

What is proposed to change?

KRS 157.360 authorizes the commissioner of education to enforce special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education.

707 KAR 1:002. Definitions.

Changes

- (7) "Caseload [for special classes]" means the number of children with disabilities assigned to a teacher of exceptional children for the purpose of overseeing the management of [providing] individualized specially designed instruction and related services [in a special class setting].
- [(10) "Class size for resource classes" means the number of children with disabilities assigned to a teacher of exceptional children per period, block, or the specified length of time set by the individual school.]
- (57) [(58)] "Special class" means a specially equipped and staffed class in which a child with a disability, individually or in small groups, spends part of his or her day receiving specially designed instruction or related services as determined by the ARC.

707 KAR 1:350. Placement decisions.

Summary of Proposed Changes

- The terminology of "resource classroom" is being replaced with "special class."
- Clear differentiation between allowable numbers in a "special class" and allowable numbers for teacher caseloads.
- Added clarity around class sizes and caseloads when teachers are serving more than one disability category. For both special class size and caseload, it is based on the majority.
- Significant changes with numbers to class sizes and caseloads for all disability categories.
- Continuation of language- Children with disabilities that meet the definition of autism; deaf-blindness; developmental delay; and traumatic brain injury shall be served in regular classes or special classes, as determined by the ARC. **(clarity needed)**
- Removal of all language around allowable numbers in a co-teaching and collaborative models.
- Overall purpose was the reduce the need for districts to submit waivers to the Kentucky Board of Education. KDE communicated that these are numbers that were consistently being approved through the waiver process.
- Even with these proposed changes, districts still have the option to submit a waiver request.

**707 KAR 1:350. Placement decisions.
Class Size Proposed Changes**

Page 1- Line 14 Added

KRS 157.360 authorizes the commissioner of education to enforce special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education.

Class Size: (2)] An LEA shall provide special education for each child with a disability in accordance with the following maximum size [caseloads] for special [resource] classes:

Disability Category- Allowable Numbers without a Waiver	Proposed 26-27 Numbers for <u>Special Class Size</u>	Current Numbers allowed for a Resource Room
EBD-Emotional Behavior Disability	9 Students 10 Students with a Para	8 Students
FMD- Functional Mental Disability	11 Students 12 Students with a Para	8 Students
HI- Hearing Impairment	9 Students 10 Students with a Para	8 Students
MMD- Mild Mental Disability	16 Students 17 Students with a Para	10 Students
MD- Multiple Disabilities	11 Students 12 Students with a Para	8 Students
OI- Orthopedic Impairment	17 Students 18 Students with a Para	10 Students
OHI- Other Health Impairment	17 Students 18 Students with a Para	10 Students
SLD- Specific Learning Disability	Primary- 11 Students, 12 Students with a Para Secondary- 16 Students, 17 Students with a Para	10 Students
VI- Visual Impairment	11 Students 12 Students with a Para	8 Students

Page 4- Line 19 ADDED

(2) Special classes containing more than one disability category shall use the category of the majority of students in the class to determine the maximum size in accordance with subsection one (1) of this section.

Page 5- Line 1 REMOVED

~~[(4) If a teacher of exceptional children 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.~~

**707 KAR 1:350. Placement decisions.
Caseload Proposed Changes**

Page 5- Line 4 REMOVED

5) Pursuant to KRS 157.360, if caseload for special classes or class size for resource classes exceeds the maximum specified in this section for thirty (30) days, an LEA shall submit a waiver request to the Kentucky Department of Education.]

Disability Category- Allowable Numbers without a Waiver	Proposed 26-27 Numbers Caseloads	Current Numbers for Caseloads
EBD-Emotional Behavior Disability	17 Students	15 Students
FMD- Functional Mental Disability	12 Students	10 Students
HI- Hearing Impairment	10 Students	8 Students
MMD- Mild Mental Disability	Primary- 17 Students Secondary- 22 Students	Primary- 15 Students Secondary- 20 Students
MD- Multiple Disabilities	12 Students	10 Students
OI- Orthopedic Impairment	22 Students	20 Students
OHI- Other Health Impairment	22 Students	20 Students
SLD- Specific Learning Disability	Primary- 17 Students Secondary- 22 Students	Primary- 15 Students Secondary- 20 Students
VI- Visual Impairment	12 Students	10 Students

Page 6- Line 1 ADDED

(2) Teachers of special classes who are assigned student records of more than one disability category shall use the category of the majority of students on the caseload to determine the maximum caseload in accordance with subsection one (1) of this section.

(3) If a teacher of exceptional children provides services solely through collaboration, the maximum caseload shall not exceed fifteen (15) children with disabilities for primary and twenty (20) children with disabilities for secondary.

(4) If a teacher of exceptional children provides services through a combination of collaboration and special classes, the maximum caseload shall not exceed those established in subsection one (1) of this section.

Section 4. Waivers. (1) Pursuant to KRS 157.360, a superintendent or local school council may request a waiver relating to maximum class size for special classes.