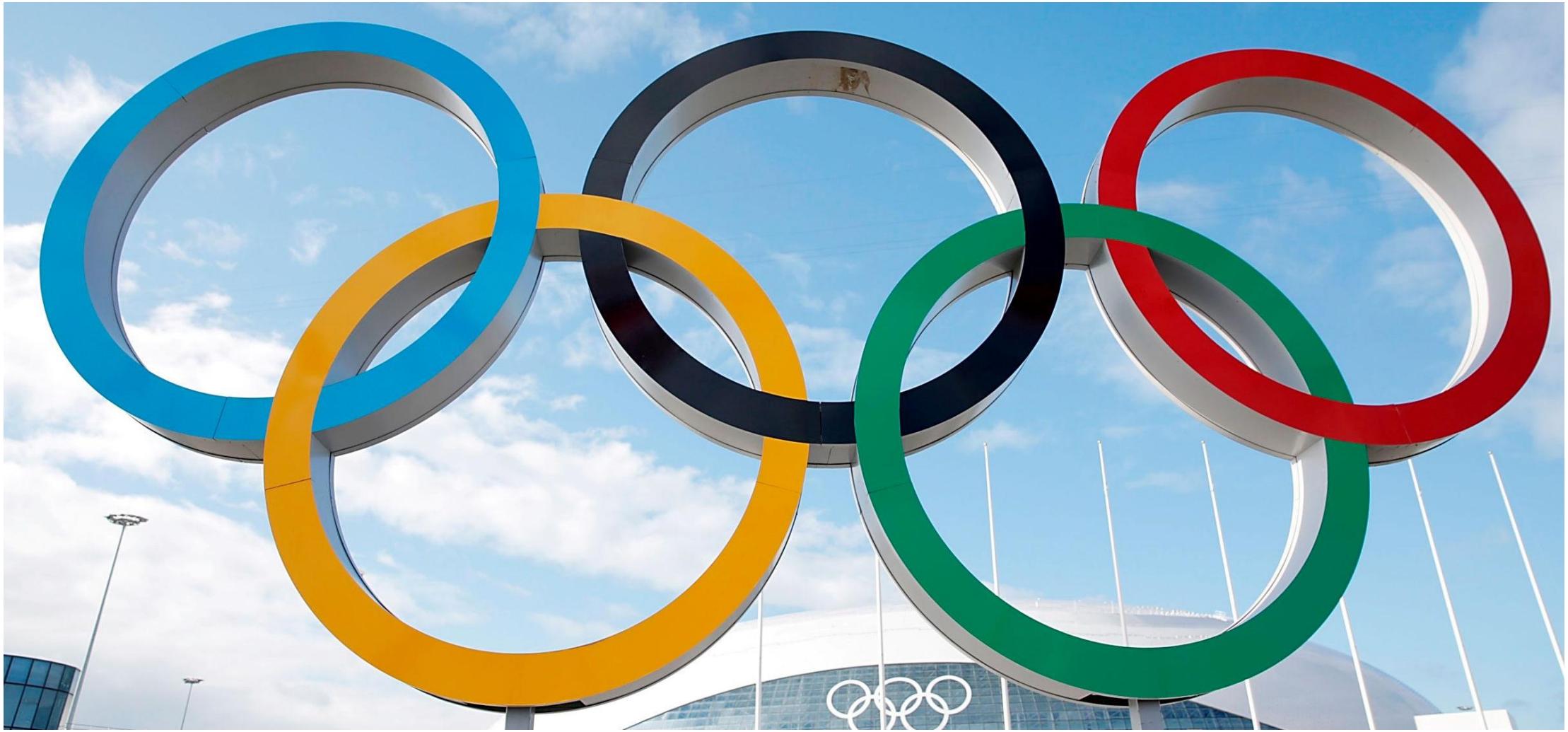
Department of Education & Workforce

Welcome!



