

5-K: SPECIAL EDUCATION EARLY CHILDHOOD PROGRAMS AND SERVICES

The only pupils under the age of five who may be counted in membership are pupils with an individualized educational program (IEP) or an individualized family services plan (IFSP) who are enrolled in a bona fide special education program and receiving instruction from a certificated special education teacher based upon the pupil's individual needs or receiving special education related services under the direction of a certificated special education teacher. Pupils who are less than six years of age on September 1 are eligible to be enrolled in special education early childhood programs. Pupils with an IEP enrolled in a bona fide classroom program operated under Administrative Rule 340.1754 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 450. Pupils with an IEP enrolled in bona fide early childhood special education services under Administrative Rule 340.1755 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 180. Pupils with an IFSP enrolled in bona fide early childhood special education services under Administrative Rule 340.1862 generate an FTE calculated by dividing the number of instructional hours scheduled and provided by 180.

Hours that early childhood pupils with an IEP or IFSP only receive services (not instruction), such as speech, occupational therapy, physical therapy, or psychological or social work services, may not be counted for pupil membership purposes.

A) Requirement for Counting in Membership

A district may count a pupil in membership if all of the following are met:

- 1) The pupil must meet pupil membership eligibility requirements pursuant to Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606) and any other applicable statute.
- 2) The pupil shall be registered, enrolled, and participating in the course(s) pursuant to Section 6(4), Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606 and MCL 388.1606a).
- 3) For pupils educated under Administrative Rule 340.1754

A local or intermediate school district may count a pupil with an IEP for membership if the district or intermediate district has evidence that ALL of the following occurred:

1. The pupil's IEP was on file and effective as of the count day.
2. The pupil was enrolled and receiving instruction on or before the count day.
3. The pupil was enrolled in a bona fide program as described below on or before the count day. (Bona fide programs are available for a minimum of 144 days and 360 hours.)
4. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 450.
5. A pupil with an IEP who is five years of age and who also attends kindergarten must have the membership split equitably between special education and general education.

Note: Pupils enrolled in programs that do not meet the minimum number of days and hours required by the rule are ineligible to be counted for membership purposes unless the programs are approved in the ISD plan.

- 4) For pupils educated under Administrative Rule 340.1755

A local or intermediate school district may count a pupil with an IEP or PUPIL with an IFSP who is Michigan special education eligible for membership if the district or intermediate district has evidence that ALL of the following occurred.

1. The pupil's individualized educational program (IEP) or IFSP for Michigan special education eligible pupils was on file and effective as of the count day.
2. The pupil was assigned to an approved or endorsed early childhood special education teacher or approved related service provider on or before the count day.
3. The pupil was scheduled for a minimum of 72 hours during the school year and documentation is available that such services were provided.
4. The pupil's IEP must identify Rule 340.1755 services, complete with the frequency, duration, and location of the services.
5. For pupils receiving services from related services staff, documentation must show that the related services staff worked under the educational direction of an approved or endorsed early childhood special education teacher.
6. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 180.

Note: Pupils not receiving the minimum of 72 hours of services within one school year are ineligible to be counted for membership purposes.

5) For pupils educated under Administrative Rule 340.1862

A local or intermediate school district may count a pupil with an Individualized Family Services Plan (IFSP) who is Michigan special education eligible if the district or intermediate district has evidence that ALL of the following occurred.

1. The pupil's IFSP was on file and effective as of the count day.
2. The pupil was assigned to an approved or endorsed early childhood special education teacher or approved related services staff on or before the count day.
3. The pupil was scheduled for a minimum of 72 hours during one calendar year and documentation is available that such services were provided.
 - Documentation includes evidence of the services provided to date and a schedule or plan for the delivery of services for the remainder of the calendar year.
 - If the plan for services is altered for the summer months, a detailed description of the altered schedule must be provided.
4. The pupil's IFSP must identify Rule 340.1862 services, complete with the frequency, duration, and location of the services and it must indicate the child is eligible for Michigan mandatory special education.
5. For pupils receiving services from related services staff, documentation must show that the related services staff worked under the educational direction of an approved or endorsed early childhood special education teacher.
6. FTE is calculated by determining the number of instructional hours scheduled and provided and dividing that number by 180.

