

FALL 2007 – MPAAA – Special Education Pupil Accounting Issues – Education for Pupils Under the Age of 5 (ECDD)

1. Eligible special education preschool pupils are the only children under the age of 5 who qualify to be counted in membership under the State School Aid Act.

Section 6(4)(I) – “Pupils to be counted in membership shall be not less than 5 years of age on December 1 and less than 20 years of age on September 1 of the school year, except a special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department....”

2. Special education programs approved by the Department for pupils under the age of 5 are defined in the Special Education Administrative Rules.

R 340.1754 – Early childhood special education programs

- a. *An early childhood special education teacher for children 2.5 through 5 years as specified in the IEP*
- b. *Program is available for a minimum of 360 clock hours and 144 days of instruction*
- c. *Program shall have not more than 12 students for 1 teacher and 1 aide at any one time and the teacher shall have responsibility for programming for not more than 24 different students*

R 340.1755 – Early childhood special education services

- a. *Services shall be provided by an approved early childhood special education teacher or approved related services staff to children birth through age 5 as specified in the IEP/IFSP. Approved related services staff shall work under the supervision of an early childhood special education teacher*
- b. *Services shall be provided a minimum of 2 hours per week but not less than 72 clock hours within 180 days*
- c. *Services may be provided in appropriate early childhood community or family settings*

3. The calculation of membership for pupils under the age of 5 is determined by the State School Aid Act.

Section 6(4)(AA) – “Full time equated memberships for preprimary aged special education pupils who are not enrolled in kindergarten but are enrolled in a classroom program under R 340.1754 of the Michigan administrative code shall be determined by dividing the number of class hours scheduled and provided per year by 450. Full-time equated memberships for preprimary aged special education pupils who are enrolled in kindergarten but are receiving non-classroom services under R 340.1755 of the Michigan administrative code shall be determined by dividing the number of hours of service scheduled and provided per year per pupil by 180.”

4. Requirements for counting a pupil under the age of 5 in membership.

a. Classroom Programs under R 340.1754

- Pupil has an effective IEP as of the count day
- Pupil was enrolled and in attendance in a bona fide special education program as of the count day (bona fide programs are available for a minimum of 144 days AND 360 hours)
- Pupil's receipt of instruction is documented with appropriate attendance records
- Pupil was assigned to a certificated special education teacher (not just being evaluated only on the count day)
- Pupil's membership is calculated by the number of hours scheduled and provided divided by 450
- A pupil five years of age who also attends kindergarten must have the membership split equitably between special education and regular education

b. Early Childhood Special Education Services under R 340.1755

- Pupil has an effective IEP/IFSP as of the count day
- Pupil was enrolled and in attendance in a bona fide special education program as of the count day (bona fide program is 2 hours per week, AND not less than 72 hours within 180 days ON A PUPIL BY PUPIL BASIS)
- Pupil's receipt of instruction is documented with appropriate attendance records
- Pupil was assigned to a certificated special education teacher and receiving services on or before the count day (not just being evaluated for special education on the count day)
- Pupil's IEP must identify R 340.1755 services, complete with the frequency, duration and location of the services
- Pupils receiving services from ancillary or related staff must have documentation that they worked under the direction of an approved early childhood special education teacher and that the teacher supervised the content of the instruction
- Pupil's whose IEPs only indicated speech, OT, or PT and not R 340.1755 services do not count for membership purposes
- Pupil's membership is calculated by the number of hours scheduled and provided divided by 180

5. Examples of membership calculation

a. R 340.1754 Early Childhood Special Education Programs (classroom)

- Class meets 2.5 hrs/day for 180 days – 450 hours/450 hours = 1.0 FTE
- Class meets 2.5 hrs/day for 144 days – 360 hours/450 hours = .80 FTE
- Class meets 3.0 hrs/day for 140 days – 420 hours/450 hours = 0.0 FTE

(this program has a day AND hour requirement – the program met the hour requirement of 360 BUT NOT the day requirement of 144 so no membership is allowed)

- b. R 340.1755 Early Childhood Special Education Services (non-classroom)
 - Pupil receives 1 hr., two days/wk for 36 weeks – 72 hrs/180 hours = .80 FTE
 - Pupil receives 2.5 hrs., two days/week for 36 weeks – 180 hrs/180 = 1.0 FTE
 - Pupil receives 1 hr., 1 day/wk for 36 weeks – 36 hrs/180 hours = 0.00 FTE
(this programs requires a minimum of 2 hours per week and 72 hours within the 180 school days)