Participant Information

- Mics and cameras off
- Comments/questions in the Q&A section
- If you have questions that DO NOT pertain to today's topic, please add them to the session evaluation survey
- If you have a question that is specific to a student, please reach out to the Office for Exceptional Children mailbox at exceptionalchildren@education.ohio.gov

Special Education Waivers

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Associate Administrator-Diverse Learner Team

Department of Education & Workforce

OHIO ADMINISTRATIVE CODE 3301-51-09(K):

1) If an educational agency exceeds the workload requirements in paragraph (I) of this rule a waiver request must be filed with the Ohio department of education, office for exceptional children. An educational agency may be granted a waiver for individual service provider limits 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 for exceptional children or 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.

WORKLOAD

- All educational agencies are required to implement a workload process
- It must consider:
  - All areas of service provided to children with and without disabilities, including, but not limited to school duties, staff meetings, professional development, supervisions, travel/transitions, screening, assessment, evaluation, progress documentation and reporting, secondary transition service planning, conferencing/consultation collaborative planning, documentation for individual students, and third-party billing requirements.
  - Services for children with disabilities will be based on the unique needs of the individual child and will take into consideration the severity of each child's need, and the level and frequency of services necessary to provide a free and appropriate public education.
  - Time needed for planning in accordance with rule 3301-35-05 of the Administrative Code including statutory and/or contractual agreements applicable to the educational agency.

WORKLOAD CALCULATOR EXAMPLE

Caseload Calculator For Preschool and School-aged Service Providers Serving Mixed Caseloads

Determine your weighted caseload by filling in the table that corresponds to your profession. Ensure that you do not exceed the maximum caseload you are permitted to carry by Ohio Administrative Code 3301-51-09(I)(2-3). This calculator should only be used by providers with **mixed** caseloads.

SLP	
Disability Category: School-aged	*Number of Children with Disabilities*
MD	
Deaf/Blind	
Deafness	
Hearing Impairment	
Visual Impairment	
Speech-Language	
Orthopedic Handicap	
Emotional Disturbance	
Intellectual Disability	
Specific Learning Disability	
Autism	
TBI	
Other Health Impairment	
Any Disability Category: PreK-aged	
Weighted Caseload	0

School Psychologist	
Age Category	*Number of Children with Disabilities*
School-aged	
PreK-aged	
Weighted Caseload	0

Audiologist	
Age Category	*Number of Children with Disabilities*
School-aged	
PreK-aged	
Weighted Caseload	0

Occupational Therapist	
Age Category	*Number of Children with Disabilities*
School-aged	
PreK-aged	
Weighted Caseload	0

Physical Therapist	
Age Category	*Number of Children with Disabilities*
School-aged	
PreK-aged	
Weighted Caseload	0

Orientation/Mobility Instructor	
Age Category	*Number of Children with Disabilities*
School-aged	
PreK-aged	
Weighted Caseload	0

Intervention Specialist Serving Children in Both School/Grade Level Categories			
Education Level	*Disability Category*	*Enter Number of Children: Case Coordination*	*Enter Number of Children: Specially Designed Instruction per Instructional Period*
Grade Level : *Elementary, Middle or Junior High*	*ID*		
	SLD		
	Multiple Categories		
	All Other Categories		
Grade Level: *High School*	*All Categories*		
Weighted Caseload		0	0

https://education.ohio.gov/Topics/Special-Education/Service-Provider-Ratio-and-Workload-Calculation

AGE-RANGE

60-MONTH AGE-RANGE

- Intellectual disability
- Specific Learning Disabilities
- Multiple Disability
- Autism
- Deafblind
- Traumatic Brain Injury
- Multiple categories

48-MONTH AGE-RANGE

- Hearing Impairment
- Visual Impairment
- Orthopedic Impairment
- Other Health Impairment
- Emotional Disturbance