B) Program Definition

1) Special Education Early Childhood Programs defined in Administrative Rule 340.1754

Special education programs which are operated under Administrative Rule 340.1754 are typically classroom programs for pupils with an IEP aged 2 years 6 months through age 5. To be a bona fide program, all of the following must be met:

1. The instruction must be provided by an approved or endorsed early childhood special education teacher.
2. The program must be based on the approved State Board of Education Early Childhood Standards.
3. The program must be available for a MINIMUM of 360 clock hours and 144 days.
4. The program must not have more than twelve students for one teacher and one aide at any one time.
5. The program shall have a parent participation and education component.

2) Special Education Early Childhood Services Defined in Administrative Rule 340.1755

Special education early childhood services provided under Administrative Rule 340.1755 are typically a set of services delivered to children aged 2 years 6 months through age 5. This is not a classroom program but is based upon the needs of the individual child as specified in the IEP or IFSP for pupils who are Michigan special education eligible. To be a bona fide delivery model, all of the following must be met (unless a different delivery model has been approved through the ISD plan):

1. The services must be provided for a minimum 72 hours within one school year. (A school year is considered the number of days the district operates.
2. Services may be provided by an approved or endorsed early childhood special education teacher or the child may be assigned to an approved ancillary or related service staff person who provides the instruction under the educational direction of the approved or endorsed early childhood special education teacher. This requires evidence that the early childhood special education teacher supervises the content of the instruction. Typically, the IEP or IFSP refers to early childhood services under Administrative Rule 340.1755.

3) Special Education Early Childhood Services Defined in Administrative Rule 340.1862

Services under Administrative Rule 340.1862 are typically a set of services delivered to children with a disability aged birth through age 3. This is not a classroom program but is based upon the needs of the individual child as specified in the IFSP for pupils who are Michigan mandatory special education eligible. To be a bona fide delivery model all of the following must be met:

1. The services must be provided for a minimum 72 hours within one calendar year. The time line begins upon receipt of signed parental consent to provide services.
2. Services may be provided by an approved early childhood special education teacher or the child may be assigned to an approved ancillary or related service staff person who provides the instruction under the educational direction of the approved early childhood special education teacher. This requires evidence that the early childhood approved special education teacher supervises the content of the instruction. Typically, the IFSP refers to early childhood services under Administrative Rule 340.1862 and indicates the pupil is Michigan mandatory special education eligible.

4) Early Childhood Special Education Pupils in Other Programs

Normally, pupils with an IEP who are five years of age or less are in programs described in Administrative Rules 340.1754 and 340.1755. Occasionally, the IEP will place these pupils in special education programs with teachers who are not early childhood special education certified. If so, the membership for these pupils is calculated and reported under the

certification of the teacher (e.g., autism spectrum disorder or specific learning disability) and the membership is calculated based upon 1,098 hours.

C) Statutory and Other References

<u>State School Aid Act</u>	<u>Revised School Code</u>	<u>Administrative Rules</u>
388.1606(4)(l)	380.1711(1)(f)	340.2
388.1606(4)(y)	380.1751(1)	340.1754
		340.1755
		340.1862