6. Early Childhood Special Education Pupils in Other Programs

- a. Normally, pupils under the age of 5 are in programs described under special education administrative rules 340.1754 and 340.1755
- b. Occasionally, some pupils by IEP may be in other special education programs with teachers that are NOT early childhood special education certificated, if so membership is calculated and reported under the certification of the teacher (i.e.; SXI, LD) and the membership is calculated based upon 1,098 hours

FALL 2007 – MPAAA – Early Childhood Special Education Programs – Questions and Answers

1. If a district runs an early childhood special education classroom program 5 days a week and meets the 144 days/360 hour requirement but does not run the entire school year calendar, can the pupils in the program be claimed as a full 1.0 FTE or a prorated FTE?

Answer – IDEA 34 CFT Section 300.347 indicates the number of hours of instruction for a student with a disability should be the same number as is required of any pupil to be counted for a full FTE. Thus, early childhood programs are to be scheduled the same length of the school year as programs for their non-disabled peers. The Department has allowed districts to schedule early childhood programs to correspond with either the kindergarten calendar or the grades 1-12 calendar.

The special education administrative rule 340.1754 states the minimum number of days and hours must be scheduled and provided to be considered a bona fide program. The program must meet this definition for any membership to be counted. The State School Aid Act defines how membership is to be calculated for these students. Thus a program providing only 360 hours of instruction would only generate a .80 FTE. For a program operating only 144 days, the program would need to be scheduled and provide 3.13 hours each day to generate a full 1.0 FTE.

2. Do the inclement weather hours and professional development hours apply to special education early childhood classroom programs.

Answer – Yes. If the classroom program is scheduled for 360 hours, the district could use up to 10 inclement weather hours. If the classroom program was scheduled for 450 hours, the district could use up to 12 inclement weather hours.

For professional development hours, if the program is scheduled for 450 hours you may use 16 professional development hours. If the program is scheduled for 360 hours, you may use 12 professional development hours.

3. For R 340.1755 early childhood services, if the district provides the required 72 hours of service, but a portion of the 72 hours are provided during the summer, is the FTE prorated or is the FTE for the pupil lost?

Answer – The rule requires that the 72 hours be provided within the 180 school days. If less than 72 hours are provided within that window period, it is not a bona fide program and the membership is lost. The district has the option to apply for a Departmental waiver or use the special education administrative rule 340.1832(e) and the ISD plan process to schedule and provide services in a different manner. Districts may apply for a waiver to the 72 hours provision, the 180 day provision or both. The waiver or revision to the ISD plan process must be submitted to the Department and approved prior to the end of the school year for which the waiver is sought. The Department will not review or approve waivers retroactively.

4. Can an IEP (or group of IEPs) create an approvable classroom programs for 2 year olds under R 340.1754?

Answer – Rule 340.1755 does not allow for the creation of a special education classroom delivery model. Rule 340.1754 would allow for a classroom delivery model if the pupils were aged 2 and a half.

5. Special education R340.1755 has an ISD special education teacher going into a local district Head Start or Michigan School Readiness classroom providing non classroom services to pupils ages 3-5. Can this be done and counted for membership?

Answer – R 340.1755 indicates that services may be provided for children birth through age 5 under this rule as determined by the child's IEP. The rule also indicates that the services may be provided in the home or appropriate early childhood setting. To be counted in membership, the services would need to meet the bona fide program requirement and be provided to special education pupils only. The IEPs of all the pupils would need to be identical if the services provided were the same to all of the pupils. The Head Start or MSRP teacher would need to be responsible for the non-special pupils in the class at the time the special education teacher is providing the special education services to other students. The district should contact either Dr. Stephanie Kujaczynski (517) 241-6354 or Dr. Joanne Winkelman (517) 373-1696 for information on how to structure this type of service delivery.

6. Can a district use R 340.1755 to service more than one pupil during the same block of time in a classroom setting. For example, 3 pupils come to a classroom 2 days a week, 1.5 hours per day for 36 weeks or 108 hours per year. Since the district IEPd the pupils under rule 340.1755 to calculate the FTE do you divide by 180 hours or the 450 hours?

Answer – This appears to be a classroom delivery model and not a individualized services delivery model. To calculate this FTE the district would use 450 hours.

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