CASELOAD NUMBERS

- **Intellectual Disability**-16/24
  - 12/16 per instructional period
- **Specific Learning Disability**-16/24
  - 12 per instructional period
- **Hearing Impairment-**10
  - 8 per instructional period
- **Visual Impairment**-10
  - 8 per instructional period
- **Orthopedic Impairment**-10
  - 8 per instructional period
- **Other Health Impairment**-10
  - 8 per instructional period
- **Emotional Disability**-12
  - 10 per instructional period
- **Multiple Disability**-8
- **Autism**-6
- **Deafblind**-6
- **Traumatic Brain Injury**-6

SERVING MULTIPLE CATEGORIES

- 16 students in elementary, middle, or junior high school
- 24 high school students
- Must be properly certified to teach the students
- Must not exceed previous caseload limits for each category on the caseload
    - ex: no more than 6 students with Autism

WAIVER TYPES

- Caseload
- Age Range
- Related service caseloads

PURPOSE OF THE WAIVER

Informs the Department that you are out of compliance with the Ohio Administrative Code

To create a plan to come into compliance before the start of the next school year

WAIVER BASICS

Waivers include a plan of action to ensure that your district comes into compliance for the next school year.

Waivers are for a classroom, not a particular student

A teacher can still provide FAPE to all students if granted a waiver

Cannot ask for a waiver for workload

A WAIVER…

- **Cannot be** requested if the teacher is over their workload
- **Does not** bring you into compliance with the Ohio Operating Standards for the Education of Children with Disabilities.
- **Does not** stop a parent from filing a complaint against an educational agency
- **Cannot be** used for a substitute teacher (education unlimited are the only substitutes that can provide SDI, if substituting for a licensed intervention specialist)

WHAT NEEDS TO BE CONSIDERED BEFORE APPLYING FOR A WAIVER?

- Staffing/service providers
- Creative spacing
- Creative staffing
- Reviewing schedules
- FAPE
- Time of year of the request

WHAT ARE THE COMPONENTS OF THE WAIVER?

- Completed Application
- SSID with age (years & month) and disability category
- Parent letter
- Rationale for waiver including action taken to avoid a waiver
- Supporting documents

WAIVER ACTION PLAN

- Creating an actionable plan with goals that are within the requesting agency's control.
    - Hiring teachers
    - Moving students to new classrooms
    - Finding new space for students
- Goals need to be completed within the requested school year.
- Goals need to be focused on adult action

PRIOR TO SUBMISSION

Board Approval

Superintendent Signature

WHERE DO I GET A WAIVER?

OECwaiver@education.ohio.gov

You will receive confirmation that the department has received your waiver.

Special Education Waiver Website

SUBMITTING A WAIVER

- Department review
- Department Letter
  - Approval
  - denial

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DURING WAIVER YEAR

- District provides FAPE and implements IEPs for all students within the waiver
    - Progress monitors individual students
- District implements waiver action plan steps
- Contacts waiver team if questions or concerns arise
- Completes and submits a Waiver Action Plan

WAIVER ACTION PLAN REPORT

Due on **June 1st** to the Department

Submit to: OECwaiver@edcation.ohio.gov

Shows:

Each IEP was implemented

Each student made progress

Summarize the data

Note: **do not include student names within this documentation!**

WAIVER DENIAL

- Corrective Action Plan creation
  - One year to complete
- Educational agency responsible for providing FAPE and IEP services to students
- Scheduled check-ins with the waiver team

WAIVER STATISTICS

School Year	Total Inquiries	Approved Waivers	Denied Waivers	Withdrawn
2022-2023	13	11	0	2
2023-2024	10	3	1	6
2024-2025	28	2	0	3
2025-2026	26	0	0	0

QUESTIONS?

EDUCATION.OHIO.GOV

oecwaiver@education.ohio.gov

Department of Education & Workforce

OEC OFFICE UPDATE SESSIONS

- Last Wednesday of the month
- 3:00-4:00pm
- Variety of topics
- Audience: all stakeholders

Check website for updated topics and sessions!

https://education.ohio.gov/Topics/Special-Education/Office-of-Exceptional-Children-Contact-Information

SESSION EVALUATION

https://forms.office.com/g/zXnFCCJGqf