D) Question and Answer

- Q #1** The district's early childhood special education program was scheduled for 146 days. The district canceled pupil instruction on six (6) days that affected the program. How is membership calculated for the pupils in the classroom programs?
- A #1** Special education programs delivered under Administrative Rule 340.1754 are eligible for forgiven days and forgiven hours, as are any programs operated by local or intermediate school districts. These programs are eligible for 6 forgiven days. To avoid a loss of membership, the program must have a minimum of 144 days comprised of provided days and up to 6 forgiven days. Programs provided under Administrative Rule 340.1755 have no day requirement, so the forgiven days do not apply to these programs.
- Q #2** How are forgiven hours calculated for early childhood special education programs and services?
- A #2** Forgiven hours for both Rule 340.1754 and Rule 340.1755 programs are prorated based upon the number of hours the programs are scheduled and provided compared to the number of hours for a traditional program (1,098). For example, a Rule 340.1754 program scheduled for 360 hours would be eligible for 12 forgiven hours and a program scheduled for 450 hours would be eligible for 15 forgiven hours. The maximum number of forgiven hours for a Rule 340.1755 program scheduled for 72 hours would be 2.5.
- Q #3** A pupil with an IEP attends a special education early childhood program five days a week for 144 days for 2.5 hours per day. Is the pupil eligible to be counted for 1.0 FTE?
- A #3** No. The membership for pupils enrolled in special education early childhood programs is no longer calculated on a per day basis. The pupil who attends 2.5 hours on 144 days is receiving 360 hours of instruction. Section 6(4)(y), of the State School Aid Act, defines membership as the number of hours scheduled and provided divided by 450 hours. This pupil's membership would equate to .8 FTE.
 $(360 \text{ hours} / 450 \text{ hours} = .8)$
- Q #4** A special education early childhood pupil has an IEP that states the pupil is to attend the special education early childhood program five days a week for 2.5 hours per day. The ISD auditor discovered that during the count week, the pupil attended only four days. How is the membership counted?
- A #4** The ISD auditor would look for an "excused" or "unexcused" absence for the pupil based upon local district policy. If the absence was "excused," the auditor would look to see if the pupil was present on that same day within the 30 calendar days in order

to calculate the FTE based upon his or her IEP schedule. If the absence was "unexcused," the pupil must be present on that same day within the next 10 school days to calculate the FTE based upon his or her IEP schedule. "Excused" and "unexcused" absence hours affect membership for early childhood special education pupils just as they would for any pupil educated by the district.

To annualize the FTE for a program operating 2.5 hours a day, multiply 2.5 hours per day times the number of days scheduled divided by 450 hours.

Q #5 Can a hearing impaired teacher consultant, a speech therapist, or a physical therapy assistant provide services to a pupil with an IEP under Rule 340.1755 in the home, under the direction of the early childhood special education teacher, and have that time count toward the pupil's FTE?

A #5 If the pupil's IEP reads "speech therapy" or "physical therapy" only, this time does not qualify for membership because the services would not necessarily be provided under the educational direction of an approved early childhood special education teacher. If the pupil's IEP reads Rule 340.1755," the services are being delivered under the educational direction of an early childhood special education teacher and the time would qualify for membership.

Q #6 As an auditor, I have seen the following unusual circumstances in special education early childhood programs.

1. The only time the district offers the program is every other Friday.-The district offers the program on Friday only during the count week, but offers the program for 4 days in other weeks.
2. The district offers the program five days a week, but the attendance record shows that not one pupil ever came to the program for the Friday time slot.

How is the membership calculated?

A #6 Scenario #1 is a fairly common delivery model to allow for the "parent participation" component required in Rule 340.1754. In this delivery option, the FTE is calculated as follows:

$$\text{FTE} = (\# \text{ of hours the program is offered in a 2-week period}) \times (1/2 \text{ the number of weeks during the school year}) \text{ divided by } 450$$

Scenario #2

$$\text{FTE} = ((\# \text{ of hours per week for the 4-day weeks} \times \text{the number of 4-day weeks}) + \# \text{ of hours during the count week}) \text{ divided by } 450$$

Scenario #3

It appears that, while the district is attempting to schedule the program for 5 days a week, the instruction was never provided on the fifth day. Therefore, the FTE in this program is calculated based on a program of 4-day weeks.